



MEMORANDUM OF RESPONSE

To: Tess Eckstein, Regulatory Policy Advocate

From: Mandi Payton, Rules Coordinator

Date: August 30, 2016

Subject: Memorandum of Response to CSI Review – Cessation of Regulated Operations (3745-352-01, 3745-352-05, 3745-352-10, 3745-352-15, 3745-352-20, 3745-352-25, 3745-352-30, 3745-352-35, 3745-352-40)

Recommendations

On August 30, 2016, Ohio EPA received the Recommendations for the Division of Environmental Response and Revitalization's 2016 Cessation of Regulated Operations (OAC 3745-352-01, 3745-352-05, 3745-352-10, 3745-352-15, 3745-352-20, 3745-352-25, 3745-352-30, 3745-352-35, 3745-352-40) Rules.

The CSI memorandum stated that:

"These rules impact owners or operators—as well as holders of a first mortgage on real property, fiduciaries, indentured trustees, or receivers appointed under Chapter 2735. of the ORC—for facilities subject to the "CRO rules." The BIA lists some adverse impacts of the rules, while others were gleaned from the rules during the CSI review process. Each adverse impact that follows impacts employers through time spent on compliance. Within 30 days of permanent cessation of regulated operations, a regulated entity must submit notice to the Director, the local emergency planning committee, and the fire department, as well as designate the facility's contact person. They must also secure the facility with entry barriers, post warning signs, and maintain all security measures. [. . .]

Ohio EPA submitted a revised BIA to CSI on August 30 to clarify one inconsistency between the BIA and the rules, but no other issues were identified. The CSI Office has determined the purpose of the rules to be justified.

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Based on the above comments, the CSI Office concludes that the Ohio Environmental Protection Agency should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review."

Next Steps

At this time, it is Ohio EPA's plan to move forward with the original filing of these rules with the Joint Committee on Agency Rule Review.

If you have any questions please contact Mandi Payton at 614-644-2782.