

## **Ohio EPA's Cessation of Regulated Operations (CRO) Program**

### **Why was the CRO program created and which businesses must comply?**

Abandoned factories and warehouses can be attractive playgrounds for children and shelters for vagrants. Unfortunately, some businesses abandon industrial facilities without cleaning or securing the dangerous chemicals that were stored, used or treated there. If someone releases these harmful chemicals into the environment, they may cause imminent or substantial threat to public health or the environment.

In 1987, vandals entered the abandoned Dayton Tire and Rubber facility to remove copper cores from several large transformers. This action resulted in the release of polychlorinated biphenyl (PCB) oil, which made its way into the nearby creek. The clean up cost \$8 million and took three years. The manufacture of PCBs was stopped in the U.S. in 1977 because of evidence they build up in the environment and can cause harmful health effects. This and similar incidents led to the creation of the Cessation of Regulated Operations (CRO) program.

If your business is required to submit hazardous chemical reports to the State Emergency Response Commission (SERC) and you stop operations temporarily or permanently you need to comply with the CRO law. The law is codified at Ohio Revised Code Chapter 3752 and Ohio Administrative Code Chapter 3745-352.

### **What does cessation of regulated operations mean?**

Cessation means discontinuing or stopping regulated operations. Regulated operations refers to the production, use, storage or handling of regulated substances.

### **Are some businesses exempt from CRO?**

Public utilities, oil/gas production operations and underground storage tanks regulated by the State Fire Marshal's Bureau of Underground Storage Tank Regulation (BUSTR) are exempt from CRO. Authorities other than Ohio EPA regulate discontinuing or stopping operations at these types of entities.

### **What are my responsibilities as an owner or operator?**

You must take responsibility for the regulated substances at your facility when you permanently cease regulated operations (for example moving, selling or closing your business).

#### **Within 30 days you must:**

- ✓ notify Ohio EPA, the local emergency planning committee (LEPC) and the local fire department;
- ✓ secure the facility; and
- ✓ designate a contact person.

#### **Within 90 days you must:**

- ✓ submit a chemical inventory form;
- ✓ submit current list of chemicals or Material Safety Data Sheets (MSDS) if chemicals are not on the inventory form;

- ✓ remove all regulated substances from the facility; and
- ✓ certify removal to the director of Ohio EPA.

### **What if I'm only going to stop operations temporarily?**

As long as you resume operations within a year, you are not required to comply with all of the CRO program requirements. However, within 45 days you must certify to the director of Ohio EPA that you will resume within a year. If you intend to resume operations but it will take longer than a year, you must receive a waiver from the director.

### **If the owner/operator of the facility does not comply, who is responsible for the facility complying with CRO?**

- ✓ The first mortgage holder
- ✓ A fiduciary (holds legal title to the facility for an estate or trust, or can be a lessee)
- ✓ Indentured trustee
- ✓ Appointed receiver

In general, these entities will need to submit a notice to Ohio EPA, the LEPC and local fire department. They will also need to secure the facility until they no longer hold an interest in the property or all regulated substances have been removed.

For more information on CRO, visit our website at:

[www.epa.state.oh.us/dhwm/guidancedocs.html](http://www.epa.state.oh.us/dhwm/guidancedocs.html)

Or contact Ralph McGinnis at (614) 644-3065 or [ralph.mcginis@epa.state.oh.us](mailto:ralph.mcginis@epa.state.oh.us)