



## Ohio Administrative Code

### Rule 3745-50-210 Operating under a remedial action plan.

Effective: [March 7, 2025](#)

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(A) Maintaining remedial action plan (RAP) records. The owner or operator is required to keep records of:

(1) All data used to complete RAP applications and any supplemental information that the owner or operator submits for a period of at least three years after the date the application is signed; and

(2) Any operating and other records the director requires the owner or operator to maintain as a condition of the RAP.

(B) Computation of time periods in the RAP rules and a RAP.

(1) Any time period scheduled to begin on the occurrence of an act or event begins on the day after the act or event. (For example, if the RAP specifies that the owner or operator shall close a staging pile within one hundred eighty days after the operating term for that staging pile expires, and the operating term expires on June first, then June second counts as day one of the one hundred eighty days, and the owner or operator would have to complete closure by November twenty-eighth.)

(2) Any time period scheduled to begin before the occurrence of an act or event shall be computed so that the period ends on the day before the act or event. (For example, if the owner or operator transferring ownership or operational control of the site and wishes to transfer the RAP, the new owner or operator shall submit a revised RAP application no later than ninety days before the scheduled change in ownership or operational control. Therefore, if the owner or operator plans to change ownership or operational control on January first, the new owner or operator shall submit the revised RAP application no later than October third, so that the ninetieth day would be December thirty-first)

(3) If the final day of any time period falls on a weekend or legal holiday, the time period is extended to the next working day. (For example, if the owner or operator wishes to appeal the director's



decision to modify the RAP, then the owner or operator shall petition the "Environmental Review Appeals Commission" within thirty days after the director issued the final RAP decision. If the thirtieth day falls on Sunday, then the owner or operator may submit the appeal by the Monday after. If the thirtieth day falls on July fourth, then the owner or operator may submit the appeal by July fifth.)

(4) Whenever a party or interested person has the right to or is required to act within a prescribed period after the service of notice or other paper upon him by mail, three days shall be added to the prescribed term. (For example, if the owner or operator wishes to appeal the director's decision to modify the RAP, then the owner or operator shall petition the "Environmental Review Appeals Commission" within thirty days after the director issued the final RAP decision. However, if the director notifies the owner or operator of the director's decision by mail, then the owner or operator may have thirty-three days to petition the "Environmental Review Appeals Commission.")

(C) Transferring a RAP to a new owner or operator.

(1) If the owner or operator wishes to transfer the RAP to a new owner or operator, the owner or operator shall follow the requirements specified in the RAP for RAP modification to identify the new owner or operator, and incorporate any other necessary requirements. These modifications do not constitute "significant" modifications for purposes of paragraph (A) of rule 3745-50-170 of the Administrative Code. The new owner or operator shall submit a revised RAP application no later than ninety days before the scheduled change, along with a written agreement containing a specific date for transfer of RAP responsibility between the owner or operator and the new permittees.

(2) When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the applicable requirements in rules 3745-55-40 to 3745-55-51 of the Administrative Code (financial requirements), until the new owner or operator has demonstrated compliance with the requirements in rules 3745-55-40 to 3745-55-51 of the Administrative Code. The new owner or operator shall demonstrate compliance with rules 3745-55-40 to 3745-55-51 of the Administrative Code, within six months after the date of the change in ownership or operational control of the facility or remediation waste management site. When the new owner or operator demonstrates compliance with rules 3745-55-40 to 3745-55-51 of the Administrative Code, to the director, the director will notify the old owner or operator that the old owner or operator no longer need to



comply with rules 3745-55-40 to 3745-55-51 of the Administrative Code, as of the date of demonstration.

(D) Reporting of noncompliance with RAPs. Ohio EPA shall report noncompliance with RAPs according to the provisions of 40 CFR 270.5.

[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 3745-50-11 of the Administrative Code titled "Incorporated by reference."]