

ORDINANCE NO. 91-3

SPILLER PAY ORDINANCE

WHEREAS, the Board of Trustees of the Warrenville Fire Protection District has determined that a hazardous materials incident involves expensive costs to the district in order to respond and treat that incident;

AND WHEREAS, it would be manifestly unfair to the taxpayers of the Warrenville Fire Protection District for the district not to attempt to recoup its out-of-pocket expenses for responding to said incident.

BE IT RESOLVED AND ORDAINED by the Board of Trustees of the Warrenville Fire Protection District that an ordinance should be passed to attempt to recoup said costs and the same is ordained as follows:

ARTICLE I

HAZARDOUS MATERIAL INCIDENT EXPENSE RECOVERY

SECTION 1-1: DEFINITIONS

For purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) Hazardous Substance or Hazardous Materials means any substance or material or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, radioactive, flammable, combustible, or which generates pressure through decomposition, heat or other means and which may cause injury, or illness to humans, domestic livestock, or wildlife or as defined by the Illinois Environmental Protection Act or any federal law.
- (b) Hazardous Materials Incident - means an incident which threatens public health or safety involving the actual or potential release of a hazardous substance or hazardous material.
- (c) Toxic - means any substance (other than a radioactive substance) which has the capacity to produce bodily injury or illness to man through ingestion, inhalation, or absorption through any body surface.

- (d) Corrosive - means any substance which in contact with living tissue causes destruction of tissue by chemical action, but does not refer to action or inanimate surfaces.
- (e) Irritant - means any substance, not corrosive, which on immediate, prolonged or repeated contact with normal living tissue will induce local inflammatory reaction.
- (f) Strong Sensitizer - means any substance which will cause normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance.
- (g) Radioactive - means any substance which emits ionizing radiation.
- (h) Flammable - means any substance which has a flash point of above 20 degrees to and including 80 degrees Fahrenheit as determined by the Tagliabue Open Cup Tester, except the flammability of solids and of the contents of self-pressurized containers shall be determined by methods generally applicable to such materials or containers respectively.
- (i) Combustible - means any substance having a flash point above 80 degrees Fahrenheit to and including 150 degrees Fahrenheit as determined by the Tagliabue Open Cup Tester, except the flammability of solids and of the contents of self-pressurized containers shall be determined by methods generally applicable to such materials or containers respectively.
- (j) Person - shall mean any individual, partnership, corporation, trust, firm, company, association or other legal entity.

SECTION 1-2: HAZARDOUS MATERIALS INCIDENT EXPENSE RECOVERY

- (a) Any person causing or permitting a hazardous material incident shall be responsible for all of the following:
  1. Reimbursement in full for any and all costs incurred by the Warrenville Fire Protection District in connection with the operation, maintenance and staffing required to respond to such hazardous materials incident at the rate of \$\_\_\_\_\_ per hour per vehicle (or any fraction of an hour) and the hourly rate of pay, including overhead costs, for each employee who participates in such response to a hazardous materials incident.
  2. Reimbursement in full for any and all costs incurred by the Warrenville Fire Protection District for equipment and materials used, damaged, lost, spent, destroyed or

rendered irreparable in connection with a hazardous materials incident.

3. Assumption of and all liability and costs for any cleanup or removal resulting from a hazardous material incident, including but not limited to any independent cleanup contractor necessitated by such hazardous material incident.

(b) The Warrenville Fire Protection District shall prepare and forward to the person causing or permitting a hazardous material incident a bill for the total costs and expenses incurred for which such person or persons are responsible pursuant to this Section; provided, however, any cost in connection with any independent cleanup contractor shall be billed directly by such contractor. Payment of the total bill shall be made within thirty (30) days of receipt. Any bill or portion of a bill remaining unpaid after thirty (30) days of receipt shall accrue interest on the unpaid balance at the rate of 1-1/2% per month, or fraction of a month.

SECTION 2: This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

APPROVED:

Dean L. Lerner  
District President  
July 8, 1991

ATTEST:

R. J. McHatt  
Secretary