

DEFINITION OF EMERGENCY OR REMEDIAL RESPONSE SITE

PURPOSE

This guidance is intended to facilitate the utilization of Division of Environmental Response and Revitalization (DERR) resources on sites for which Ohio EPA has authority to conduct site assessment and cleanup activities or to require others to conduct such activities.

DEFINITION

A. Threshold Criteria to Define an Emergency Response or Remedial Response Site

Designating a potentially contaminated area to be a site (i.e., an area subject to regulation by Ohio EPA's Emergency Response or Remedial Response programs) is a two-tiered process. Both of the following criteria should be met to designate a potentially contaminated area to be a site.

1. The site has a release or, in the case of hazardous waste, a threat of release, of the following types of contaminants:
 - a. hazardous waste¹; or
 - b. Industrial waste² or other wastes³
2. The types of contaminants at the site are not otherwise regulated under state statute or regulation.

B. Examples of Sites and Sources of Referrals

Types of sites may include, but would not be limited to:

- Areas that require follow-up to time critical removals
- Contaminated well fields
- Locations where emergency releases require long-term remediation
- Contaminated sediments
- Solid waste landfills
- Abandoned facilities
- Redevelopment/Brownfield sites
- Active industrial facilities not otherwise regulated by Ohio EPA
- Above ground storage tanks

¹ "Hazardous waste" means "any waste(s)...that...because of its quantity, concentration, or physical or chemical characteristics, may...(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; [or] (2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed." ORC section 3734.01(J).

² "Industrial waste" means "any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacture, trade or business, or from the development, processing, or recovery of any natural resource, together with such sewage as is present." ORC section 6111.01(C).

³ "Other wastes" means "garbage, refuse, decayed wood, sawdust, shavings, bark, an other wood debris, lime, sand, ashes, offal, night soil, oil, coal, tar, coal dust, dredged or fill material, or silt, other substances that are not sewage or industrial waste, and any other 'pollutants' or 'toxic substances' as defined in the Federal Water Pollution Control Act that are not sewage or industrial waste." ORC section 6111.01(D).

Sites can be referred to the various DERR programs via:

- Intra-divisional referrals (e.g., ER to Remedial Response)
- Inter-divisional referrals (i.e., from DSIWM, DSW, DAPC, DDAGW)
- Special investigations
- U.S. EPA
- Complaints
- Other state agencies
- Local government agencies

C. Sites that do not meet the Threshold Criteria

Sites that do not meet the Threshold Criteria should be referred to the appropriate regulatory program.

VOLUNTARY ACTION PROGRAM (VAP)

DERR is one division encompassing the emergency response, remedial response, and voluntary action programs. This guidance defines “site” for the purpose of focusing resources on Agency-initiated cleanup actions. This guidance is not intended to apply to VAP sites, which, because they are defined by volunteers under ORC chapter 3746, may prompt the utilization of DERR resources in response to a volunteer’s request for a covenant not to sue.

SUMMARY

The definitional concepts presented in this guidance are applicable to a comprehensive cleanup program which can use multiple tools to achieve the common goal of site cleanup.