

ORDINANCE NO. 2734

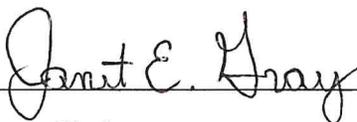
**AN ORDINANCE ESTABLISHING  
HAZARDOUS MATERIAL EMERGENCY RESPONSE FEES**

**VILLAGE OF RANTOUL  
CHAMPAIGN COUNTY, ILLINOIS**

**CERTIFICATE OF PUBLICATION**

Published in pamphlet form this 14th day of March, 2023, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.



  
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Village Clerk

**ORDINANCE NO. 2734**

**AN ORDINANCE ESTABLISHING  
HAZARDOUS MATERIALS EMERGENCY RESPONSE FEES**

**WHEREAS**, the Village of Rantoul, Illinois is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, 5 ILCS 220/1 et seq., and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate and promote public health, safety, and welfare; and

**WHEREAS**, any incident within or near the Village of Rantoul in which hazardous substances or materials are released or discharged will involve a response by local emergency personnel, including the Village of Rantoul Fire Department (RFD); and,

**WHEREAS**, the Village will incur expenses related to such response by RFD other Village departments or other agencies; and,

**WHEREAS**, the President and Board of Trustees desire to enact certain regulations and fees to address the financial responsibilities of persons or entities that cause, threaten or allow hazardous materials to be spilled, released or discharged in or near the Village.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Rantoul, Illinois, as follows:

**Section 1.** Division 1, entitled “General”, of Article III, entitled “Fire Prevention”, of Chapter 16, entitled “Fire Protection and Prevention”, shall be amended by adding the following:

Section 16-90. Short Title.

Sections 16-90 through 16-96 shall be called “Spiller Pays Regulations.”

Section 16-91. Definitions.

As used in this Division, the following terms shall have the meanings ascribed to them:

(A) Costs : Means all costs and expenses incurred by the Village or any of the public agencies assisting the Village, as a result of any response, removal or remedial action.

(B) Facility : Means any building, structure, installation, equipment, pipe or pipe line, including, but not limited to, any pipe into a sewer or publicly-owned treatment works, well, pond, lagoon, impoundment, ditch, landfill, storage container, tank, motor vehicle, truck trailer,

rolling stock or aircraft; and shall also include any site or area where hazardous material has been deposited, stored, disposed of, abandoned, placed or otherwise come to be located.

(C) Hazardous Materials : Mean any material, substance or mixture of materials or substances which are toxic, flammable, corrosive, explosive, carcinogenic or radioactive, including, but not limited to, any substance or material which is designated as hazardous material, pursuant to the "Hazardous Material Transportation Act" (49 U.S.C., Section 5101, et. seq.) in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored, transported, disposed of or otherwise managed. This definition shall also include hazardous waste, as defined in this section.

(D) Hazardous Substance: means any substance or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, flammable, combustible or which generates pressure through decomposition, heat or other means and which may cause substantial personal injury or illness during or as a proximate result of any customary or reasonably anticipated handling or use including reasonably foreseeable ingestion by children and also means any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the Illinois Director of Public Health determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with the Illinois Uniform Hazardous Substances Act (430 ILCS 35/1 et. seq.) in order to protect the public health.

(E) Hazardous Waste : Means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating, reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which include those identified, by characteristics or listing, as hazardous under the Resource Conservation and Recovery Act (42 U.S.C. Section 6901 et. seq.) or under regulations of the Pollution Control Board. (420 ILCS 20/3). Examples of such waste or materials shall include but not be limited to batteries, motor oil, oil base paint, insecticides, herbicides, tires, roofing materials, acids, caustics, solvents, and other similar materials. Hazardous waste shall also include but not be limited to materials that are hazardous by reason of their pathological, explosive, radiological, or toxic characteristics.

(F) Mutual Aid : Means any action taken by the Village or any other public agency, pursuant to an Intergovernmental Agreement or including, but not limited to, any and all Mutual Aid Agreements.

(G) Person : Means any individual, business, firm, partnership, corporation, association, trust, estate, joint venture, or other legal entity, or their legal representative, and each of their assigns.

(H) Release : Means any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping or disposing of a hazardous substance or material into or in any land, air, water, well, stream, sewer or pipe so that such hazardous substance or material or any constituent thereof may enter the environment.

(I) Remedial Action : Means any action taken in the event of a release or threatened release of a hazardous substance or material into the environment, to prevent or minimize the releases of hazardous substances or materials so that they do not migrate or cause a substantial present or

potential hazard to the public health, welfare, or property or to the environment. The term includes, but is not limited to, such actions at the location of the release such as storage, isolation, confinement, perimeter protection using dikes, trenches or ditches, clay cover, neutralization, cleanup of released hazardous substances or materials or contaminated materials, diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers collection of leachate and runoff, on-site treatment or incineration, provision of alternate water supplies, and any monitoring reasonably required to assure that such actions protect the public health, welfare and property as well as the environment.

(J) Removal : Means the cleanup or removal of released hazardous substances or materials from the environment, such actions as may be necessary or appropriate to monitor, assess and evaluate the release or threat of release of hazardous substances or materials, the disposal of removed material or the taking of such action as may be necessary to prevent, minimize or mitigate damage to the public health, welfare or property or the environment. The term includes, but is not limited to, security fencing, provision of alternative water supplies and temporary evacuation of threatened individuals.

(K) Response : Means any use of personnel or equipment, as well as removal or remedial action.

#### Section 16-92 Prohibited Acts.

No person shall cause, permit, allow or threaten the release of hazardous substances or materials into the environment unless such release is in accordance with an appropriate permit granted by the Illinois Environmental Protection Agency or other state or federal agency having primary jurisdiction over the release and such release is in such place and manner as will not create a substantial present or potential hazard to public health, welfare or property or the environment.

#### Section 16-93. Response Authority.

The Village of Rantoul Fire Chief (Chief) or his authorized representative shall have authority to respond to any release or threatened release of hazardous substances or materials within or near the Village or affecting the water supply, wells or sewage treatment works located or servicing the Village or pursuant to any lawful intergovernmental agreement of which the Village is a party. This authority includes, but is not limited to, remedial action and removal.

The Chief or his authorized representative shall have authority to respond to any release, attempted release or threatened release of hazardous materials as described above. The Chief's primary responsibility shall be to respond to all releases. The Chief shall report any release or threat of release of hazardous substances or materials to all appropriate federal, state and local public health, safety and emergency agencies within the 24 hours of any substantial release of hazardous substances or materials. The Chief shall relinquish their response authority at such time, if any, as the federal, state or local public health, safety or emergency agency having primary jurisdiction over the release or threatened release has assumed responsibility for response to the release or threatened release.

The Chief, during such time as response authority is vested in such position, shall be authorized to utilize all Fire personnel and equipment and may, in said Chief's sole discretion,

take, or cause to be taken, such remedial or removal action as the Chief deems necessary or appropriate to respond to the release or threatened release of hazardous substances or materials.

All responding personnel shall cooperate with and operate under the direction of the Chief or other person then exercising response authority under this section until such time as the person exercising such response authority has determined that the response is complete or responsibility for response is assumed by the federal, state or local public health, safety or emergency agency having primary jurisdiction over the release or threatened release.

The person exercising response authority under this section shall coordinate and/or cooperate with other federal, state or local public health, safety or emergency agencies involved in response to the release or threatened release of hazardous substances or materials.

#### Section 16-94. Liability for Costs.

Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in Section 16-95, hereinafter, the following persons shall be jointly and severally liable for all costs of response, removal and remedial action incurred by the Village, as a result of a release, attempted release or probable likelihood of a release of a hazardous substance or material.

Any person who, at the time of disposal, transport, storage or treatment of a hazardous substance or material, owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release, attempted release or probable likelihood of a release of any such hazardous substance or material.

Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous substances or materials owned, controlled or possessed by such person at a facility owned or operated by another party or entity from which facility there is a release, attempted release or probable likelihood of a release of such hazardous substances or materials.

Any person who accepts or accepted any hazardous substances or materials for transport to disposal, storage or treatment facilities from which there is a release, attempted release or probable likelihood of a release of such hazardous substances or materials.

#### Section 16-95. Defenses.

There shall be no liability under Section 16-94 hereof for a person otherwise liable who can establish by a preponderance of the evidence that the release, attempted release or probable likelihood of a release of a hazardous substance or material and the damages resulting is in accordance with any of the permitted defenses enumerated in 415 ILCS 5/22.2 except for the exception listed in 415 ILCS 22.2 (j)(i)(c).

#### Section 16-96. Fees, Costs and Penalties.

(A) Any person who is liable for the release, attempted release or probable likelihood of a release of a hazardous substance or material shall pay a response fee to the Village according to the following: primary response fee of \$300; and an hourly fee of \$100 per hour for each hour or portion of an hour that the Village Fire Department is on the scene of the incident which resulted in its response. In addition to the response fee, any person who is liable for the release, attempted release or probable likelihood of a release of a hazardous

substance or material shall reimburse the Village for its costs and expenses incurred by the Village and any other responding agency. Costs include, but are not limited to, contractual services, wages or salaries including overtime, damaged or destroyed equipment, supplies used to control or mitigate the release, protective clothing or equipment, fire fighting or vapor suppressing foam, clean-up or other remedial activities, medical care and medical supplies. All costs for damaged or destroyed equipment, materials or supplies shall be calculated on replacement cost.

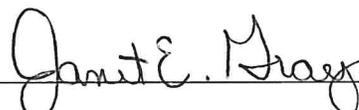
- (B) Any person who is liable for the release, attempted release or probable likelihood of a release of a hazardous substance or material who fails without sufficient cause to pay for or provide removal or remedial action upon or in accordance with a notice and request of the Village, or in accordance with any order of any court having jurisdiction on the matter, shall be liable to the Village for any costs incurred by the Village as a result of such failure to provide or take such removal or remedial action, together with the costs of any removal or remedial action taken by the Village in accordance with this section, and all attorneys' fees and related legal costs incurred in connection therewith.
- (C) In addition, any such person shall be guilty of a violation of this section and shall be fined not less than five hundred dollars (\$500.00) nor more than two-thousand five-hundred dollars (\$2,500.00) for each offense. A separate offense shall be deemed committed for each day on which a violation occurs or continues. Where such violation is found to be the result of intentional, willful and/or wanton conduct or gross negligence, or the person committing such violation attempts to evade responsibility hereunder by leaving the scene of the occurrence or by other means, that person shall be subject to a fine in an amount of two thousand five-hundred dollars (\$2,500.00) or an amount equal to three (3) times the fees and costs, whichever is greater, including attorneys' fees and legal costs for which it is liable.

**Section 2. Effective Date.** The provisions of this Ordinance shall become effective 10 days after its passage, approval and publication as required by law.

**Section 3. Publication.** The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

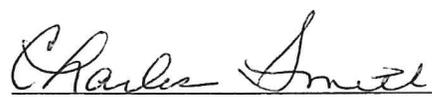
This Ordinance is hereby passed, the “ayes” and “nays” being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office on the date set forth below.

**PASSED** this 14<sup>th</sup> day of March, 2023

  
Village Clerk

**APPROVED** this 14<sup>th</sup> day of March 2023



  
Village President