

Authority for Investigation and Cleanup

The Remedial Response Program relies on the authority vested in the Director of Ohio EPA through the Ohio Revised Code ([ORC](#)) to investigate and clean up historical hazardous waste releases. This authority includes:

ORC 3745.01 – There is hereby created the environmental protection agency, headed by the director of environmental protection. The agency, under the supervision of the director, shall administer the laws....The director may...enter into...agreements...in furtherance of the purposes of Chapters...3734...and 6111 of the Revised Code.

ORC 3734.13 – The director of environmental protection may issue, modify, suspend, or revoke enforcement orders in accordance with chapter 3745 of the Revised Code...directing the...person to abate a violation, or to prevent any threatened violation of any section of this chapter...

ORC 3734.20(A) – If the director of environmental protection has reason to believe that hazardous waste was treated, stored, or disposed at any location within the state, he may conduct such investigations and make such inquiries...as are reasonable or necessary to determine if conditions at a hazardous waste facility, solid waste facility or other location...constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination. The director...may apply for...an appropriate search warrant necessary to achieve the purposes of this section within the court's territorial jurisdiction.

ORC 3737.20(B) – If the director determines that conditions...constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination, the director shall initiate appropriate action under this Chapter or Chapter 3704 or 6111 of the Revised Code or seek any other appropriate legal or equitable remedies to abate the pollution or contamination or to protect public health or safety. If an order of the director to abate or prevent air or water pollution or soil contamination or to remedy a threat to public health or safety...is not wholly complied with within the time prescribed in the order, the director...may enter upon the facility and perform measures necessary...

ORC 6111.03 – The director of environmental protection may...(A) develop plans and programs for the prevention, control, and abatement of new or existing pollution of waters of the state...(I) issue, modify, or revoke orders to prevent, control, or abate water pollution...

To address historical hazardous waste releases, the Remedial Response Program cites the above-mentioned ORC provisions in various sections of its orders. The National Contingency Plan ([NCP](#)), promulgated under Section 105 of the Comprehensive

Environmental Response, Compensation and Liability Act of 1980 ([CERCLA](#)) as amended, is cited in both the *Definition* and *General Provisions* sections of its orders. The NCP is also cited in generic statements of work attached to Remedial Response Program orders. The Remedial Response Program requires that work under its orders be completed in a manner consistent with the NCP in order to recover response and oversight costs under Section 107 of CERCLA.