

Cuyahoga County Local Emergency Planning Committee (LEPC)

Hazardous Materials Emergency Release Notification Guidelines

For Cuyahoga County Facilities, Transporters,
or Vessels



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1.0 NOTIFICATION GUIDELINES

Ohio state law requires that facility owners or operators notify the Ohio State Emergency Response Commission (SERC), the Cuyahoga County Local Emergency Planning Committee (LEPC) and the Fire Department having jurisdiction within thirty minutes when releases of certain hazardous materials occur. This notification is required by Section 3750.06 (C) of the Ohio Revised Code. Owners and operators of facilities located within Cuyahoga County are required to make these notifications if:

- The chemical is listed under Section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and exceeds the Reportable Quantity (RQ);
- The chemical released is on the Superfund Amendments and Reauthorization Act (SARA) Section 302 list of Extremely Hazardous Substances (EHS) or is listed in rules adopted under division (B)(1)(c) or (C)(5) of Section 3750.02 of the Ohio Revised Code (ORC) and exceeds the reportable quantity (RQ);
- The substance released is oil and occurs in an amount equal to or exceeding the reportable quantity (RQ) prescribed in rules adopted under division (B)(3) of Section 3750.02 of the Ohio Revised Code (ORC);
- The release results in exposure to persons outside a facility

The owner or operator of a vessel from which a release of any of the substances outlined above occurs must provide notification of the release to the Ohio State Emergency Response Commission (SERC) or its designated representative. The SERC or its representative must immediately notify the Emergency Coordinator for the Cuyahoga County LEPC. These notifications are required under Section 3750.06(B) of the Ohio Revised Code.

Compliance with the procedures contained herein meets or exceeds all requirements for emergency release notification under Section 304 of the Federal Superfund Amendments and Authorization Act of 1986.

1.1 Definitions

- **CERCLA Hazardous Substance-** a substance on the list defined in Section 101(14) of CERCLA and listed in the USEPA Title III List of Lists under "CERCLA."
- **CECOMS-** Cuyahoga Emergency Communications System, which maintains the Cuyahoga County Spill Line.

- **Extremely Hazardous Substance-** a substance on the list defined in Section 302(a) of SARA Title III and listed in the USEPA Title III List of Lists under "EHS," or a substance listed under rules adopted under divisions (B)(1)(c) or (C)(5) of Section 3750.02 of the Ohio Code.
- **Facility-** all buildings, equipment, structures and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any other person which controls, is controlled by, or under common control with such person). For purposes of emergency release notification, the terms include motor vehicles, rolling stock, and aircraft.
- **LEPC-** Local Emergency Planning Committee of an Emergency Planning District established under Section 3750.03 of the Ohio Revised Code.
- **Oil-** oil of any kind or in any form including, without limitation, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.
- **Person-** any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or interstate body.
- **Release-** any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any extremely hazardous substance, CERCLA hazardous substance, or oil product.
- **Reportable Quantity-** the weight, established under 40 CFR Part 302 for CERCLA hazardous substances, 40 CFR Part 355 for extremely hazardous substances or if oil exceeds the RQ prescribed in rules adopted under division (B)(3) of Section 3750.02 of the Ohio Revised Code which, if exceeded during a release, requires emergency notification. **Reportable Quantities** are listed in the Title III List of Lists under the columns titled "**RQ**".
- **Title III List of Lists-** a consolidated list of substances subject to reporting requirements under SARA Title III.
- **Vessel-** watercraft or other artificial contrivance used or capable of being used as a means of transportation on water.

1.2 Content of Immediate Notification

Your notification message to the Cuyahoga County LEPC and the Ohio SERC must include the following to the extent known at the time of the notice and as long as no delay in emergency response results from obtaining this necessary information:

- The chemical name
- An indication of whether the substance is extremely hazardous
- An estimate of the quantity released into the environment
- The location of the release
- The time and duration of the release
- Whether the release occurred into air, water, and/or land
- Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals
- Proper precautions, such as evacuation or sheltering in place
- Name and telephone number of contact person
- Such other information as may be required by rules adopted under division (B)(1)(f) of Section 3750.02 of the Ohio Revised Code.

1.3 Content of Written Follow-Up

You must submit a written follow-up notice within 30 days to the Cuyahoga County SARA Information Coordinator and the Ohio EPA Emergency Response Duty Officer which includes the following additional information:

- Actions taken to respond to and contain the release.
- Any known or anticipated acute or chronic health risks associated with the release.
- Where appropriate, advice regarding medical attention necessary for exposed individuals.
- A summary of all actions taken by the owner or operator to prevent a recurrence of the release.
- Such other information as may be required by rules adopted under division (B)(1)(f) of Section 3750.02 of the Ohio Revised Code.

1.4 Exemptions from Reporting

- "Federally-permitted releases" as determined under CERCLA, Section 101(10).
- Releases which result in exposure only to persons within the boundaries of the facility.
- "Continuous releases" as defined under Section 103(f) of CERCLA, except for statistically significant increases as defined under Section 103(e) of CERCLA or by rules adopted under division (B)(1)(f) of Section 3750.02 of the Ohio Revised Code.

- Releases of a pesticide registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the statute that regulates agricultural pesticides.
- Releases from a facility that produces, uses, or stores no hazardous chemicals.
- Releases exempt from CERCLA Section 103(a) reporting under Section 101(22) of CERCLA.

Note: Some releases that occur at a facility which do not have to be reported under Section 304 may still constitute reportable releases under CERCLA Section 103 and therefore must be reported to the National Response Center. CERCLA Section 103, for example, does not contain an exemption for releases which remain on-site.

1.5 Means of Notification

The information in Section 2.0 outlines the reporting guidelines for spills discovered by a transporter, a third party, a facility, or a vessel. Notifications should be made via telephone.

Agencies to be notified of a spill:

- **Local Fire Departments** can be contacted by calling 9-1-1 if emergency assistance is required. The local non-emergency number should be used if the release does not require emergency assistance.
- **CECOMS** is designated as the local emergency spill notification center for the Cuyahoga County LEPC and maintains the Cuyahoga County Spill Line at 216-771-1365.
- The **Ohio State Emergency Response Commission (SERC)** should be notified to report a release of any material that impacts public health or the environment, including chemicals and petroleum products. Contact the Ohio SERC (Ohio EPA) at 800-282-9378 or 614-224-0946.
- The **National Response Center (NRC)** is the federal government's national communications center and is staffed 24 hours a day by U.S. Coast Guard officers and marine science technicians. The NRC is the sole federal point of contact for reporting all hazardous substances releases and oil spills. The NRC receives all reports of releases involving hazardous substances and oil that trigger federal notification requirements under several laws. Call the NRC for CERCLA substances at 800-424-8802

- The **Northeast Ohio Regional Sewer District (NEORS)** should be notified if spill has reached or has the potential to reach the sewer system. Contact NEORS at 216-641-6000 (Mon-Fri, 8am-4:30pm) or 216-641-3200 (afterhours).

2.0 NOTIFICATION RESPONSIBILITIES

Section 303(c)(4) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and Section 3750.04(A)(4) of the Ohio Revised Code require that the emergency plan prepared by a local committee include the following:

Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of Section 304).

Section 304 of the law mandates the notification of key individuals whenever a release of an extremely hazardous (SARA Section 302) substance or a CERCLA (Section 102(a)) substance has occurred. The burden of notification may fall upon different individuals depending upon the type of incident or the person discovering the release. See below for information regarding each of these scenarios and a description of individual responsibility for each. A release may be discovered by:

- transporter
- third party
- facility
- vessel

Substances requiring notification as well as their Reportable Quantities (RQ) can be found in the Title III List of Lists as either EHS or CERCLA substances.

2.1 Release Discovered by Transporter

- Transporter:
 - Notify first responders by calling 9-1-1 if emergency assistance is needed.
 - Identify name of chemical released and location of problem.
 - Determine if release requires a Section 304 emergency release notification.
 - If notification is required, collect the following information:
 - The chemical name

- An indication of whether the substance is extremely hazardous
- An estimate of the quantity released into the environment
- The location of the release
- The time and duration of the release
- Whether the release occurred into air, water, and/or land
- Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals
- Proper precautions, such as evacuation or sheltering in place
- Name and telephone number of contact person
- Report above information to:
 - Local Fire Department
 - CECOMS Spill Line: 216-771-1365
 - State Emergency Response Commission: 800-282-9378, 614-224-0946
 - National Response Center (for CERCLA substance): 800-424-8802
 - Northeast Ohio Regional Sewer District, if spill has reached or has the potential to reach the sewer system: 216-641-6000 (Mon-Fri, 8am-4:30pm) or 216-641-3200 (afterhours)
- Prepare follow-up report which summarizes:
 - Actions taken to respond to and contain the release.
 - Any known or anticipated acute or chronic health risks associated with the release.
 - Where appropriate, advice regarding medical attention necessary for exposed individuals.
 - A summary of actions taken by the owner or operator to prevent a recurrence of the release.
- Submit follow-up report within 30 days to:

Cuyahoga County Office of Emergency Management
 Local Emergency Planning Committee
 9300 Quincy Ave, Fl. 2
 Cleveland, OH 44106

-AND-

Ohio EPA, DERR- Emergency Response
 50 W. Town St, Suite 700
 P.O. Box 1049
 Columbus, OH 43216-1049
 ATTN: ER Records Mgmt.

2.2 Release Discovered by Third Party

- Third Party:
 - Report release to first responders by dialing 9-1-1.
- Fire Department

- Determine **responsible party** (Facility Emergency Coordinator or other).
 - **If responsible party is unknown or unavailable**, investigate and assemble Section 304 required information listed below:
 - The chemical name
 - An indication of whether the substance is extremely hazardous
 - An estimate of the quantity released into the environment
 - The location of the release
 - The time and duration of the release
 - Whether the release occurred into air, water, and/or land
 - Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals
 - Proper precautions, such as evacuation or sheltering in place
 - Name and telephone number of contact person
 - Notify
 - CECOMS Spill Line: 216-771-1365
 - State Emergency Response Commission: 800-282-9378, 614-224-0946
 - National Response Center (for CERCLA substance): 800-424-8802
 - If spill has reached or has the potential to reach the sewer system, report release to the Northeast Ohio Regional Sewer District: 216-641-6000 (Mon-Fri, 8am-4:30pm) or 216-641-3200 (afterhours)
 - **If responsible party is known**, contact him/her and identify facility emergency coordinator who must take actions listed below for Facility Emergency Coordinator.
- Facility Emergency Coordinator
 - Determine if release requires Section 304 emergency release notification.
 - If notification is required, collect the following information:
 - The chemical name
 - An indication of whether the substance is extremely hazardous
 - An estimate of the quantity released into the environment
 - The location of the release
 - The time and duration of the release
 - Whether the release occurred into air, water, and/or land
 - Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals
 - Proper precautions, such as evacuation or sheltering in place

- Name and telephone number of contact person
- Report above to:
 - Local Fire Department
 - CECOMS Spill Line: 216-771-1365
 - State Emergency Response Commission: 800-282-9378, 614-224-0946
 - National Response Center (for CERCLA substance): 800-424-8802
- If spill has reached or has the potential to reach the sewer system, report release to the Northeast Ohio Regional Sewer District: 216-641-6000 (Mon-Fri, 8am-4:30pm) or 216-641-3200 (afterhours)
- Prepare follow-up report which summarizes:
 - Actions taken to respond to and contain the release.
 - Any known or anticipated acute or chronic health risks associated with the release.
 - Where appropriate, advice regarding medical attention necessary for exposed individuals.
 - A summary of all actions taken by the owner or operator to prevent a recurrence
- Submit follow-up report within 30 days to:

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 Local Emergency Planning Committee
 9300 Quincy Ave, Fl. 2
 Cleveland, OH 44106

-AND-

Ohio EPA, DERR- Emergency Response
 50 W. Town St, Suite 700
 P.O. Box 1049
 Columbus, OH 43216-1049
 ATTN: ER Records Mgmt.

2.3 Release Discovered by Facility

- Facility Emergency Coordinator
 - Notify first responders by calling 9-1-1 if emergency assistance is needed.
 - Identify name of chemical released and location of problem.
 - Determine if release requires a Section 304 emergency release notification.
 - If notification is required, collect the following information:
 - The chemical name
 - An indication of whether the substance is extremely hazardous
 - An estimate of the quantity released into the environment
 - The location of the release
 - The time and duration of the release
 - Whether the release occurred into air, water, and/or land

- Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals
- Proper precautions, such as evacuation or sheltering in place
- Name and telephone number of contact person
- Report above to:
 - Local Fire Department
 - CECOMS Spill Line: 216-771-1365
 - State Emergency Response Commission: 800-282-9378, 614-224-0946
 - National Response Center (for CERCLA substance): 800-424-8802
- If spill has reached or has the potential to reach the sewer system, report release to Northeast Ohio Regional Sewer District: 216-641-6000 (Mon-Fri, 8am-4:30pm) or 216-641-3200 (afterhours)
- Prepare follow-up report which summarizes:
 - Actions taken to respond to and contain the release.
 - Any known or anticipated acute or chronic health risks associated with the release.
 - Where appropriate, advice regarding medical attention necessary for exposed individuals.
 - A summary of all actions taken by the owner or operator to prevent a recurrence
- Submit follow-up report within 30 days to:

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 Local Emergency Planning Committee
 9300 Quincy Ave, Fl. 2
 Cleveland, OH 44106

-AND-

Ohio EPA, DERR- Emergency Response
 50 W. Town St, Suite 700
 P.O. Box 1049
 Columbus, OH 43216-1049
 ATTN: ER Records Mgmt.

2.4 Release Discovered by Vessel

- Owner/Operator of Vessel
 - Notify first responders by calling 9-1-1 if emergency assistance is needed.
 - Identify name of chemical released and location of problem.
 - Determine if release requires a Section 304 emergency release notification.
 - If notification is required, collect the following information:
 - The chemical name
 - An indication of whether the substance is extremely hazardous
 - An estimate of the quantity released into the environment

- The location of the release
- The time and duration of the release
- Whether the release occurred into air, water, and/or land
- Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals
- Proper precautions, such as evacuation or sheltering in place
- Name and telephone number of contact person
- Report above to:
 - State Emergency Response Commission: 800-282-9378, 614-224-0946
 - National Response Center (for CERCLA substance): 800-424-8802
- Prepare follow-up report which summarizes:
 - Actions taken to respond to and contain the release.
 - Any known or anticipated acute or chronic health risks associated with the release.
 - Where appropriate, advice regarding medical attention necessary for exposed individuals.
 - A summary of all actions taken by the owner or operator to prevent a recurrence
- Submit follow-up report within 30 days to:

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