

3745-50-52 Transfer of permits.

- (A) As used in this rule, "owner" means a person who owns a majority or controlling interest in the facility, and "operator" means a person who is responsible for the overall operation of a facility.
- (B) A hazardous waste facility installation and operation permit may be transferred by the permittee to a new owner or operator only if the permit has been modified, under paragraph (C) of this rule, to identify the new permittee and incorporate such other requirements as may be necessary under applicable law.
- (C) A change in the owner or operator of a facility ~~shall~~ MUST be processed as a Class 3 modification in accordance with rule 3745-50-51 of the Administrative Code under the jurisdiction of the director. The new owner or operator ~~shall~~ MUST submit a revised permit application to the director no later than ninety days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees ~~shall~~ MUST also be submitted to the director. When a change in the owner or operator of a facility occurs, the former owner or operator ~~shall~~ MUST comply with the applicable requirements of rules 3745-55-40 to 3745-55-51 of the Administrative Code until the new owner or operator has demonstrated compliance with those rules. The new owner or operator ~~shall~~ MUST demonstrate compliance with rules 3745-55-40 to 3745-55-51 of the Administrative Code within one hundred eighty days after the date of the change in the owner or operator of the facility. Upon demonstration to the director by the new owner or operator of compliance with rules 3745-55-40 to 3745-55-51 of the Administrative Code, the director ~~shall~~ WILL notify the former owner or operator that his compliance with rules 3745-55-40 to 3745-55-51 of the Administrative Code is no longer required, as of the date of demonstration.
- (D) Given the potential for harm to the public health and safety and the environment that could result from irresponsible operation of the facility, for transfer of a permit to a new owner or operator of a facility:
 - (1) The director ~~shall~~ MUST determine whether:
 - (a) The new owner or operator has been engaged in any prior activity involving the transportation, treatment, storage, or disposal of hazardous waste, and
 - (b) The new owner or operator has a history of compliance with:
 - (i) Chapters 3734., 3704., and 6111. of the Revised Code and all rules and standards adopted thereunder, and
 - (ii) RCRA, and all regulations adopted thereunder, and
 - (iii) Similar laws and rules of another state if the new owner or operator owns or operates a facility in that state.

- (2) If the director determines that the new owner or operator demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility in compliance with Chapters 3734., 3704., and 6111. of the Revised Code, all rules and standards adopted thereunder, and terms and conditions of a hazardous waste facility installation and operation permit, then the permit may be transferred to the new owner or operator, provided that all applicable provisions of rule 3745-50-51 of the Administrative Code have been satisfied.

[Comment: If applicable, the owner or operator also may have to comply with section 3734.42 of the Revised Code.]

Effective: 3/13/02

119.032 review dates: 6/25/98, 9/28/01, 9/21/05

Promulgated under: RC Chapter 119

Statutory authority: RC Sections 3734.05, 3734.12

Rule amplifies: RC Section 3734.12

Prior effective dates: 3/4/85, 7/14/97

Rule **3745-50-52** is amended as follows:

Pg	Location	Change	Reason
1	(C)	[5 times] remove "shall" and add "must"	*
		in the last sentence, remove "shall" and add "will"	*
1	(D)(1)	remove "shall" and add "must"	*

* Ohio EPA is changing this term in all hazardous waste management rules as they are reviewed and/or amended.