

3745-352-40

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

You must comply with the provisions in this rule.

(A) What do I need to do? You can ask for a waiver from complying with paragraphs (A)(1)(b) to (A)(1)(c) and (A)(2) of rule 3745-352-20 of the Administrative Code only if you will be temporarily discontinuing all regulated operations at the facility for a period exceeding three hundred sixty-five days. To request a waiver, you must submit your request within forty-five days after the discontinuation of all regulated operations, using form EPA 0327. The request must include the following:

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

(a) A brief description of:

(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; and

(iii) The regulated operations including all use, treatment, and storage of regulated substances which occurred at the facility within the last three years from 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 C.F.R. Part 112;

(d) A plan for complying 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, must 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 facility to prevent the occurrence of air pollution, water pollution, and soil contamination, including, but not limited to:
  - (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 facility 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 and sixty-five days; and a certification stating when the regulated operations will resume at the facility. The certification statement must be signed and dated by a corporate officer or the owner of the facility.
- (B) What will the director do with my request? The director will review the request to determine whether you have made the demonstrations required by paragraph (A) of this rule. The director will then either approve or disapprove the request as follows:
  - (1) What will happen if the director approves my request? The director will issue an order approving the waiver request. The director may include in an order approving a waiver any terms and conditions he considers necessary or appropriate to protect public health or safety or the environment during the period of the temporary discontinuation of all regulated operations.
  - (2) What will happen if the director disapproves my request? The director will issue an order disapproving the waiver request. In the order, the director will include a requirement for you to comply with paragraphs (A)(1)(b) to (A)(1)(c) and (A)(2) of rule 3745-352-20 of the Administrative Code, unless you have obtained an extension under paragraph (A)(3) of rule 3745-352-20

of the Administrative Code. The date of the director's order is the date of your permanent cessation of regulated operations.

(C) What if I need more time? If you 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, you must do one of the following:

(1) Ask the director to renew the waiver; or

(2) Comply with paragraphs (A)(1)(b) to (A)(1)(c) and (A)(2) of rule 3745-352-20 of the Administrative Code, unless you have obtained an extension under paragraph (A)(3) of rule 3745-352-20 of the Administrative Code. The date by which regulated operations should have been resumed, as specified in the director's order approving the waiver, is the date of your permanent cessation of regulated operations.

(D) What must I do if I want a waiver because I purchased a facility which has temporarily discontinued all regulated operations? If you expect 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 paragraph (B)(1) of rule 3745-352-20 of the Administrative Code, then no later than forty-five days after the date you purchased the facility, you must submit to the director a request for a waiver in accordance with paragraphs (A)(1) and (A)(2) 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."]