

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3141

AN ORDINANCE AMENDING TITLE 1 OF THE HELENA CITY CODE (GENERAL PROVISIONS) BY ADDING A NEW CHAPTER 7 ENTITLED HAZARDOUS MATERIALS INCIDENT COST RECOVERY

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA,

MONTANA:

That Title 1 of the Helena City Code is hereby amended as follows:

CHAPTER 7

HAZARDOUS MATERIALS INCIDENT COST RECOVERY

SECTION:

- 1-7-1: Title
- 1-7-2: Intent and Purpose
- 1-7-3: Definitions
- 1-7-4: Exception to Liability for Costs
- 1-7-5: Liability for Costs
- 1-7-6: Methods of Enforcement
- 1-7-7: Conflict with Other Laws

1-7-1: **TITLE:** This chapter is known and cited as the *HAZARDOUS MATERIALS INCIDENT COST RECOVERY ORDINANCE*.

1-7-2: **INTENT AND PURPOSE:** This chapter is intended to provide for the recovery of costs incurred in the emergency response to hazardous materials incidents.

1-7-3: **DEFINITIONS:** As used in this chapter, the following words and phrases have the meaning indicated unless the context requires otherwise:

HAZARDOUS MATERIAL: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord No. 3141

physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. This includes materials defined as hazardous by the United States environmental protection agency and the Montana department of environmental quality.

HAZARDOUS MATERIALS INCIDENT:

Actual or threatened release of a hazardous material, which poses an imminent threat to the environment or the public health or safety and requires emergency response.

RELEASE:

The accidental or intentional, sudden or gradual spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, whether such release occurs from a fixed facility or while hazardous materials are being transported.

EMERGENCY RESPONSE:

The provision of authorized assistance during and following a hazardous material incident.

RESPONSIBLE PARTY:

A person or persons who cause or allow a release of a hazardous material or who had custody or control of the hazardous material at the time of such release.

SUPPLEMENTAL BENEFICIAL PROJECTS:

Projects that a responsible party agrees to undertake to benefit the

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord No. 3141

city's emergency response capability or mitigate future hazards but is not otherwise legally required to perform.

1-7-4: **EXCEPTION TO LIABILITY FOR COSTS:** The authority to recover costs under this chapter does not include costs incurred for routine firefighting procedures that are normally or usually provided within the city by its fire department or authorized agents.

1-7-5: **LIABILITY FOR COSTS:**

A. A responsible party is liable to reimburse the city for all costs incurred by the city or its agents for emergency response to a hazardous materials incident.

B. The city may present a claim to the responsible party for reimbursement of the costs of responding to a hazardous materials incident.

C. Costs will be calculated using the following methodology:

i. Actual cost of equipment and materials, including shipping, for equipment and materials that are damaged or spoiled and that cannot be decontaminated or used again.

ii. Actual cost of equipment rental, laboratory costs, and materials disposal.

iii. Personnel and administrative costs at a rate set by resolution approved by the city commission.

iv. Equipment costs at a rate set by resolution approved by the city commission.

