

CHAPTER 22

LITTER CODE

ARTICLE I – WASTE DISPOSAL

22-1-1 **PURPOSE.** The purpose is to create Chapter 22 – Litter Code to include provisions relevant to the disposal of wastes within City limits. Wastes include litter and industrial wastes current or past, which require proper City notification and disposal in accordance with this Chapter and State or Federal requirements. Wastes include chemicals or fuels from leaking underground storage tanks, tires, asbestos, residues from historic industrial activities, and modern industrial/commercial operations, including transportation and storage operations. Local governments are uniquely situated to address the collection and management of such material within their borders. In the absence of such regulation, much of this waste may threaten human health and the environment, depress property values or impede redevelopment, especially in urban areas.

22-1-2 **DEFINITIONS.**

Abatement: Reducing the degree or intensity of, or eliminating, pollution.

Aboveground Tank: A waste storage tank that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank is able to be visually inspected.

Action Levels: The existence of a contaminant concentration in the environmental high enough to warrant action or trigger a response under SARA and the National Oil and Hazardous Substances Contingency Plan. The term is used similarly in other regulatory programs for example, in asbestos regulation.

Administrative Order: A legal document signed by EPA or an authorized state agency directing an individual, business, or other entity to take corrective action or refrain from an activity. It describes the violations and actions to be taken, and can be enforced in court. These orders may be issued as a result of an administrative complaint where the respondent is ordered to pay a penalty for statute violations.

Agriculture Waste: Poultry and livestock manure and residual material in solid or liquid form generated from the production and marketing of poultry, livestock, fur-bearing animals, and/or their products. Also includes grain, vegetable, and fruit harvest residue.

Animal Feeding Operations: A lot or facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of **forty-five (45) days** or more in an **twelve (12) month** period and where crops, vegetation forage growth or post-harvest residues are not sustained over any portion of the lot or facility in the normal growing season.

Aquifer: An underground geological formation, or group of formations, containing usable amounts of groundwater that can supply wells and springs.

Area of Review: In the underground injection well control program, the area surrounding an injection well that is reviewed during the permit process to determine whether the injection operation will induce flow between aquifers.

Asbestos: A mineral fiber that can pollute air or water and cause cancer or asbestosis when inhaled. EPA has banned or restricted its use in manufacturing and construction.

Ash: The mineral content of a product remaining after complete combustion, such as incineration. Ash includes residues of wood, coal, coke, soot, cinders, slag, charcoal, and any other residue from the combustion of any substance resulting from utility, industrial, commercial, and mining operations or activities.

Brownfields: Abandoned, idled or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

CFR: Code of Federation Regulations, the federal government's official "books" for the publication of federal regulations. CFRs are numbered to correspond to a particular agency's or department's rules, for example, the U.S. Environmental Protection Agency (EPA) has most of its regulations in Title 40 of the CFR.

Characteristic: Any one of the four categories that are used in defining hazardous waste—ignitability, corrosivity, reactivity, and toxicity.

Characteristic Waste: A waste that is not on the hazardous waste lists, but that is regulated as hazardous because it displays one or more of the hazardous characteristics.

Cleanup: Actions taken to deal with a release or threat of release of a hazardous substance that could affect human health and/or the environment. The term "cleanup" is sometimes used interchangeably with the term remedial action, removal action, response action, or corrective action.

Compliance Schedule: A negotiated agreement between a pollution source and a government agency that specifies dates and procedures by which a source will reduce emissions and, thereby, comply with a regulation.

Contaminant: Any physical, chemical, biological, or radiological substance or matter that has an adverse effect on air, water, or soil.

Disposal means the deposit, injection, dumping, placing, spilling, leaking, or consolidation of any waste, ash, or waste or any constituent thereof into any land or water so that such waste or constituent thereof may enter the environment. Disposal includes the placement or destruction of toxic, radioactive, or other wastes or surplus or banned pesticides or other chemicals, polluted soils, and drums containing hazardous materials from removal actions or accidental releases.

Enforcement: EPA, state, or local legal actions to obtain compliance with environmental laws, rules, regulations, or agreements and/or obtain penalties or criminal sanctions for violations. Enforcement procedures may vary, depending on the specific requirements for different environmental laws and related regulatory requirements.

Environmental Equity/Justice: Equal protection from environmental hazards for individual groups, or communities regardless of race, ethnicity, or economic status. This applies to the development, implementation, and enforcement of environmental laws, regulations, and policies, and implies that no population of people should be forced to shoulder a disproportionate share of negative environmental impacts.

EPA: The U.S. Environmental Protection Agency, established in 1970 by Presidential Executive Order, bringing together parts of various government agencies involved with the control of pollution.

Exposure: The amount of radiation or pollutant present in an environment that represents a potential health threat to the living organisms in the environment.

Extremely Hazardous Substances: Any of the chemicals identified by EPA based on toxicity, and listed under SARA Title III. The list is periodically revised and published in the Federal Register. EPA has identified nearly 300 extremely hazardous substances.

Facility means any building, structure, pipe, installation, equipment, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, or other site or area where waste has been deposited, stored, disposed of, placed, or otherwise come to be located. Though a *facility* may be located on residential or agricultural property as the result of a waste stream, waste originating from residential domestic, household, outdoor recreational, or agricultural activities cannot comprise a facility.

Feedlot: A concentrated, confined animal or poultry growing operation for meat, milk, or egg production, or stabling, in pens or houses where the animals or poultry are fed at the place of confinement and crop or forage or production is not sustained in the confinement area.

Floodplain: The flat or nearly flat land along a river or stream or in a tidal area that is covered by water during a flood.

Formulation: The substances comprising all active and inert ingredients in a pesticide.

Free Liquids: Liquids that readily separate from the solid portion of a waste under the ambient temperature and pressure.

Friable Asbestos: Any material containing more than **one percent (1%)** asbestos, and that can be crumbled or reduced to powder by hand pressure. (May include previously non-friable material that becomes broken or damaged by mechanical force.)

Generator:

(A) A facility or mobile source that emits pollutants into the air or releases hazardous waste into water or soil is a generator.

(B) Any person, by site, whose act or process produces regulated medical waste or whose act first causes such waste to become subject to regulation. In a case where more than one person (e.g., doctors with separate medical practices) is located in the same building, each business entity is a separate generator.

Groundwater: The supply of fresh water found under the Earth's surface, usually in aquifers, often used for supplying wells and springs. Because groundwater is a major source of drinking water, there is a growing concern over areas where leaching

agricultural or industrial pollutants, or substances from leaking underground storage tanks, are contaminating groundwater.

Hazard Analysis: It does the following: identifies potential sources of hazardous materials releases from fixed facilities or transportation accidents; determines the vulnerability of a geographical area to a release of hazardous materials; and compares hazards to determine which present greater or lesser risks to a community.

Hazard Identification: Provides information on which facilities have extremely hazardous substances, what those chemicals are, and how much there is at each facility. It also provides information on how the chemicals are stored, and whether they are used at high temperatures.

Hazardous Substance:

(A) A material that poses a threat to human health and/or the environment is considered a hazardous substance.

(B) Any substance designated by EPA to be reported if a designated quantity of the substance is spilled in the waters of the United States, or if it is otherwise emitted into the environment.

Hazardous Waste: A waste or combination of wastes which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause illness or pose a threat or potential hazard to human health or the environment. Hazardous wastes include wastes which have been identified by federal laws and regulations or Illinois laws and regulations, including but not limited to: the Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.); the Toxic Substances Control Act (15 U.S.C. § 2601 et seq.); the Occupational Safety and Health Act (29 U.S.C. § 650 et seq.); the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.); the Clean Air Act (42 U.S.C. § 7401 et seq.); the Emergency Protection and Community Right-to-Know Act (42 U.S.C. § 11001 et seq.); and the Illinois Environmental Protection Act (**415 ILCS 5/101 et seq.**).

Immediately Dangerous to Life and Health (IDLH): The maximum level of a chemical a healthy individual may be exposed to for **thirty (30) minutes** without suffering irreversible health effects or impairing symptoms.

Insecticide: A pesticide compound specifically used to kill or control the growth of insects.

Land Application: Discharge of wastewater onto the ground for treatment or reuse.

Landfills:

(A) Sanitary landfills are land disposal sites for nonhazardous wastes where waste is spread in layers, compacted to the smallest practical volume, and cover material is applied at the end of each operating day.

(B) Secure chemical landfills are disposal sites for hazardous waste. They are selected and designed to minimize the chance of hazardous substance releases into the environment.

LD50/Lethal Dose Fifty: A measurement of the median toxic dosage. It is how much of a toxicant that will kill **fifty percent (50%)** of a group of experimental organisms within a certain time period.

Leachate: A liquid that results from water collecting contaminants as it trickles through wastes, agricultural pesticides, or fertilizers. Leaching may occur in farming areas, feedlots, and landfills, and may result in hazardous substances entering surface water, groundwater, or soil. Leachate is a waste.

Level of Concern: The concentration in air of an extremely hazardous substance above which there may be serious immediate health effects to anyone exposed to it for short periods of time.

Listed Waste: Waste listed as hazardous under RCRA or by equivalent state environmental regulations, but not subjected to the Toxic Characteristics Listing Process because the danger it presents is considered self-evident.

Mitigation: Measures taken to reduce adverse impacts on the environment.

Monitoring: Periodic or continuous surveillance or testing to determine the level of compliance with statutory requirements and/or pollutant levels in various media or in humans, animals, or other living things.

Monitoring Wells: Wells drilled at a hazardous waste management facility or Superfund site to collect groundwater samples for the purpose of physical, chemical, or biological analysis to determine the amounts, types, and distribution of contaminants in the groundwater beneath the site.

Open Burning: Uncontrolled fires in an open dump.

Open Dump means any facility or site where waste is disposed of which is not a sanitary landfill or hazardous waste disposal facility which meets the criteria promulgated under the Resource Conservation and Recovery Act.

PCBs: A group of toxic, persistent chemicals (polychlorinated biphenyls) used in transformers and capacitors for insulating purposes and in gas pipeline systems as a lubricant. PCB compounds were banned by law for sale in 1974.

Permeability: The degree to which liquid can pass through a substance or mass; 10-7 cm equals **one (1) inch** per year; 10-6 cm equals **one (1) foot** per year.

Persistent Bioaccumulative Toxics (PBT): Group of chemicals that are not only toxic, but remain in the environment for long periods, are not readily destroyed, and accumulate in body tissue.

Pesticide: Substance or mixture of substances for preventing, destroying, repelling, or mitigating any pest. Also, any substance or mixture of substances intended for use as a plant regulator or defoliant.

pH: A measure of the acidity or alkalinity of a solution on a scale of 0 to 14 (low is acid; high is alkaline or base; and 7 is neutral).

Plume: A visible or measurable discharge of contaminant from a given point of origin. Can be visible or thermal in water, or visible in the air, such as a plume of smoke.

Point Source: A stationary location or fixed facility from which pollutants are discharged or emitted.

Pollutant: Generally, any substance introduced into the environment that adversely affects the usefulness of the resource.

Pollution: Generally, the presence of matter or energy whose nature, location, or quantity produces undesired environmental effects. Under the Clean Water Act, for example, the term is defined as a man-made or man-induced alteration of the physical, biological, and radiological integrity of water.

Potentially Responsible Party (PRP): Any individual or company, including owners, operators, transporters or generators, potentially responsible for, or contributing to, the contamination problems at a site.

Remedial Response: A long-term action that stops or substantially reduces a release or threat of a release of hazardous substances that is serious but not an immediate threat to public health.

Reportable Quantity (RQ): The quantity of a hazardous substance that triggers reports under CERCLA. If a substance is released in amounts exceeding its RQ, the release must be reported to the National Response Center, the SERC, and community emergency coordinators for areas likely to be affected.

Response Action: An authorized action to remove waste or constituents of a waste from a site to an EPA-approved waste treatment, storage or disposal, contain the waste safely on-site, or safely manage or treat the waste on-site. A response action includes waste remediation and site restoration activities.

Risk Assessment: The qualitative and quantitative evaluation performed in an effort to define the risk posed to human health and/or the environment by the presence or potential presence and/or use of specific pollutants.

Runoff: That part of precipitation, snowmelt, or irrigation waters that runs off the land into streams or other surface water. It may carry pollutants from the air and land into the receiving waters.

Solvent: Substance (usually liquid) capable of dissolving or dispersing one or more other substances.

Spoil: Dirt or rock that has been removed from its original location destroying the composition of the soil in the process, as with strip-mining or dredging.

Toxic: Harmful to living organisms.

Toxic Pollutants: Materials contaminating the environment that cause death, disease, or birth defects in organisms that ingest, inhale or absorb them.

Toxic Substance: A chemical or mixture that may present an unreasonable risk of injury to health or the environment.

Toxicity: The degree of danger posed by a substance to animal or plant life.

Underground Storage Tank (UST): A tank located all or partially underground that is designed to hold gasoline or other petroleum products or chemical solutions.

Unsaturated Zone: The area above the water table where the soil pores are not fully saturated, although some water may be present.

Variance: Government permission for a delay or exception in the application of a given law, ordinance, or regulation.

Waste: A waste is any garbage, refuse, sludge, or other discarded material, including solid, liquid, semisolid, or contained gas, resulting from utility, industrial, commercial, and mining operations or activities. Waste includes ash and hazardous waste. For purposes of this Chapter, waste does not include residential domestic, household, outdoor recreational wastes. Discharges of industrial wastewater using the City sewer system are also excluded provided that the discharges are in compliance with Federal, State, and City regulations. Air emissions from permitted facilities or facilities that are exempt from permitting requirements are also excluded, provided that the emissions are in compliance with Federal, State, and City regulations.

Waste Disposal: The final placement of refuse that is not salvaged or recycled.

Waste Management: Supervised handling of waste materials from their source through recovery processes to disposal.

Waste Management Unit: A waste management unit (SWMU) is used to treat, store, or dispose of solid (nonhazardous) waste. Examples of SWMUs include containers, tanks, landfills, and land treatment facilities.

Water Pollution: The presence in water of enough harmful or objectionable material to damage the water's quality.

Wetlands: An area that is regularly saturated by surface or ground water and subsequently is characterized by a prevalence of vegetation that is adapted for life in saturated soil conditions (for example, cattails).

22-1-3 WASTE REMOVAL REQUIRED. The owner or operator of any premises in the City shall lawfully remove from the premises or otherwise lawfully dispose of all non-containerized waste and shall keep the premises free and clear of accumulated waste, all as necessary to preserve and maintain such premises in a sanitary condition. Containerized waste must be stored in containers reasonably suitable to the physical and chemical nature of the waste, including but not limited to its current and anticipated physical state of matter (solid, liquid, gas, or plasma), noxious or harmful properties, temperature, toxicity, reactivity, corrosivity, and combustibility. The owner or operator is required to prevent runoff or run-on of stormwater in areas containing waste.

22-1-4 DISPOSAL RESTRICTIONS. The disposal of waste, including wastes containing hazardous substances, in open dumps is strictly prohibited. Waste must be containerized or disposed of at a sanitary landfill or a properly permitted storage facility such as a SWMU. Waste shall not be burned within City limits.

22-1-5 ADDITIONAL RESTRICTIONS APPLICABLE TO HAZARDOUS WASTE. In addition to the disposal restrictions for wastes found in **Section 22-1-4**, further requirements are hereby placed on hazardous wastes.

All persons who generate hazardous waste as it is defined in this Chapter shall comply with applicable regulations under the Resource Conservation and Recovery Act, including recordkeeping practices, labeling of containers, use of appropriate containers, furnishing of chemical information to transporters, storers, and disposers, and the use of a manifest system.

All persons who generate, store, or dispose of hazardous waste as it is defined in this Chapter shall investigate his or her duties and comply with applicable regulations promulgated pursuant to the Emergency Protection and Community Right-to-Know Act (42 U.S.C. § 11001 et seq.).

22-1-6 INVESTIGATION, REMOVAL REQUIREMENTS, AND PUBLIC PARTICIPATION.

(A) **Complete Investigation.** If waste is determined or reasonably suspected to be present at a potential facility, the owner or operator of the potential facility shall promptly notify the Department of Public Works (DOPW). A work plan must be submitted and approved by City representatives. Additionally fees for permits and oversight may be required unless a variance is issued by the DOPW. The owner or operator of a facility subject to this Chapter shall fully investigate the facility and perform a risk assessment for such contamination. This investigation shall not be complete until the presence or absence of waste can be confirmed for all physical areas of the facility. Confirmation of the presence or absence of waste must be determined individually for possible air, surface water, soil, and ground water contamination. In the event of an emergency, in which imminent danger to health or welfare is likely, the owner or operator of a facility is required to take immediate action to mitigate the danger. Notification of DOPW personnel should be made at the earliest possible time. Once the level of concern is reduced, complete investigation as described above shall begin.

(B) **Sources and Migration Pathways.** All sources of waste at a facility shall be investigated, following any waste streams as reasonably appropriate. If the source of the waste is on real property owned or operated by someone other than the facility owner/operator, the facility must provide notice via certified mail to the off-site owner/operator that a waste stream is emanating from such property. The pathway of any waste originating at a facility must be completely investigated. A facility owner/operator has a duty to follow all migrating waste pathways to the greatest extent practicable, including investigation for the presence of contamination at the property boundary. If contamination is detected at the property boundary, the facility owner/operator must provide notice to the owner of the adjacent property and offer to investigate the extent of contamination on the adjacent property. Failure to provide this notice within **forty-five (45) days** of discovery is a violation of this Chapter. If contamination is determined to have migrated to another property, including into a surface water body, the owner/operator of the facility from which the contamination originated is obligated to investigate and remove the waste contamination in accordance with the standards set forth herein.

(C) **Removal.** The owner or operator of a facility must fully and completely, to the extent possible, remove waste contamination from the facility in accordance with this Chapter. A work plan must be submitted and approved by DOPW. The removal shall comply with the rules for a Tiered Approach to Corrective Action ("TACO"), 35 Ill. Adm. Code Part 742 or equivalent Federal, State or location regulations. In addition, if off site areas are contaminated by waste from the facility, then these areas must be investigated and remediated in accordance with this Chapter, and State and Federal requirements.

(D) **Criminal Penalties.** Failure to begin an investigation as required by this Section within **six (6) months** of the date when the presence of waste is first known or reasonably suspected to be present shall be a crime under this Chapter. Failure to complete an investigation within **one (1) year** of the date when the investigation begins shall be a crime under this Chapter. Failure to begin removal activities as required by this Section within **six (6) months** of completing an investigation shall be a crime under this Chapter. Between **May 1** and **November 1** of any calendar year, a removal activity work stoppage of more than **one (1) week** without good cause shall be a crime.

(E) **Public Notice and Participation.** All individuals and entities that are required to undertake any investigation or removal activities pursuant to this Section shall comply with the following public notice and participation requirements:

- (1) Promptly upon completion of any investigation required hereunder, the owner or operator shall provide notice of the results of such investigation and a proposed Work Plan explaining all actions proposed by the owner or operator in response to such results to the DOPW. Public notice shall be accomplished by publication in a newspaper of general circulation, within the immediate area of the facility and submitting a copy of such notice to the City Clerk, who shall record the receipt of all such notices in his or her regular reports. The notice shall state that the public may provide written comments to the City Clerk within **thirty (30) days** after the publication of the notice and that such comments may request a public meeting to discuss the proposed Work Plan.
- (2) In the event that any member of the public requests a public meeting, the owner or operator shall promptly contact the DOPW to schedule such hearing at a time and location reasonably anticipated to allow participation. The owner or operator shall provide notice of the meeting by publication in a newspaper of general circulation within the immediate area of the facility and submitting a copy of such notice to the City Clerk, who shall record the receipt of all such notices in his or her regular reports. The owner or operator shall conduct the meeting at its own expense and provide to

the City Clerk a copy of the transcript of the meeting, transcribed by a certified court reporter. The City Clerk shall make the transcript available for review by the public and by appropriate City personnel in determining the owner's or operator's compliance with the requirements of this Chapter.

(F) **Permit Fee.** An annual permit fee of **Two Hundred Fifty Dollars (\$250.00)** shall be submitted to the City Clerk in order to obtain a City permit for conducting work related to waste investigation or remediation activities within City limits. Payment shall be made within **sixty (60) days** of the onset of any work activity. A permit expires **twelve (12) calendar months** from the date of issuance. If work will be ongoing after the permit is due to expire, a new permit will be needed.

22-1-7 COST RECOVERY. A person or entity, including corporate predecessors of any such entity, who causes or caused a waste or waste stream to be released within City limits, including to air, soils, surface waters, and/or groundwater is liable and responsible for investigation and removal costs, no matter who incurs or incurred those costs. If multiple persons or entities are known to have caused the contamination, in whole or in part, they are jointly and severally liable for the investigation and removal costs.

If the person who caused the contamination is unknown or in dispute, the owner and operator of the facility from which the waste stream emanates are jointly and severally liable and responsible for investigation and removal costs.

As a last resort, the innocent owner or operator of a facility may be held liable for the investigation and removal costs at the facility if no other potentially responsible party can be identified.

Any party which is subject to investigation and removal costs under this Chapter may bring an action asserting complete or partial liability for investigation and removal costs against any other potentially responsible party identified under this Section. Such an action must be brought in the Circuit Court of Jackson County.

No State, Federal, or Municipal agency or government shall be found liable pursuant to this Section.

22-1-8 PENALTIES AND ENFORCEMENT. The Department of Public Works (DOPW) and the Police Department shall enforce regulations promulgated in this Chapter.

A violation of the waste removal or disposal requirements and restrictions of this Chapter shall be penalized by fines as follows:

(A) **Two Hundred Fifty Dollars (\$250.00)** for the first instance of violation;

(B) **Five Hundred Dollars (\$500.00)** per occurrence for the second and later violations within a **six (6) month** period.

In the event of a continuing release, either from a historical or current facility, such as from a leaking underground tank, a penalty of **Two Thousand Five Hundred Dollars (\$2,500.00)** per year, from onset of waste disposal occurrence to its final remedy may be assessed, unless a variance is issued by the DOPW. For example, if a waste is unlawfully released within City limits anytime in 1995 and is cleaned up anytime in 2003, a fine of **Twenty Thousand Dollars (\$20,000.00)** may be assessed. The onset of the occurrence shall be determined by the DOPW.

A violation of the criminal penalty provision of this Chapter shall result in a **Five Hundred Dollar (\$500.00)** fine per day during which each individual violation persists.

No state or federal agency or municipal corporation shall be liable for the penalties and enforcement provided in this Section.

22-1-9 POWERS AND DUTIES OF THE ADMINISTRATIVE AGENCY.

(A) The Board of Public Works shall adopt, revise, and revoke rules and regulations in furtherance of the purpose of this Chapter.

(B) Notice of any adoption, revisions, or revocation of rules and regulations shall be given to the County Board.

(C) If, within **thirty (30) days** after notice is given by the City Council of adoption, revision, or revocation of rules and regulations by the Board of Public Works pursuant to this Section, the City Council shall by resolution or ordinance disapprove or reject such adoption, revision or revocation of rules and regulations, such action of the Board of Public Works in adopting, revising, or revoking rules and regulations shall have no effect.

(D) Provided the adoption, revision, or revocation of rules and regulations by the Board of Public Works pursuant to this Section has not been disapproved or rejected by the City Council within **thirty (30) days** after notice is given the City Council of such adoption, revision or revocation, the adoption, revision, or revocation shall become effective **thirty (30) days** after such notice and following compliance with any applicable requirements for publication.

22-1-10 ABATEMENT BY THE CITY. The DOPW or designee, where premises are in violation of any section of this Chapter is hereby empowered to enter upon the premises and may thereupon investigate, mitigate or remediate the area in accordance with applicable waste investigation or disposal requirements. A lien may be placed on such land in the same amount in accordance with the procedure provided for investigation, mitigation, abatement or remediation of unwholesome environmental conditions; but such person shall also be liable in an action to recover the aforesaid penalty.

22-1-11 RECOVERY BY CITY OF EXPENSES FOR WASTE INVESTIGATION, REMOVAL, OR MANAGEMENT ACTIVITIES.

The City is damaged by the release of waste and the costs associated with investigation, management, public participation, and/or remediation cause expense to City resources. It is intended that persons responsible for such expenses promptly reimburse the City for said costs. In order to recover the costs, the City may bring a civil action against any person believed to be responsible for releasing waste. The City may, in order to avoid the necessity of the institution of such action, make an offer of settlement which may include a schedule for payment of all fees and expense incurred by the City to any person believed to be responsible for releasing waste. No action will be instituted by the City if the settlement offer is accepted.

City expenses can include the costs associated with oversight of all investigations, abatement, or remediation actions within City limits. Such costs include consulting fees, legal or other related fees, communication fees, transportation fees, disposal fees, and those costs associated with administrative expenses.

[ED. NOTE: This Chapter was renumbered in order to keep the Code in alphabetical order.]

(Ord. No. 04-02; 02-10-04)