

SPONSOR: ROBERT J. GOLEC

ORDINANCE NO. 7442

AN ORDINANCE ESTABLISHING AN ANNUAL OPERATION PERMIT FEE FOR INDUSTRIAL FURNACES OR BOILERS THAT BURN HAZARDOUS WASTE AS A FUEL OR FOR THE PURPOSE OF DESTRUCTION AND AMENDING ORDINANCE #3522 BEING ENTITLED "AN ORDINANCE TO REGULATE SMOKE AND CONTROL AIR QUALITY WITHIN THE CITY OF HAMMOND, INDIANA" PASSED BY THE COMMON COUNCIL ON THE 23rd DAY OF JANUARY 1967 AND APPROVED BY THE MAYOR ON THE 30th DAY OF JANUARY 1967, AND AMENDING ORDINANCE #4621 BEING ENTITLED "AN ORDINANCE SETTING FEES FOR AIR POLLUTION CONTROL PERMITS WITHIN THE CITY OF HAMMOND, INDIANA PASSED BY THE COMMON COUNCIL ON THE 23rd DAY OF JUNE 1980 AND APPROVED BY THE MAYOR ON THE 24th DAY OF JUNE 1980, AND AMENDING ORDINANCE #7102 BEING ENTITLED "AN ORDINANCE ESTABLISHING A DEPARTMENT OF ENVIRONMENTAL MANAGEMENT WITH AN AIR POLLUTION CONTROL DIVISION AND A SOLID WASTE, WATER AND NOISE POLLUTION DIVISION IN THE CITY OF HAMMOND, INDIANA" PASSED BY THE COMMON COUNCIL ON THE 19th DAY OF DECEMBER 1988 AND APPROVED BY THE MAYOR ON THE 21st DAY OF DECEMBER 1988. (AS AMENDED)

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

SECTION 1. That Article III Section 3.2 of Ordinance 7102 is hereby amended to include the following and Article V Section 5.2 of Ordinance 3522 and Section 2 (Operation Permits) of Ordinance 4621 shall be Amended to read as follows:

SECTION 5.2 OPERATION PERMITS

a. A charge of \$200.00 per permit shall be assessed for the Department's issuance thereof for each fuel burning unit, combustion unit, incineration unit, process unit, air

pollution control unit, storage tank for petroleum products or volatile products per unit or tank or other such equipment, except as provided below.

b. However, any Industrial Furnace or Industrial Boiler that burns hazardous waste as a fuel or is burned for the purpose of destruction shall be required to pay an Annual Operation Permit Fee of Forty Four Thousand Dollars (\$44,000.00), for calender year 1992, to cover the cost of monitoring (35 hours per week) said operation by an engineer employed by the Hammond Department of Environmental Management.

Said Operation Permit Fee shall cover the cost of a full time degreed engineer (B.S.) along with those fringe benefits to which Civil City of Hammond employees are **ORDINANCE NO. 7442**

entitled. Further, said Operation Permit Fee shall also include all other costs associated with the daily monitoring of such Industrial Furnace or Boiler such as but not limited to mileage, safety equipment, training, etc.

Said Operation Permit Fee, in subsequent years, shall be determined by those costs itemized as part of the Hammond Department of Environmental Management Budget, which shall be submitted by the Hammond Department of Environmental Management to the Mayor and approved by the Hammond City Council for each calendar budget period. Said subsequent Annual Operation Permit Fee shall cover the cost of an engineers salary, fringe benefits, and other specific costs related to the monitoring of the Industrial Furnace or Boiler that burns hazardous waste as a fuel or is burned for the purpose of destruction.

c. Any engineer hired pursuant to the provisions of sub-section b shall sign the following Restrictive Covenant Agreement for the benefit of both the Hammond Department of Environmental Management and any Permit Holder so as to

protect the confidential information, trade secrets and marketing data of the Permit Holder:

"In consideration of the confidential information and trade secrets and marketing information and knowledge that I will obtain as an employee of the Hammond Department of Environmental Management regarding the business affairs, trade secrets and marketing activities of any Permit Holder, I do hereby agree to maintain same in strict confidence and I shall not enter into any employment or with any business which is competitive to any Permit Holder to which I am assigned and I will not seek or accept employment with any business, whether a proprietorship, partnership or corporation, operating as an industrial furnace or industrial boiler that burns hazardous waste as a fuel or for purposes of destruction and this Restrictive Covenant shall apply for a period of three (3) years from the date of termination of my employment with the Hammond Department of Environmental Management and shall geographically include any business or employment based or located within a Five Hundred (500) mile radius of the boundary of the City of Hammond, Indiana or any city or county in the United States in which the Permit Holder shall have a plant or business operation involving an industrial furnace or industrial boiler that burns hazardous waste or for purpose of destruction. This Restrictive Covenant is executed as part of my employment agreement with the Hammond Department of Environmental Management and shall

be enforceable by the Hammond Department of Environmental Management or any Permit Holder to whom I am assigned and shall remain a condition of my **ORDINANCE NO. 7442**

employment and an obligation and covenant not to work for, own or operate a competing business and as heretofore set forth and defined after termination of my employment with the Hammond Department of Environmental Management."

d. Any Permit Holder subject to the provisions of sub-section d above shall be furnished with copies of all time records and inspection reports prepared by the monitoring engineer and shall receive in advance any reports submitted to the Indiana Department of Environmental Management - Office of Air Management or any other governmental agency.

BE IT FURTHER ORDAINED by the Common Council that this ordinance shall have full force and effect from and after its passage and approval by the Council, signing by the President thereof, approval by the Mayor and publication as required by law.

/S/ ROBERT A. MARKOVICH, President
Hammond Common Council

ATTEST:

/S/ GERALD BOBOS, City Clerk

APPROVED by the Mayor on the 17th day of December, 1991.

/S/ THOMAS M. McDERMOTT, Mayor

PASSED by the Common Council of the City of Hammond, Indiana, on the 9TH day of December, 1991, presented to the Mayor for his approval or rejection and APPROVED by the Mayor on the 17th day of December, 1991.

/S/ GERALD BOBOS, City Clerk