

of Delaware Township replacement cost of any
materials used or municipality, a state or federal
licensed fire department

DELAWARE TOWNSHIP
MERCER COUNTY, PENNSYLVANIA

AND
Ordinance #8-1998

NOTICE, is hereby given by Delaware Township Board of Supervisors, in accordance with and as stated in Public Law, Act 1990-165, Sec 210 paras (a), "A person who causes a release of any quantity of one or more hazardous materials shall be liable for the response cost incurred by the certified hazardous materials response team or a supporting paid or volunteer emergency service organization."

FURTHER, in effort to provide for the public safety of the citizens of Delaware Township, the Board of Supervisors of Delaware Township has realized the need to have available through recognized local means [fire department, and/or local emergency response personnel] certain expendable and/or disposable materials to be used in the abatement and/or control of certain fires and/or incidents involving the release of hazardous materials substances, and/or hazardous waste. Materials which include, but are not limited to, fire fighting foam, specialized absorbent materials and/or other hazardous materials abatement supplies. (Hereinafter collectively referred to as "materials") available in situations of such a release of a hazardous material(s), substance(s), or hazardous waste products which may or may not necessitate the assistance of a certified hazardous material response team.

FURTHER, the purchase of said materials constitutes a high and unusual expense, to Delaware Township and/or the local recognized fire department and local emergency response personnel.

WHEREAS; the Board of Supervisors of Delaware Township has recognized a need to authorize for the recovery of costs for such materials used during incidents which require the immediate deployment of locally owned materials by emergency responders in effort to control, contain, or otherwise mitigate the effects of a spilled or released substance or substances.

NOW THEREFORE, be it ordained and enacted by the Board of Supervisors of Delaware Township as follows.

The Board of Supervisors of Delaware Township, hereby authorizes the recovery cost of said materials from any actor necessitating the dispensing thereof.

1. Any person, group, agency, corporation, or other entity whose actions or inactions result in an incident during which materials described herewith must be deployed, shall be responsible for all reasonable cost incurred for the replacement of any materials used or expended in the abatement or control of said incident.
2. Any agency, group, municipality, state or federal licensed fire department which requests Delaware Township to provide said materials for use outside

of Delaware Township shall be responsible for the replacement cost of any materials used or expended by said agency, group, municipality, a state or federal licensed fire department.

AND

Delaware Township or their duly appointed agent, shall have the authority to bill a neighboring municipality for utilization of said fire fighting foam and/or hazardous Materials abatement material, when dispensing thereof has been requested by said municipality, regardless of the cause of said dispensing.

AND

Delaware Township or their duly appointed agent, shall have the authority to bill any individual, partnership, corporation (profit or nonprofit), municipal subdivision, or state or federal licensed fire department for the cost of said materials.

AND

The Board of Supervisors of Delaware Township, hereby authorizes the recovery of administrative costs of replacing said materials from any actor necessitating the dispensing thereof.

RESOLVED by the board of Supervisors of Delaware Township Ordinance #8-1998 this 5th day of August, 1998.

DELAWARE TOWNSHIP
BOARD OF SUPERVISORS

Donald L. Kremm
Donald L. Kremm, Chairman

Carl R. Hoover Sr.
Carl R. Hoover, Sr., Vice Chairman

Arden L. Saul
Arden L. Saul

ATTEST:

Shang Ray
Secretary

