



Responsible Party's Guide to Pollution Incident Investigations

Ohio EPA records more than 5,000 incident reports annually through calls to our emergency response spill hotline. On-scene coordinators (OSCs) respond to more than 1,200 of these incidents each year to assist companies, first responders and the public. For more information, see the *Environmental Response Program* fact sheet.

A responsible party (RP) is typically the owner/operator of a facility, or the individual or company in control of a pollutant before it is released, regardless of the cause of the release. You should become familiar with the reporting requirements for any chemicals you are in control of.

Example #1

A trucking company is considered the RP when diesel fuel and engine oil are released to the environment from the company's truck, even if another vehicle operator is found at fault by law enforcement for a crash.

Example #2

A utility company has an electrical transformer damaged by a lightning strike and leaks transformer oil. The utility company is the RP for any transformer oil released to the environment.

Example #3

A home heating oil tank develops a leak and fuel oil enters a basement floor drain and is released to a nearby creek. The homeowner is the RP for this release to the environment.

What are my obligations?

- 1) Use and store potential pollutants in a safe and secure manner in accordance with applicable laws and regulations.
- 2) Within **30 minutes** of becoming knowledgeable of the release, report to Ohio EPA, the fire department of jurisdiction, the local emergency planning committee and in certain circumstances the National Response Center (ORC Chapter 3750).
- 3) Take actions necessary to stop the release of pollutants, recover and properly dispose of wastes generated during the cleanup of a pollution incident. This may include installing containment, hiring a spill response contractor, removing contaminated soils, restoring habitat, etc.
- 4) Reimburse costs Ohio EPA incurred in response to the pollution incident.
- 5) Complete necessary follow up reports in compliance with applicable laws and regulations (ORC Chapter 3750).
- 6) Identify the cause of the release and, if possible, make changes to avoid future releases from the same or similar actions.

**Report a Spill, Release
or Environmental Crime**

800-282-9378

Reporting a Spill or Release

There is no penalty for early reporting if a release is suspected; however, there may be penalties for failing to report in a timely manner. As soon as you become aware of or suspect a release, contact the spill hotline with as much of the following information as possible.

- **Responsible party** (name of carrier, owner, operator or facility).
- **Date/time** (discovered/occurred).
- **Location** (address, cross street, mile marker).
- **Material(s)** (chemical, product, or common name).
- **Quantity** (estimated release/total).
- **Hazards** (extremely hazardous substance, placard, materials safety data sheet [MSDS]).
- **Affected media/area** (air, land or waterway, including threats to ditches, sewers, streams).
- **Actions/notifications** (evacuations, containment, contractor hired).
- **Contacts on scene** (responder cell phone number, responsible party, contractor, facility point of contact).
- **Other useful information** (truck DOT or railcar number, chemical UN ID number, MSDS, etc.).

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Who is responsible for spill cleanup?

The owner/operator is responsible for spill cleanup. Ohio EPA oversees emergency clean-up activities and, if possible, will later recover clean-up costs. Ohio EPA maintains a list of cleanup contractors who offer emergency response services. This list is available through the OSC or duty officer.

Cleanup Contractor

In situations where the source or responsible party is unknown or an RP is unable or unwilling to mitigate a release, the OSC can call in an environmental cleanup contractor. These services will be billed to the RP as part of the cost recovery procedure. Once the contractor is hired, the RP may reduce costs by assuming financial responsibility and managing the details of cleanup operations. Although Ohio EPA cannot endorse or recommend cleanup contractors, a list is provided on our website at epa.ohio.gov/derie/.

Cost Recovery

Ohio EPA recovers costs associated with responses to incidents pursuant to ORC 3745.12; it is not funded through general revenue or state taxes collected from the public. These costs include the direct cost of personnel responding to the incident and overhead/indirect costs associated with the emergency response program, including supplies, administrative support, fuel, vehicles and equipment.

A responsible party can expect to see an invoice from Ohio EPA within 90 days of the completion of the OSC's investigation report. Ohio EPA suggests contacting your insurance company early in an incident as they may have resources that can help bring the incident to an efficient resolution.

Contact

For more information, contact the division or an OSC in the appropriate district office.

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