

ORDINANCE NO. 91-4

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE
CLOSURE, INSTALLATION, TESTING, RETROFITTING OR REMOVAL OF
UNDERGROUND STORAGE TANKS IN LAPORTE COUNTY, INDIANA

WHEREAS, the LaPorte County Board of Commissioners are desirous of preserving and protecting the public health, welfare and safety of the citizens of LaPorte County and in so doing are desirous of preserving the environmental integrity of the water, land and air of the County of LaPorte, and;

WHEREAS, the LaPorte County Board of Commissioners are cognizant of the environmental concerns resulting from the closure, installation, testing, retrofitting or removal of underground storage tanks in the County of LaPorte, and;

WHEREAS, the LaPorte County Emergency Planning Coordinator has indicated to the LaPorte County Board of Commissioners an immediate and present need for enactment of local regulations dealing with the closure, installation, testing, retrofitting or removal of underground storage tanks in LaPorte County, and;

WHEREAS, it is the desire and intent of the LaPorte County Board of Commissioners to establish a system of regulations for the closure, installation, testing, retrofitting or removal of underground storage tanks in LaPorte County to assure the preservation of the public health, safety and welfare of the citizens of LaPorte County.

NOW, THEREFORE, BE IT ORDAINED by the LaPorte County Board of Commissioners as follows:

Article I

The definitions contained in I.C. 13-7-20 are adopted herein the definitions to be used in this Ordinance except to the extent that other terms and conditions of this Ordinance may dictate otherwise.

Article II

Any person engaging in any activity for which

certification is required pursuant to I.C. 13-7-20-10.1 shall obtain a local permit for such activity from the LaPorte County Emergency Planning Coordinator. Application for such permit shall be made at least twenty (20) days prior to the closure, installation, testing, retrofitting or removal of any underground storage tank. The LaPorte County Emergency Planning Coordinator shall prepare a written application form for the issuance of the local permit. A permit fee in the amount of One Hundred Dollars (\$100.00) per site shall be tendered with each application for a local permit.

Prior to the issuance of a local permit under this Ordinance, the applicant shall show proof of notification as required by 40 CFR 280 and 281 as well as proof of the issuance of a letter to proceed by the Indiana Department of Environmental Management.

The closure, installation, testing, retrofitting or removal of any underground storage tank in LaPorte County shall be done only by a person holding a valid certification for such activity pursuant to I.C. 13-7-20-13.1.

Article III

Any closure, installation, testing, retrofitting or removal of an underground storage tank in LaPorte County shall be done in accordance with the following standards and guidelines.

1. American Petroleum Institute Guide 1604, 2215 and 2215A.
2. National Fire Protection Association Guide 30.
3. Any and all regulations applicable Federal and State Regulations.
4. Local regulations promulgated by LaPorte County Emergency Planning Coordinator. A copy of the LaPorte County permit issued pursuant to this Ordinance by the LaPorte County Emergency Planning Coordinator shall be prominently displayed at all excavation sites for inspection by the LaPorte County Emergency Planning Coordinator and the local fire department with jurisdiction of the area.

The locally issued permit under the provisions of this Ordinance shall contain a date for the commencing of excavation. Any change in the date for the commencement of excavation under this Or-

ordinance shall be immediately communicated to the LaPorte County Emergency Planning Coordinator and the local fire department having jurisdiction in the area.

The LaPorte County Emergency Planning Coordinator shall be provided with a copy of any and all documentation, information or reports submitted to the Indiana Department of Environmental Management pursuant to I.C. 13-7-20. The LaPorte County Emergency Planning Coordinator shall be provided with a copy of all sampling test results done at each excavation site under the provisions of this Ordinance within fifteen (15) days of the permit holder's receipt of such sampling test results. The LaPorte County Emergency Planning Coordinator shall be provided with a copy of all disposal records within fifteen (15) days of the disposal of all liquids or sludges removed from any underground storage tank pursuant to the provisions of this Ordinance. The LaPorte County Emergency Planning Coordinator shall also be advised as to the proposed procedure for the disposal of soil associated with the excavation activities regulated by this Ordinance and shall be immediately notified of any ground water contamination or soil contamination which may be found to be present in conjunction with the activities regulated by this Ordinance. Any soil excavated under the provisions of this Ordinance shall be placed on plastic and covered in order to limit further contamination of the environment.

The LaPorte County Emergency Planning Coordinator shall determine the type and extent of necessary safety and monitoring equipment needed at the site of each excavation undertaken pursuant to the provisions of this Ordinance. The permit holder shall be responsible for assuring the presence of safety and monitoring equipment at each excavation site and shall be responsible for assuring that all such safety and monitoring equipment is in working order.

The LaPorte County Emergency Planning Coordinator shall receive copies of any and all plans for remedial action if such is required at any excavation site regulated by the provisions of this Ordinance. Upon completion of such remedial action at any excavation site regulated by the provisions of this Ordinance, the LaPorte

County Emergency Planning Coordinator shall be provided with a copy of the permit holder's final report concerning the completion of remedial action at the site.

A person certified pursuant to I.C.13-7-20-13.1 shall be present during any excavation work done under the provisions of this Ordinance.

Article IV

Failure of any person to comply with any provision of this Ordinance shall result in the local fire department with jurisdiction of the area/or the LaPorte County Emergency Planning coordinator's issuance of an order requiring immediate compliance with the provisions of this Ordinance or the suspension of excavation activities regulated by this Ordinance.

Violation of any of the provisions, terms or conditions of this Ordinance shall be punishable by a fine in an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00). A separate violation of this Ordinance shall occur for each day that any of the provisions, terms or conditions of this Ordinance are violated.

Article V

In the event that any portion of this Ordinance is declared invalid, unconstitutional or otherwise null and void, the LaPorte County Board of Commissioners specifically intend that the remaining portions thereof shall continue to have full force, effect and validity until or unless declared otherwise.

BE IT FURTHER ORDAINED by the LaPorte County Board of Commissioners that this Ordinance shall have full force and effect from and after its passage and publication as required.

THIS ORDINANCE having been approved and adopted by the
LaPorte County Board of Commissioners this 11th day of
March, 1991.

APPROVED and ADOPTED THIS 11th day of MARCH, 1991.

LaPorte County Board of Commissioners

Norman E. PaHS

NORMAN E. PAHS

Merle Bannwart

MERLE BANNWART

Michael T. Quinn

MICHAEL T. QUINN

ATTEST:

Betty J. Shail

Betty J. Shail, County Auditor

Please publish two (2) times in the Michigan City News-Dispatch and
LaPorte Herald Argus on Tuesday, March 19, 1991 and Tuesday, March 26, 1991.