

ORDINANCE NO. 92-5

AN ORDINANCE ESTABLISHING A SYSTEM FOR REPORTING
THE SPILLAGE OF DANGEROUS, HAZARDOUS, OR TOXIC
MATERIALS AND SUBSTANCES IN LA PORTE COUNTY, INDIANA

WHEREAS, the La Porte County Board of Commissioners created the La Porte County Hazardous Materials Response Team, and the position of La Porte County Emergency Coordinator, and;

WHEREAS, the La Porte County Emergency Coordinator and the La Porte County Hazardous Materials Response Team have effectively and efficiently performed their mission and responsibility in guarding against the potential for catastrophic personal injury and property damage resulting from an accident involving the use, storage, handling, transportation, or disposal of dangerous, hazardous, or toxic materials and substances in La Porte County, and;

WHEREAS, the La Porte County Emergency Coordinator and the La Porte County Hazardous Material Response Team have been hindered in the effective response to incidents by lack of timely reporting of such incidents as required by 40 CFR 355.40, and;

WHEREAS, it is the desire and intent of the La Porte County Board of Commissioners to establish a system requiring prompt and immediate reporting of the spillage of dangerous, hazardous, or toxic materials and substances in La Porte County to assure the preservation of the public health, safety, and welfare of the citizens of La Porte County.

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

ARTICLE I

1. The definitions contained in 327 IAC 2-6-1 are adopted herein as the definitions to be used in this Ordinance except to the extent that other terms and conditions of this Ordinance may dictate otherwise.
2. The reporting requirements contained in 327 IAC 2-6-2 are adopted and incorporated into this Ordinance except to the extent that other terms and conditions of this Ordinance may dictate otherwise.

ARTICLE II

Any person required to submit a spill notification to the Office of Environmental Emergency Response of the Indiana Department of Environmental Management pursuant to 327 IAC 2-6-2 shall immediately thereafter communicate an identical spill notification to the La Porte County Emergency Dispatch Center.

ARTICLE III

Upon receipt of a spill notification, the La Porte County Emergency Dispatch Center shall notify the La Porte County Emergency Coordinator of Hazardous Materials. The La Porte County Emergency Coordinator, or his designate, shall investigate the spill report and shall determine the appropriate response.

The La Porte County Emergency Coordinator or his designate shall be granted and allowed immediate access to any premises upon which a spill has occurred. The La Porte County Emergency Coordinator shall determine whether timely and appropriate action have been initiated to contain and clean up the spill. If such actions and activities have not been initiated, the La Porte County Emergency Coordinator shall assume the leadership role for the containment and clean up activities. The Members of the La Porte County Hazardous Materials Response Team shall be immediately allowed access to any premises upon which the La Porte County Emergency Coordinator or his designate has determined there to be a need for clean up activity by the Team.

The costs and expenses associated with the involvement of the Emergency Coordinator of La Porte County and/or the La Porte County Hazardous Material Response Team in the containment and clean up of any spill shall be reimbursed to the County of La Porte pursuant to Ordinance 90-2.

Any person who owns, operates, controls or maintains any facility, premise or vehicle involved in a spill shall submit to the La Porte County Emergency Coordinator, or his designee, any and all reports, information, laboratory test, or other data deemed necessary and appropriate by the La Porte County Emergency Coordinator in order to evaluate the containment and clean up activities, and to carry out the purpose and intent of this Ordinance.

ARTICLE IV

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).

ARTICLE V

In the event that any portion of this Ordinance is declared invalid, unconstitutional or otherwise null and void, the La Porte 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 La Porte County Board of Commissioners that this Ordinance shall have full force and effect from and after its passage and publication as required by law.

THIS ORDINANCE having been approved and adopted by the La Porte County Board of Commissioners this 6th day of July, 1992.

LA PORTE COUNTY BOARD OF COMMISSIONERS

MICHAEL T. QUINN, President

Norman E. FaHS

NORMAN E. FAHS

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ATTEST:

Betty J. Shail

Betty J. Shail, County Auditor
by Harriet J. Meyer, deputy

Please publish two (2) Times in the Michigan City News-Dispatch and LaPorte Herald Argus on Monday, July 13, 1992 and Monday, July 20, 1992.