



MEMORANDUM OF RESPONSE

To: Joseph Baker, Business Advocate

From: Mandi Payton, Rules Coordinator

Date: May 19, 2022

Memorandum of Response to CSI Review – 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, and 3745-352-40)

Recommendations

On May 16, 2022, Ohio EPA received the recommendations for the Division of Environmental Response & Revitalization's 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, and 3745-352-40) rules.

The CSI memorandum stated that:

"During early stakeholder outreach, the Division provided the rules to approximately 1,500 stakeholders (including regulated entities, professional associations, environmental groups and others) electronically. No comments were received in response to the request for feedback. One comment was received during the CSI public comment period seeking clarification regarding the types of entities required to comply with the rules. The Division responded to the comment stating that the rules apply to hazardous substance reporting facilities, as defined in OAC 3750-352-05.

The business community impacted by the rules includes entities that store, use or treat regulated substances. While OEPA states that there is no adverse impact to business created by the changes to these rules, the CSI office identified adverse impacts associated with the costs and time required for regulated facilities to provide various inventories and records to OEPA, inform various authorities regarding the discontinuance of operations at the facility, hire or designate a contact person, fulfill various signage and entry barrier requirements for the facility, and dispose of regulated substances at the facility within certain timeframes. OEPA states that the adverse impacts created by the rules are necessary to ensure compliance with Ohio statute and that regulated substances do not threaten human health and the environment.

Based on the information above, the CSI Office has no recommendations on this rule package.

The CSI Office concludes that OEPA should proceed in filing the proposed rules 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 amanda.payton@epa.ohio.gov.