

## **Rule Summary and Fiscal Analysis**

### **Part A - General Questions**

**Rule Number:** 3745-352-20

**Rule Type:** Rescission

**Rule Title/Tagline:** What are my responsibilities if I am an owner or operator?.

**Agency Name:** Ohio Environmental Protection Agency

**Division:** Division of Environmental Response and Revitalization (DERR)

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#### **I. Rule Summary**

**1. Is this a five year rule review? Yes**

**A. What is the rule's five year review date? 4/10/2025**

**2. Is this rule the result of recent legislation? No**

**3. What statute is this rule being promulgated under? 119.03**

**4. What statute(s) grant rule writing authority? 3752.03**

**5. What statute(s) does the rule implement or amplify? 3752.04, 3752.05, 3752.06, 3752.07, 3752.09, 3752.10**

**6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No**

**A. If so, what is the citation to the federal law or rule? Not Applicable**

**7. What are the reasons for proposing the rule?**

This rule is being rescinded to maximize reliance on the statute and minimize the CRO rules for purposes of implementing the CRO program.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rescinded rule detailed the responsibilities of an owner or operator of a CRO-regulated facility.

- 9. Does the rule incorporate material by reference? Yes**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule contains referenced materials which may include federal statute, federal regulation, government documents, private documents, or references to other Ohio Administrative Code (OAC) rules. All of these materials are generally available on the web, through libraries, or from other sources. Ohio Revised Code (ORC) 121.75 (A), (D), and (E) exempt federal codes, a regulation in the Code of Federal Regulations, and generally available text or other material, respectively, from the requirements of ORC 121.71 to 121.74. All citations in this rule that meet the definition of a rule by reference, their dates, and their availability are listed in OAC rule 3745-352-01 titled "Incorporated by reference in the CRO rules". ORC sections and OAC rules that meet the definition of a rule by reference are generally available to the public either online or through libraries. Additionally, ORC 121.76(A)(1) and (A)(3) exempt such sections and rules from the requirements of ORC 121.71 to 121.75.

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not Applicable.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

### **III. Common Sense Initiative (CSI) Questions**

17. **Was this rule filed with the Common Sense Initiative Office? Yes**
18. **Does this rule have an adverse impact on business? No**
  - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
  - B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**
  - C. **Does this rule require specific expenditures or the report of information as a condition of compliance? No**
  - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

### **IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

19. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

**A. How many new regulatory restrictions do you propose adding to this rule?**  
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**B. How many existing regulatory restrictions do you propose removing from this rule?** 23

(A) ... You must comply with the following:

(A)(1): Not later than thirty days after cessation of regulated operations, you must:

(A)(1)(b): You must maintain this security until...

(A)(1)(b): ...until you have performed the measures required under paragraphs...

(A)(2): Not later than ninety days after cessation of regulated operations, you must:

(A)(2)(a): ... a copy of the most recent chemical inventory report required by section 3750.08 of the Revised Code...

(A)(2)(a): ... With the chemical inventory report, you must include a statement indicating ...

(A)(2)(b): ... list or each of the material safety data sheets required by section ...

(A)(2)(e): ...or debris is not contaminated with a regulated substance, you must record in a log ...

(A)(2)(e): ... You also must give the log to the director if he asks you for it;

(A)(2)(f): ... , you must transport the regulated substance, or ...

(A)(2)(h): If any regulated substance at the facility is also a hazardous waste, you may not need to comply with paragraphs ...

(A)(2)(h): If you are subject to any of the closure and post-closure care requirements in rules ... Code, you must comply with ...

(A)(3)(a): You cannot complete the actions required by paragraphs (A)(2)(d) to (A)(2) (g) of this rule...

(A)(3)(b): You, exercising reasonable diligence, cannot complete the actions required by paragraphs (A)(2)(d) to (A)(2)(g) of this rule ...

(B): ... and you are not the owner or operator of any of the types of facilities listed ... , you must do the following:

(B)(1): ... With the certification, you must indicate the date all regulated operations were ...

(B)(2): ... , as indicated in the certification required by paragraph ...

(B)(4): ... as indicated in the certification required by paragraph (B)(1) of this rule. ...

(B)(4): ... discontinued, as indicated in the certification required by paragraph (B)(1) of this rule, is the date of your permanent cessation of regulated operations; or

(D): ... you must submit a notice of change in ownership or operator status to the director using form...

(D)(2)(a): ... issued a waiver to the previous owner, you must comply with paragraphs ...

(D)(2)(b): ... you must comply with all terms and conditions of ...

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

## **Rule Summary and Fiscal Analysis**

### **Part C - Environmental Rule Questions**

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

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**(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes**

**Please list each contact.**

The draft rules were posted on Ohio EPA's website and were made available to the public for an Interested Parties comment period from February 12, 2025 to March 14, 2025. An electronic notification was utilized to contact Interested Parties. Interested Parties contacted via electronic notification include regulated entities, consultants and attorneys, public interest groups, citizens, and governmental entities (approximately 3,000 parties total). Copies of the electronic notification and the Interested Parties letter are available upon request.

**(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes**

**Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)**

The documents considered in the development of this rule include Chapter 3752 of the Ohio Revised Code.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? No**

**Is the proposed rule or rule amendment more stringent than its federal counterpart?**  
*Not Applicable*

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No**