



Legislation Text

File #: ORD18-1481, **Version:** 1

An Ordinance Amending Chapter 32 of the Village Code of Ordinances (Section 32.28)

..body

WHEREAS, the Village of Romeoville has previously created the Fire Department by Ordinance as set forth in Chapter 32 of the Village Code of Ordinances; and

WHEREAS, the President and Board of Trustees have determined that the following revisions to the provisions of Section 32.28 for the recovery of costs occurred by the Fire Department in responding to hazardous substances releases and incidents are in the best interests of the residents of the Village of Romeoville; and

WHEREAS, the Village of Romeoville is an Illinois home rule municipality and is exercising its home rule authority through the adoption of this Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF ROMEOVILLE, WILL COUNTY, ILLINOIS; THAT:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2: AMENDMENT TO CHAPTER 32.28 OF THE VILLAGE CODE OF ORDINANCES: Those provisions of all heretofore adopted Village Ordinances codified as and for Chapter 32.28 of the Village Code of Ordinances hereinafter set forth are hereby amended to read as follows:

(A) Notwithstanding any other rule or provision of law, and subject only to the defenses set forth in § [32.29](http://library.amlegal.com/nxt/gateway.dll?f=jumpink$jumpink_x=Advanced$jumpink_vpc=first$jumpink_xsl=querylink.xsl$jumpink_sel=title;path;content-type;home-title;item-bookmark$jumpink_d=illinois(romeoville_il)$jumpink_q=%5bfield%20folio-destination-name:%2732.29%27%5d$jumpink_md=target-id=JD_32.29), the following enumerated classes of persons shall be jointly and severally liable for all costs incurred by the Village or the Department, or by any other unit of local government rendering assistance to the Village or the Department, in connection with the removal of or remedial action taken with respect to any release or substantial threat of release of hazardous substances within the corporate limits of the Village:

- (1) The owner or operator of any facility or vessel from which there is a release or substantial threat of a release of a hazardous substance;
- (2) Any person who, at the time of disposal, transport, storage or treatment of a hazardous substance owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of a hazardous substance;
- (3) Any person who by contract, agreement or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous substances owned, controlled or possessed by such person at a facility owned or operated by another person, and from which facility there is a release or substantial threat

of release of such hazardous substances;

(4) Any person who accepts or accepted any hazardous substances for transport to disposal, storage or treatment sites or facilities, from which there is a release or substantial threat of release of such hazardous substance;

(5) Any person who as a result of any conduct, action, inaction, or omissions causes or contributes to a release or spill of a hazardous substance which creates or threatens to create an environmental emergency of any kind as a result of or related to a release or spill of a hazardous substance; and

(6) Any person who as a result of any conduct, action, inaction or omission causes or contributes to a violation of the provisions of § 32.27 <[http://library.amlegal.com/nxt/gateway.dll?f=jumpink\\$jumpink_x=Advanced\\$jumpink_vpc=first\\$jumpink_xsl=querylink.xsl\\$jumpink_sel=title;path;content-type;home-title;item-bookmark\\$jumpink_d=illinois\(romeoville_il\)\\$jumpink_q=%5bfield%20folio-destination-name:%2732.27%27%5d\\$jumpink_md=target-id=JD_32.27](http://library.amlegal.com/nxt/gateway.dll?f=jumpink$jumpink_x=Advanced$jumpink_vpc=first$jumpink_xsl=querylink.xsl$jumpink_sel=title;path;content-type;home-title;item-bookmark$jumpink_d=illinois(romeoville_il)$jumpink_q=%5bfield%20folio-destination-name:%2732.27%27%5d$jumpink_md=target-id=JD_32.27)>.

(B) In the event that an agent for the party responsible for the hazardous substance release is present at the scene of the release of the hazardous substance, the agent shall, on behalf of the party responsible for the hazardous substance release, be required to immediately contact a contractor approved by the Village to begin remediation or removal actions. If no agent for the responsible party is present at the scene of the release of the hazardous substance, or in the event said agent refuses to act as required by this Section 32.28(B), the Village reserves the right to contact any contractor approved by the Village to immediately begin remediation and removal operations on behalf of the party responsible for the hazardous substance release. Should the Village be so required to arrange for a contractor to begin removal and remediation operations on behalf of the party responsible for the hazardous substance release, the party responsible for the hazardous substance release shall remain liable for all costs related to the release incurred by the Village in connection with the remediation and removal of the hazardous substance release.

(C) Any person liable under this subchapter for costs incurred by the Village or the Department, or by any other unit of local government rendering assistance to the Village or the Department, in connection with the removal of or remedial action taken with respect to any release or substantial threat of release of hazardous substances within the corporate limits of the Village shall remit the amount of such costs to the Village within ten days after receiving written notice of the amount of such costs from the Village, which notice shall be transmitted to such person via registered mail, return receipt requested, or by any other means available to the Village which is reasonably likely to cause such person to receive said notice.

(D) In calculating the amount of removal or response costs for which a person is liable under this subchapter, the Village and the Department shall observe the following guidelines:

(1) The cost for all services, equipment, goods and materials obtained from third parties other than the Village or the Department, whether public or private, which are used, consumed, destroyed or otherwise rendered unusable or unavailable to the Village and the Department as a result of any removal or remedial action taken pursuant to this subchapter shall be the amount reflected on the invoices or statements to the Village or the Department from the third parties providing such services, equipment, goods and materials;

(2) All services, equipment, goods and materials needed to clean, mitigate, or eradicate any environmental emergency shall be supplied by an entity pre-approved by the Village. In the event that the responsible party obtains services from an entity not pre-approved by the Village, the responsible party may be subject to reimburse the Village for all costs relating to the environmental emergency;

(3) The cost for all Village or Department personnel utilized in effectuating any removal or remedial action under this subchapter shall be equivalent to the reasonable value of the time of such personnel to the Village and the Department, taking into account all relevant facts and circumstances, but in no event shall such reasonable value be less than \$50 per hour for firefighter, basic rescue or paramedic response time, nor less than \$100 per hour for hazmat team members, dive team members, or other specially/technically trained

rescue personnel, or as otherwise established from time to time under Section 43.02A of this Code, whichever shall more fully reimburse the Village; and

(4) The cost for all Village and Department vehicles and equipment utilized in effectuating any removal or remedial action under this subchapter shall be equivalent to the reasonable value of such use of said vehicles to the Village and the Department, taking into account all relevant facts and circumstances, but in no event shall such reasonable value be less than \$400 per hour for engines, \$500 per hour for trucks, and \$300 per hour for other deployed equipment, , or as otherwise established from time to time under Section 43.02A of this Code, whichever shall more fully reimburse the Village;

(E) No indemnification, insurance, hold harmless, risk shifting or other similar agreement, or any conveyance of any facility, site or vessel shall be effective to transfer any liability to the Village or the Department for removal or remedial action costs from the person on whom such liability is imposed by this subchapter, but nothing in this subchapter shall prohibit any person on whom such liability is imposed by this subchapter from enforcing an indemnification, insurance, hold harmless, risk shifting or other similar agreement, or any conveyance of any facility, site or vessel against another person. Furthermore, nothing in this subchapter shall bar any cause of action which any person subject to liability for removal or remedial action costs under this subchapter has against any other person for such liability, whether by contribution, subrogation or otherwise.

SECTION 3: SEVERABILITY. That the various provisions of this Ordinance are to be considered severable and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 4: CONFLICTS. All prior Ordinances and Resolutions, or parts thereof in conflict or inconsistent with this Ordinance are hereby expressly repealed only to the extent of such conflict or inconsistency. .

SECTION 5: REPEALER. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance shall be, and the same are hereby repealed.

SECTION 6: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

