

CHAPTER 13

HAZARDOUS MATERIALS RESPONSE CHARGES

13.1 Purpose. This chapter is adopted in order to provide for the payment or reimbursement to the Township of expenses resulting from the use of Township goods, equipment, monies and other resources in responding or otherwise acting in connection with an incident involving hazardous or toxic materials. In order to implement this chapter and thus to protect the Township in such cases, the Township Board hereby authorizes the imposing of charges so as to recover the reasonable and actual costs incurred by the Township in responding to calls for assistance or in otherwise acting in connection with a spill or release of hazardous or toxic materials.

13.2 Definitions. For purposes of this chapter, the following words and terms are defined as follows:

- (1) "Hazardous or Toxic Materials" means any chemicals, gasses, solids, liquids, and any other materials or substances that pose a present or potential hazard to human health or safety or the environment.
- (2) "Release" means any spill, leaking, discharging, emitting, dumping, leaching, emptying or disposing into the air, the ground, waters, or otherwise into the environment.
- (3) "Responsible Party" means any person, firm, corporation, association, partnership, governmental body, or any other legal entity that causes, contributes to, aids in the occurrence of, or is otherwise involved, whether knowingly, accidentally or otherwise, in a release of a hazardous or toxic material, whether actual or threatened, or is an owner, tenant, occupant or party in control, whether wholly or in part, of property onto which or from which a hazardous or toxic material is released.

13.3 Imposition of Charges. Where the Township Fire Department or other parties or agencies of the Township government take action in connection with a release of hazardous or toxic materials, whether in response to a call for assistance or otherwise, the actual costs incurred by the Township in taking such action, and all actual costs relating thereto or arising therefrom, shall be imposed upon the responsible parties, whether jointly or severally. Such costs shall include the following:

- (1) Fees for response by Township owned Fire Department vehicles utilized in responding to the hazardous or toxic materials incident, in an amount established by resolution of the Township Board.
- (2) All personnel-related costs incurred by the Township as a result of responding to the hazardous or toxic materials incident. Such costs may include, but are not limited to, wages, salaries, and fringe benefits and insurance for full-time and part-time firefighters; overtime pay and related fringe benefit costs for hourly employees and fire-run fees paid to on-call firefighters. Such personnel-related charges shall commence at the time that the Fire Department has responded to the hazardous or

toxic materials incident, and shall continue until all Township personnel have concluded hazardous or toxic materials incident-related responsibilities.

- (3) Other expenses incurred by the Township in responding to the hazardous or toxic materials incident, including but not limited to rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and the replacement costs related to disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for personnel while responding to the hazardous or toxic materials incident.
- (4) Charges to the Township imposed by any local, state or federal government entities related to the hazardous or toxic materials incident.
- (5) Costs incurred in accounting for all hazardous or toxic materials incident-related expenditures, including billing and collection costs.

13.4 Billing Procedures. Following the conclusion of a hazardous or toxic materials incident, or at any other appropriate time, the Township fire chief shall submit a detailed listing of all known costs and expenses relating to or arising out of the incident to the Township treasurer, who shall prepare an invoice directed to the responsible party or parties, demanding payment in full for all of such costs and expenses. Such invoice shall demand such payment within 30 days of the receipt of the invoice. Any additional costs and expenses that become known to the Township fire chief following the transmittal of the invoice shall be billed in the same manner upon subsequent invoices to the responsible party or parties. For any such amounts that remain unpaid after 30 days from the date of any invoices, the Township shall impose a late charge of one percent per month or fraction thereof, though in the discretion of the Township Board, such late charge or any part thereof may be waived for good cause shown.

13.5 Other Remedies. The Township may pursue any other remedy or may commence any appropriate action or proceeding in any court or before any administrative agency, toward the collection of the charges imposed under this chapter. The recovery of any such charges shall not limit the liability of the responsible parties under local ordinance or other laws, rules or regulations.