



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Approved

**File created:** 7/8/2022      **In control:** City Council

**On agenda:** 8/16/2022      **Final action:** 9/13/2022

**Title:** Repealing Toledo Municipal Code section 1513.13, "Spill notification" and enacting a new section 1513.13, "Spill Notification and Public Right to Know."

**Sponsors:** Theresa Gadus, Nick Komives

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
9/13/2022	1	City Council	Passage	Pass
8/16/2022	1	City Council	held	Pass
7/19/2022	1	City Council		

Council Members Gadus and Komives

### **Repealing Toledo Municipal Code section 1513.13, "Spill notification" and enacting a new section 1513.13, "Spill Notification and Public Right to Know."**

#### **SUMMARY & BACKGROUND:**

Toledo Municipal Code section 1513.13 currently requires that all spills, leaks, discharges of emissions of certain hazardous substances be reported to the Toledo Fire and Rescue Department and the Division of Environmental Services. In an effort to assure that this information and the risks associated with such substances is readily available to the public, this amendment requires that information regarding verified discharge events is available to the public in a searchable online database, as well as published in the local newspaper.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code section 1513.13 "Spill Notification" which reads as follows is hereby repealed:

#### **1513.13. Spill notification.**

Each facility shall immediately report to the Toledo Fire and Rescue Department and Division of Environmental Services any information concerning any spill, leak, discharge or emission of any hazardous substance which is required to be reported to or filed with any federal or State agency under applicable law including but not limited to the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, CERCLA and SARA.

SECTION 2. That a new Toledo Municipal Code section 1513.13 "Spill Notification and Public Right to Know" is enacted to read as follows:

### **1513.13. Spill Notification and Public Right to Know.**

Each facility shall immediately report to the Toledo Fire and Rescue Department and Division of Environmental Services any information concerning any spill, leak, discharge or emission of any hazardous substance which is required to be reported to or filed with any federal or State agency under applicable law including but not limited to the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, CERCLA and SARA.

The Division of Environmental Services must prepare a notice to the public summarizing all verified spills, leaks, discharges or emissions of any hazardous substance reported pursuant to this section including potential adverse health and environmental effects posed by the substance. Substances granted trade secret protections pursuant to Section 1513.09 herein shall be included in such notice by disclosing the chemical class or category of substance and the potential adverse health and environmental effects posed by the substance, including but not limited to the information required by Section 1513.04 herein.

The Division of Environmental Services must publish this notice on the City's website in a searchable database. The Division of Environmental Services must also cause this notice to be published in print at least one time in a local newspaper of general circulation. The facility shall be responsible for the cost of such print publication.

Non-compliance with this notification requirement will subject the facility to a fine not to exceed \$1,000 per day.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Vote on emergency clause: yeas 11, nays 0.

Passed: September 13, 2022, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

September 15, 2022  
Wade Kapszukiewicz  
Mayor