

Cessation of Regulated Operations (CRO) Frequently Asked Questions & Answers

(Ohio Revised Code Chapter 3752 and Ohio Administrative Code Chapter 3745-352)

- 1. If Ohio EPA discovers an abandoned facility with threshold amounts of chemicals subject to chemical inventory reporting to the State Emergency Response Commission (SERC - EPCRA Tier II Chemical Inventory Report) is the facility's owner subject to CRO?**

Answer: The facility's owner is subject to the CRO program if regulated operations were ceased on or after July 1, 1996, and the facility is not exempt from the CRO program.

- 2. What if I have had to file chemical inventory reports in the past, but at the time I ceased my regulated operations I was not subject to those reporting requirements?**

Answer: If you were required to submit a chemical inventory report any time on or after July 1, 1996 and any time during the three consecutive years before you ceased regulated operations, you are subject to the CRO program requirements.

- 3. What regulated substances must I remove from the facility?**

Answer: You must remove all regulated substances regardless of whether the substance is subject to chemical inventory reporting.

- 4. Within 90 days of permanently ceasing regulated operations, do I need to send Ohio EPA a list or MSDS of every chemical on site?**

Answer: No, only those chemicals you are required to report to the SERC. If all of these chemicals are reported on your annual chemical inventory form submitted with your 90-day CRO form, there is no additional reporting required.

- 5. What if I need more than 90 days to remove all regulated substances (e.g., chemicals) from my facility?**

Answer: You may ask the director of Ohio EPA to extend the length of time required for compliance. The director may grant the extension due to circumstances that are temporary in nature and beyond your control or, exercising reasonable diligence; you are unable to complete the required activities due to facility size, operational complexity, or other such relevant factor.

- 6. What if I intend to permanently cease regulated operation but need to keep a regulated substance in an energized transformer to maintain electricity?**

Answer: The CRO law requires that you remove or drain regulated substances from all stationary items that will remain at the facility. However, Ohio EPA

understands it may be impractical in certain situations to remove a regulated substance from a transformer that needs to remain energized.

7. What if I'm only going to stop operating temporarily?

Answer: You have limited compliance requirements, as long as you resume operations within a year. Within 45 days you must certify to the director of Ohio EPA that you are temporarily stopping operations and that you will resume within a year. If you intend to resume operations but it will take longer than a year, you must request a waiver. We recommend informing the Ohio EPA by letter when you have resumed operations so our records reflect your facility is no longer subject to CRO.

8. What if I want to cease regulated operation and leave regulated substances in tact for another owner or operator to resume operations?

Answer: We consider this temporary cessation because regulated operations will resume at the facility. However, we strongly encourage you to address this situation in your sales agreement; the purchaser should take claim to all remaining items. If you have doubts the potential purchaser will resume operations you are advised to follow the permanent CRO requirements, i.e., ensure regulated substances are properly removed from the facility.

9. What are my responsibilities as a new owner or operator of a facility that has temporarily discontinued all regulated operations?

Answer: You must notify Ohio EPA no later than 15 days after you become the new owner or operator and 1) resume operations or comply with permanent CRO requirements within 30 days after you purchase the facility; or 2) request a waiver within 45 days after the date you purchase the facility.

10. How long must I maintain warning signs?

Answer: You must keep warning signs posted until Ohio EPA has verified your completion of the CRO requirements.

11. Is medical waste from a hospital or other type of health care facility that is closing covered under CRO?

Answer: The medical waste is covered under CRO if the facility is subject and the waste is considered a "regulated substance."

12. If my facility has a change in ownership but regulated operations continue without interruption, is it subject to the CRO requirements?

Answer: No, as long as regulated operation continue without interruption. If regulated operations cease for greater than 30 days it is subject to CRO.

13. If asbestos is identified at a property going through the CRO process, does an owner have to abate the asbestos prior to the Ohio EPA inspection?

Answer: No. Under the CRO law, asbestos-containing material applied to or incorporated into a building or structure is excluded under the definition of “hazardous substance.”

14. Is a Small Quantity Generator’s (SQG) hazardous waste subject to CRO removal requirements or hazardous waste closure and post-closure care?

Answer: SQG hazardous waste is subject to CRO removal requirements except waste subject to OAC 3745-66-101. This rule addresses hazardous waste accumulated in tanks.

15. Are electronics such as telecommunication system, computers, and circuit boards subject to the CRO removal requirements?

Answer: No. A hazardous substance may be present as a solid in a manufactured item or product to the extent that exposure to the substance does not occur under normal conditions of use or the substance is an intrinsic component. In many of these situations, the regulated substance cannot be drained or removed in the practical sense as required by ORC 3752.06(A)(4). Furthermore, the CRO definition of “hazardous substance” specifically exempts any equipment located at a facility. However, the appropriate solid and hazardous waste laws should address items considered a waste.

16. The owner of a building or industrial park leases office space to several different tenants or establishments. Each establishment has a regulated operation as that term is defined by the CRO law. In addition, each establishment is independent and is not owned or operated by the same parent corporation or business interest in or with another establishment located on the same property. If an establishment ceases regulated operations, is it subject to the CRO program?

Answer: Yes, this is true regardless of who owns the building or industrial park. The property owner may not be the person who owns a reporting facility.

17. If a company is changing the use of a facility from manufacturing and/or assembly to warehousing and storage of materials, and there continues to be tow motors used at the facility, is it necessary to go through the CRO process?

Answer: No, as long as regulated operations, as that term is defined by law, continue without interruption.

18. If a reporting facility continues to operate but is changing from manufacturing based to an office oriented business, is it subject to the CRO requirements?

Answer: Yes. The facility has ceased its regulated operation. Regulated operations mean the production, storage, or other handling of regulated substances.

19. Are light bulbs or fluorescent lamps with ballasts that are installed at a facility required to be removed under CRO?

Answer: No. In general, an item manufactured with a hazardous substance that would not be required to be reported under CERCLA or EPCRA if released to the environment, is not subject to the CRO law. This is especially true for a solid item or product installed at a facility for its intended purpose. Additional examples include a zinc-plated container, cooper wiring, and cooper or lead piping.

20. Is soil contamination or a pre-RCRA surface impoundment covered by CRO?

Answer: No, other environmental laws address contamination in environmental media. The CRO law is intended to prevent contamination in environmental media such as soil or water. Another cleanup program, e.g., CERCLA, should address a pre-RCRA surface impoundment that is contaminated with a regulated substance or hazardous waste etc.

21. What if the operator fails to comply with the CRO requirements?

Answer: Depending on the circumstances, the owner, holder of first mortgage, fiduciary or indentured trustee of the facility will be responsible for CRO compliance.