

**OHIO COASTAL MANAGEMENT PROGRAM**  
**POLICY 7 – ENVIRONMENTAL CONTAMINANTS: PREVENTION**  
**AND EMERGENCY RESPONSE**

**IT IS THE POLICY OF THE STATE OF OHIO TO PREVENT AND/OR MINIMIZE TO THE GREATEST EXTENT POSSIBLE, DAMAGES TO THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO THE ENVIRONMENT FROM CONTAMINANTS BY:**

- A. REQUIRING OWNERS OF FACILITIES SUBJECT TO O.R.C. CHAPTER 3750, EMERGENCY PLANNING, TO COMPLY WITH THE STATE'S RIGHT TO KNOW AND SPILL/RELEASE REPORTING LAWS; AND**
  
- B. PROVIDING FOR EMERGENCY RESPONSE TO ALL APPROPRIATE SPILLS WITH A COORDINATED AND PLANNED EFFORT MAXIMIZING RESOURCES AND MINIMIZING ENVIRONMENTAL DAMAGE (O.R.C. CHAPTERS 6111, 3734, 3704, 6109 AND 3750).**

Authorities and Administration

Ohio's State Emergency Response Commission (SERC) is authorized to coordinate emergency planning efforts (O.R.C. Chapter 3750). SERC accomplishes this through administration by Ohio EPA's Division of Air Pollution Control (DAPC). Pursuant to O.R.C. 3745.01, Ohio EPA administers "the laws pertaining to chemical emergency planning, community right-to-know, and toxic chemical release reporting." The director "shall adopt rules in accordance with Chapter 119 of O.R.C. that are consistent with and equivalent in scope, content, and coverage to, and no more stringent than the Emergency Planning and Community Right-to-Know Act of 1986" 42 U.S.C.A. 11001 (O.R.C. 3750.02) and 42 U.S.C.A. 11023 (O.R.C. 3751.02).

- A. The State of Ohio strives to prevent accidental releases of environmental contaminants and to minimize their effects when they do occur by enforcing O.R.C. Chapter 3750 Emergency Planning. The specific requirements of the Emergency Planning and Community Right-to-Know Act of 1986 (also known as SARA Title III) and the corresponding Ohio Revised Code provisions include four basic reporting requirements, as follows:
  - 1. Owners of facilities with extremely hazardous substances (360 chemicals listed by U.S. EPA) must identify themselves and participate in emergency planning (O.R.C. 3750.05).
  - 2. Owners of facilities identified must report all spills or releases of substances covered by Comprehensive Environmental Response Compensation and Liability Act (CERCLA) or by SARA (O.R.C. 3750.06).
  - 3. Owners of identified facilities must provide to Ohio EPA (1) a Material Safety Data Sheet and (2) a list of chemicals stored and their human health hazard (O.R.C. 3750.07).

4. Owners must complete a Facility Identification form, Chemical Inventory form and Facility map (O.R.C. 3750.08).

As provided in O.A.C. Chapters 3750-20, 3750-25 and 3750-30, a facility must comply with O.R.C. Chapter 3750 when all of the following conditions are met:

1. The facility is subject to the OSHA Hazard Communication Standard;
2. The facility stores a Hazardous Chemical and/or an "Extremely Hazardous Substance" (EHS); and
3. A quantity in storage of one of these Hazardous Chemicals or Extremely Hazardous Substances is in excess of the "Threshold Quantity" (TQ).

Oil releases are addressed under O.R.C. 3750.06 and the CWA, as amended 33 U.S.C. 1251 et seq. The federal Spill Prevention Control and Counter-measure program and related regulations for oil storage facilities provide directions to industries to plan their response to any possible spillage from their facilities (40 CFR 112). Preventive engineering, such as containment dikes, were also called for to prevent spills from reaching waterways.

- B. SARA Title III directs communities and industries to work together in developing response plans and procedures for hazardous spills. Local emergency planning committees (LEPCs) of each emergency planning district are required to "prepare and submit ... a chemical emergency response and preparedness plan for the district" to SERC (O.R.C. 3750.04). Within the coastal area, each of the nine counties is a separate emergency planning district. These local "Hazardous Materials Emergency Management Plans" include an identification of local hazardous facilities and routes used to transport hazardous materials, emergency response procedures, evacuation plans, and a list of response personnel and equipment.

The Ohio Emergency Management Agency (Ohio EMA) coordinates local plan development and makes recommendations to SERC, which is responsible for final approval or disapproval (O.R.C. 3750.02). Plans have been prepared for all nine coastal counties. As of June 1995, plans for Ashtabula, Lake, Cuyahoga, Lorain, Wood, Ottawa, Erie, Lucas and Sandusky counties have been reviewed, and the Commission has concurred with them.

Ohio EPA's Division of Emergency and Remedial Response (DERR) follows the National Contingency Plan (NCP) guidance for spill response and cleanup. To facilitate spill reporting, Ohio EPA operates a toll-free 24-hour telephone number. DERR investigates reported releases and provides local governments with telephone assistance in evaluating incidents and in directing the responsible party's cleanup efforts. DERR also coordinates efforts to assure compliance with cleanup levels and disposal methods.