

SPONSOR: Robert J. Golec

ORDINANCE NO. 6097

(as amended)

AN ORDINANCE TO AMEND ORDINANCE NO. 6007 ENTITLED "AN ORDINANCE ESTABLISHING SPILL REPORTING REQUIREMENTS AND PROCEDURES WITHIN THE CIVIL CITY OF HAMMOND, INDIANA"

WHEREAS, there has been an increase in the number of spills and/or leaks of dangerous, hazardous, and toxic substances within the City of Hammond, and

WHEREAS, these substances can endanger the health, safety and general welfare of the citizens of Hammond when they are discharged into air, water, or onto the land, and

WHEREAS, it is necessary to establish spill reporting requirements, procedures, and policies to adequately evaluate and respond to such spills or leaks by the Hammond Fire Department Hazardous Materials Response Team.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Hammond, Indiana as follows:

ARTICLE I

1. Any spill, leak, discharge, or release of a dangerous, hazardous, or toxic substance into or onto the environment shall be immediately reported to the Hammond Fire Department by telephone or in person, as provided below:

a. Any spill, leak, discharge, or release of a dangerous, hazardous, or toxic substance into or onto the environment in excess of CERCLA Reportable Quantities ("RQ") shall be immediately reported to H.F.D.C.

b. Any spill, leak, discharge, or release of a dangerous, hazardous, or toxic substance into or onto the environment not in excess of CERCLA "RQ", which does not remain on the grounds of a facility site, shall be immediately reported to H.F.D.C.

c. Any spill, leak, discharge, or release of a dangerous, hazardous, or toxic substance into or onto the environment not in excess of CERCLA "RQ" which remains on the grounds of a facility site, will not be required to report.

1. This section shall also apply to all hazardous or toxic substances not listed in CERCLA.

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d. Any spill, leak, discharge, or release of a dangerous, hazardous, or toxic substance into or onto the environment involving any mode of transportation on public right-of-ways, highways, railways, etc. shall be immediately reported to the H.F.D.C.

2. Substances considered a dangerous, hazardous, or toxic are those which are:

a. Listed in the latest edition of the U.S. Department of Transportation "Guidebook for Hazardous material Incidents", or

b. Listed in the latest edition "Dangerous Properties of Industrial Materials" by N. Irving Sax and contain the terms - dangerous, hazardous or toxic in the THR (Summary Toxicity Statement), the Disaster Hazard Statement, the Fire Hazard Statement, the Explosion Hazard Statement, or the Acute Toxicity Statement, or

c. Listed in the latest edition of the "Condensed Chemical Dictionary" by Gessner G. Hauley and the words dangerous, hazardous, or toxic are used in the "Hazard" explanation used to categorize the substance.

3. The following information shall be supplied at the time of the notification:

a. Company and/or person's name reporting the incident.

b. The chemical name or identity of the substance.

c. An estimate of the quantity of the substance that was released into the environment.

d. An estimate of the time and duration of the occurrence.

e. The medium or media into which the spill, leak, discharge or release occurred.

f. Any known or anticipated acute or chronic health risks associated with the emergency, and appropriate advice regarding medical attention referenced on the Material Safety Data Sheets.

g. Recommended precautions, if any, to take as a result of occurrence, including the need for the Haz/Mat Team.

h. The name and telephone number of the person or persons to be contacted for future information.

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4. Within ninety-six (96) hours, excluding Saturdays, Sundays, and legal holidays, after a spill, leak, discharge or release of the dangerous, hazardous or toxic substance (that was required to be reported) has been terminated, the person and/or company reporting or responsible for the spill shall, in writing, submit the following information to the Chief of Hammond Air Pollution:

a. The actual quantity of the substance involved in the incident and the method used to determine the quantity.

b. The reason why the incident occurred.

c. The action to be taken to prevent similar incidents.

d. The method, extent and duration of any cleanup actively required or undertaken.

5. Immediately - shall be defined as within five (5) minutes after discovery of the spill, leak, discharge, or release of the dangerous, hazardous or toxic substance.

6. Environment - shall be defined as air, land, or water pollution, or its combination.

7. CERCLA - shall be defined as the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and any amendments to that Act from 1980, inclusive.

8. Facility - shall be defined as and not limited to buildings, land, aircraft, vehicle, boats, etc.

9. Person - shall mean individual, partnership, co-operative, firm, company, corporation, association, trust, estate, government entity, or any other legal entity or their legal representatives, agents, or assigns.

ARTICLE II

1. All persons shall allow the Hammond Fire Department - Hazardous Material Response Team to enter any premises whereupon a spill, leak, discharge, or release of a dangerous, hazardous, or toxic substance has been reported or has occurred.

2. This Ordinance shall be enforced by the Chief of the Hammond Air Pollution Control Department, or his designee.

3. Whoever violates any provision of this Ordinance shall be fined not more than Two Thousand Five Hundred Dollars (\$2,500.00) per day. Each day a violation occurs shall constitute a separate offense. A first violation of any provision of this Ordinance, within any one (1) year period, shall include a mandatory fine of not less than Eight Hundred Dollars (\$800.00). A second

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violation of this ordinance, within any one (1) year period, shall include a mandatory fine of not less than One Thousand Six Hundred Dollars (\$1,600.00). Any third, or subsequent violation of this Ordinance within a one (1) year period shall include a mandatory fine of not less than Two Thousand Four Hundred Dollars (\$2,400.00).

4. In the event that any portion of this Ordinance is found by a Court (or otherwise declared) to be in conflict with State law, then only that portion shall be null and void and all other portions hereof shall remain in full force and effect.

5. This Ordinance shall be in full force and effect immediately after its passage, signing by the President of the Common Council, approved by the Mayor and publication according to law.

/s/ REV. JOHN H. PARRISH, President
Hammond Common Council

ATTEST:

/s/ STANLEY KULIK, City Clerk

APPROVED by the Mayor on the 24th day of November,
1987.

/s/ THOMAS M. McDERMOTT, Mayor

PASSED by the Common Council of the City of Hammond,
Indiana, on the 23rd day of November, 1987, presented to
the Mayor for his approval or rejection and approved by the
Mayor on the 24th day of November 1987.

/s/ STANLEY KULIK, City Clerk