



## Ohio Administrative Code Rule 3745-50-50 Schedules of compliance.

Effective: October 31, 2015

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(A) The permit may, when appropriate, specify a schedule of compliance leading to compliance with Chapter 3734. of the Revised Code and rules adopted thereunder.

(1) Time for compliance. Any schedule of compliance under this rule shall require compliance as soon as possible.

(2) Interim dates. Except as provided in paragraph (B)(1)(b) of this rule, if a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall provide interim requirements and the dates for their achievement.

(a) The time between interim dates shall not exceed one year.

(b) If the time necessary for completion of any interim requirement is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submittal of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(3) Reporting. The permit shall be written to require that no later than fourteen days following each interim date and the final date of compliance, the permittee shall notify the director in writing of the permittee's compliance or noncompliance with the interim or final requirements.

(B) Alternate schedules of compliance. A permit applicant or permittee may cease conducting regulated activities (by receiving a terminal volume of hazardous waste and, for treatment and storage hazardous waste management facilities, closing pursuant to applicable requirements, and, for disposal hazardous waste management facilities, closing and conducting post-closure care pursuant to applicable requirements) rather than continue to operate and meet permit requirements as follows:

(1) If the permittee decides to cease conducting regulated activities at a given time within the term of



a permit which has already been issued, either:

- (a) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities.
  - (b) The permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.
- (2) If the decision to cease conducting regulated activities is made before issuance of a permit the term of which will include the termination date, the permit shall contain a schedule leading to termination which will ensure timely compliance with applicable requirements.
- (3) If the permittee is undecided whether to cease conducting regulated activities, the permit may be issued or modified to contain two schedules as follows:
- (a) Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities.
  - (b) One schedule shall lead to timely compliance with applicable requirements.
  - (c) The second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements.
  - (d) Each permit containing two schedules shall include a requirement that after the permittee has made a final decision under paragraph (B)(3)(a) of this rule, the permittee shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and shall follow the schedule leading to termination if the decision is to cease conducting regulated activities.
- (4) The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the director, such as resolution of the board of directors of a corporation.