

3745-352-25

**What are my responsibilities if I am holder of a first mortgage on real property, a fiduciary, an indentured trustee for debt securities, or a receiver?.**

You will have different responsibilities depending upon your relationship with the facility.

- (A) What are my responsibilities if I am a fiduciary, an indentured trustee for debt securities, or a receiver and I have taken actual or direct control of the facility? You are not required to comply with this rule. Instead, you are an operator and must comply with rule 3745-352-20 of the Administrative Code.
- (B) What are my responsibilities if I am a fiduciary, an indentured trustee for debt securities, or a receiver who has not taken actual or direct control of the facility, or a holder of a first mortgage?
- (1) If you are a holder of a first mortgage on real property or a receiver under division (F) of section 3752.11 of the Revised Code appointed by the court to succeed to the obligations of the holder of the first mortgage at a reporting facility that has been abandoned by the owner and at which all regulated operations have been temporarily or permanently discontinued, you must comply with table 1 of this rule to determine your responsibilities.
  - (2) If you are a fiduciary for a reporting facility at which all regulated operations have been permanently ceased and the operator has failed to comply with rule 3745-352-30 of the Administrative Code, you must comply with table 2 of this rule to determine your responsibilities.
  - (3) If you are an indentured trustee for debt securities or certificates of participation in any such debt securities and you have foreclosed on your interest at a reporting facility where all regulated operations have been permanently ceased and the operator has failed to comply with rule 3745-352-30 of the Administrative Code, you must comply with table 3 of this rule to determine your responsibilities.
  - (4) If you are a receiver appointed under Chapter 2735. of the Revised Code, you must comply with table 4 of this rule to determine your responsibilities.

- (C) What am I required to do if I am a holder of a first mortgage or a fiduciary and I will no longer maintain security and warnings signs? Except as provided in table 1 and table 2 of this rule, you must maintain security and warning signs as required in rule 3745-352-30 of the Administrative Code. Within thirty days before you cease to maintain security and warning signs, you must submit a notice of your intentions to the director, the local emergency planning committee, and the local fire department using form EPA 0330.

Table 1		
You must...	No later than...	Until...
<del>Submit a notice of the cessation of regulated operations to the director, the local emergency planning committee, and the fire department using form EPA 0330. The notice must include the status of your compliance with the security requirements;</del>	<del>Fifteen days after the reporting facility has been abandoned by the owner</del>	<del>Title to the facility has been transferred;</del>
<del>And</del>		<del>Or</del>
<del>Provide security in accordance with rule 3745-352-30 of the Administrative Code</del>		<del>You file a release of the mortgage with the county recorder.</del>

Table 2			
You must...	No later than...	Unless...	Until...
Submit a notice of the cessation of regulated operations to the director, the local emergency planning committee, and the fire department using form EPA 0330. The notice must include the status of your compliance with the security requirements;	Sixty days after receiving actual notice of the cessation of regulated operations	You are prevented from doing so by circumstances beyond your control;	You no longer hold legal title to or an equity or partnership interest in the facility;
And		Or	Or
Provide security in accordance with rule 3745-352-30 of the Administrative Code, to the extent there are sufficient assets in the trust		You reject the appointment as a fiduciary within sixty days after receiving actual notice of the appointment	You lease the facility;
			Or
			You or Another person has performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of rule 3745-352-20 of the Administrative Code.

Table 3		
You must...	Unless...	Until...
Submit a notice of the cessation of regulated operations to the director, the local emergency planning committee and the fire department using form EPA 0330. The notice must include the status of your compliance with the security requirements;	You have petitioned the court for the appointment of a receiver under Chapter 2735. of the Revised Code	You no longer hold legal title to the facility;
And		Or
Provide security in accordance with rule 3745-352-30 of the Administrative Code, to the extent there are sufficient assets in the trust		You or another person has performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of rule 3745-352-20 of the Administrative Code

Table 4	
You must...	No later than...
Submit a notice of the cessation of regulated operations to the director, the local emergency planning committee, and the fire department using form EPA 0330;	When the court orders you to comply
And	
Provide security in accordance with rule 3745-352-30 of the Administrative Code;	
And	
Comply with paragraphs (A)(2)(d) to (A)(2)(f) of rule 3745-352-20 of the Administrative Code	

Table 1

<u>No later than:</u>	<u>Fifteen days after the reporting facility has been abandoned by the owner</u>
<u>You must:</u>	<u>1. Submit a notice of the cessation of regulated operations to the director, to the local emergency planning committee, and to the fire department. You must use form EPA0330 to accomplish this. The notice must include the status of your compliance with the security requirements; and</u>
	<u>2. Provide security in accordance with rule 3745-352-30 of the Administrative Code</u>
<u>Until either:</u>	<u>Title to the facility has been transferred; or</u>
	<u>You file a release of the mortgage with the county recorder</u>

Table 2

<u>No later than:</u>	<u>Sixty days after receiving actual notice of the cessation of regulated operations</u>
<u>You must:</u>	<u>1. Submit a notice of the cessation of regulated operations to the director, the local emergency planning committee, and the fire department. You must use form EPA 0330 to accomplish this. The notice must include the status of your compliance with the security requirements; and</u>
	<u>2. Provide security in accordance with rule 3745-352-30 of the Administrative Code, to the extent there are sufficient assets in the trust</u>
<u>Until either:</u>	<u>You no longer hold legal title to or an equity partnership interest in the facility; or</u>
	<u>You lease the facility; or</u>
	<u>You or another person has performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of rule 3745-352-20 of the Administrative Code</u>
<u>Unless either:</u>	<u>You are prevented from doing so by circumstances beyond your control; or</u>
	<u>You reject the appointment as a fiduciary within sixty days after receiving actual notice of the appointment</u>

Table 3

<u>You must:</u>	<u>1. Submit a notice of the cessation of regulated operations to the director, the local emergency planning committee, and the fire department. You must use form EPA 0330 to accomplish this. The notice must include the status of your compliance with the security requirements; and</u>
	<u>2. Provide security in accordance with rule 3745-352-30 of the Administrative Code, to the extent there are sufficient assets in the trust</u>
<u>Until either:</u>	<u>You no longer hold legal title to the facility; or</u>
	<u>You or another person has performed the measures required under paragraphs (A)(2)(d) to (A)(2)(f) of rule 3745-352-20 of the Administrative Code</u>
<u>Unless:</u>	<u>You have petitioned the court for the appointment of a receiver under Chapter 2735. of the Revised Code</u>

Table 4

<u>No later than:</u>	<u>When the court orders you to comply</u>
<u>You must:</u>	<u>1. Submit a notice of the cessation of regulated operations to the director, the local emergency planning committee, and the fire department. You must use form EPA 0330 to accomplish this; and</u>
	<u>2. Provide security in accordance with rule 3745-352-30 of the Administrative Code; and</u>
	<u>3. Comply with paragraphs (A)(2)(d) to (A)(2)(f) of rule 3745-352-20 of the Administrative Code</u>

[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."]

Effective: 04/08/2012

R.C. 119.032 review dates: 12/30/2011 and 08/30/2016

CERTIFIED ELECTRONICALLY

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Certification

03/27/2012

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Date

Promulgated Under: 119.03  
Statutory Authority: 3752.03  
Rule Amplifies: 3752.04, 3752.05, 3752.07, 3752.11, 3752.111,  
3752.112, 3752.113  
Prior Effective Dates: 09/20/1996, 02/20/2001, 10/14/2006