



Ohio Administrative Code

Rule 3745-352-40 How can I get a waiver from complying with certain requirements of rule 3745-352-20 of the Administrative Code?.

Effective: July 7, 2025

(A) The owner or operator may ask for a waiver from compliance with this chapter and Chapter 3752. of the Revised Code only if the owner or operator will be temporarily discontinuing all regulated operations at the facility for a period exceeding three hundred sixty-five days. To request a waiver, the owner or operator shall submit a waiver request within forty-five days after the discontinuation of all regulated operations, using Ohio EPA form EPA 0327. The request shall include the following:

(1) One copy of an interim maintenance and operation plan for the reporting facility that contains the following:

(a) A brief description of the following:

(i) The facility name, address, and other appropriate identification that describes the physical location of the facility, such as the longitude and latitude coordinates.

(ii) The land use of the adjacent properties.

(iii) The regulated operations including all use, treatment, and storage of regulated substances which occurred at the facility within the last three years after the filing date of the waiver application.

(b) A schedule to implement the tasks contained in the operation and maintenance plan.

(c) A statement indicating that a certified "Spill Prevention Control and Countermeasure" plan is kept on file at the facility if the facility is subject to the requirements of 40 CFR Part 112.

(d) A plan for compliance with the security requirements in rule 3745-352-30 of the Administrative Code.



(e) A statement indicating that an evacuation plan, which describes, at a minimum, the evacuation signals, primary evacuation routes, and alternate evacuation routes to be utilized in situations when the primary exits are blocked, shall be kept on file at the facility if more than ten people are to be on the facility in any twenty-four hour period.

(f) A description of all measures to be taken by the owner or operator to prevent the occurrence of air pollution, water pollution, and soil contamination, including, but not limited to the following:

(i) Where and how each regulated substance is to be stored during the period of temporary cessation.

(ii) Precautions taken to prevent accidental ignition or reaction of ignitable or reactive regulated substances.

(iii) The location of all fire extinguishers and spill containment materials within each building or structure at a facility where regulated operations were conducted that contains or is contaminated with regulated substances and in each outdoor location of operation.

(iv) An inspection and maintenance plan for all measures to be taken by the owner or operator to prevent the occurrence of air pollution, water pollution, and soil contamination at the reporting facility during the period that those operations are temporarily discontinued.

(2) A description of why temporary discontinuance of regulated operations will be longer than three hundred sixty-five days, and a certification stating when the regulated operations will resume at the facility. The certification statement shall be signed and dated by a corporate officer or the owner of the facility.

(B) The director will review the request to determine whether the owner or operator has made the demonstrations required by paragraph (A) of this rule. The director will then either approve or disapprove the request as follows:

(1) The director will issue an order approving the waiver request. The director may include in an order approving a waiver any terms and conditions the director considers necessary or appropriate to protect public health, safety, or the environment during the period of the temporary discontinuation



of all regulated operations.

(2) The director will issue an order disapproving the waiver request. In the order, the director will include a requirement for the owner or operator to do the following:

(a) Designate a contact person in connection with the facility in accordance with section 3752.05 of the Revised Code within thirty days after the issuance of the order and maintain such a contact person.

(b) Comply with divisions (A)(1) to (A)(6) of section 3752.06 of the Revised Code within ninety days after issuance of the order unless the owner or operator has obtained an extension of time under division (B) of that section.

(c) Secure each building or structure at the facility where regulated operations occurred and that contains or is contaminated with regulated substances and each outdoor location of operation in compliance with section 3752.07 of the Revised Code within thirty days after the issuance of the order.

(C) If the owner or operator cannot resume regulated operations on or before the date by which regulated operations should resume, as specified in the director's order approving the waiver, the owner or operator shall do one of the following:

(1) Ask the director to renew the waiver.

(2) Comply with divisions (A)(1) to (A)(6) of section 3752.06 of the Revised Code within ninety days after that date unless the owner or operator has obtained an extension of time under division (B) of that section; and secure each building or structure at the facility where regulated operations occurred and that contains or is contaminated with regulated substances and each outdoor location of operation in compliance with section 3752.07 of the Revised Code within thirty days after that date. The date by which regulated operations should have resumed, as specified in the director's order approving the waiver, is the date of the permanent cessation of regulated operations.

(D) If the owner or operator purchased a facility which has temporarily discontinued all regulated



operations and expects regulated operations at the facility to be discontinued for greater than three hundred sixty-five days after the date indicated in the certification required by Chapter 3752. of the Revised Code, then no later than forty-five days after the purchased date of the facility, the owner or operator shall submit to the director a request for a waiver in accordance with paragraph (A) of this rule.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-352-01 of the Administrative Code titled "Incorporated by reference in the CRO rules."]