

Cost Recovery

Ohio Revised Code ([ORC](#)) §§ 3734.20 - .23, 3745.12 and 6111.03 authorize the Director to perform measures necessary to abate or prevent air or water pollution or soil contamination, and to protect the public health or safety and the environment. Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ([CERCLA](#)) establishes liability for all costs of removal or remedial action incurred by Ohio EPA that are not inconsistent with the National Contingency Plan ([NCP](#)). To ensure cost accountability, the Director keeps an itemized record of the cost of the investigation and remedial actions performed for each site, including costs for labor, materials and any contract services required.

The Remedial Response Program identifies, assesses, investigates and oversees the investigation and cleanup of historical hazardous waste releases in Ohio. The Program maintains records of all costs incurred during the assessment, investigation and cleanup of hazardous waste sites. Once the Program identifies a site where there is potential for the release of hazardous wastes, staff time, contractor costs and any other costs directly associated with the assessment, investigation and cleanup of each individual site are recorded and tracked by the program.

Site assessments include evaluations of the environmental conditions at each site and an evaluation of past owners, operators and others who may have caused or contributed to the contamination. When a site is determined to be a priority for further investigation and cleanup, potentially responsible parties are offered the opportunity to conduct the work. The Remedial Response Program seeks to enter into administrative consent orders with potentially responsible parties to recover past and future costs for the assessment, investigation and cleanup of the site. Itemized invoices are sent to the potentially responsible parties for past costs for payment as specified in an order. Failure to pay costs as agreed to in an order is a violation of that order and may result in enforcement of the orders by the Ohio Attorney General's Office.