

**ALLEN COUNTY CODE TITLE 12
FINANCIAL**

**ARTICLE 9
HAZARDOUS WASTE TAX FUND**

12-9-1 Chapter 1: Title

There is hereby established a fund to be known as “The Allen County Hazardous Waste Tax Fund”.

12-9-2 Chapter 2: Purposes

The revenue paid over to the County pursuant to I.C. 6-6-6.6 and I.C. 13-7-8.7 shall be deposited in said fund by the County for the purposes of:

- a) Establishing monitoring wells on land near the site of the disposal facility;
- b) Analyzing samples from the monitoring wells established under subdivision a);
- c) Conducting other types of testing and surveillance for hazardous waste contamination of land near the disposal facility;
- d) Providing training for county and local public health and public safety officers in the proper procedures for dealing with emergencies involving hazardous substances or hazardous waste;
- e) Providing special clothing and equipment needed by county and local public health and public safety officers for dealing with emergencies involving hazardous substances or hazardous waste;
- f) Funding research on alternatives to land disposal as a means of eliminating hazardous waste;
- g) Paying the cost of hazardous waste or hazardous substance removal and remedial action at a site located within the County.

12-9-3 Chapter 3: Advisory Committee

The Commissioners shall be advised by an advisory committee hereby established.

12-9-3-1 Committee Selection

The Committee shall be comprised of the following members appointed by the Commissioners, nominated by and serving at the pleasure of the designating body.

- a) A representative of the Fort Wayne-Allen County Health Department;

- b) The director of the Office of Emergency Preparedness (Civil Defense) or his or designee from Emergency Management staff;
- c) A representative of the Allen County Fire Chiefs Association;
- d) A representative of the Allen County Police Department;
- e) A representative of the Fort Wayne Fire Department;
- f) A representative of the Fort Wayne Police Department;
- g) A representative of the Izaak Walton League;
- h) A representative of the disposal facility generating the tax.

12-9-3-2 Committee Functions

The Committee hereby established shall meet from time to time as directed by the County Commissioners for the following purposes:

- a) To review and screen requests for funds from county and local public health and public safety officers and to forward their recommendations on such request to the Commissioners;
- b) To formulate policies, procedures and priorities to be recommended to the Commissioners for the expenditure of money from said fund.

12-9-4 Chapter 4: Immediate Response Fund

There is hereby established as a part of this hazardous waste tax fund, a local cleanup and containment fund to be available for immediate response to local spills and releases of hazardous waste and/or hazardous substances. This portion of the waste tax fund shall consist initially of forty percent (40%) of the tax revenue paid into the tax fund and shall be allowed to accumulate until it attains a balance of One Hundred Thousand Dollars (\$100,000.00).

12-9-4-1 Access to Fund

In the event of a spill or release of a hazardous substance, this fund shall be available on an emergency basis for clean-up or containment activities. Whenever there is a need for expenditures from this fund, the Commissioners are hereby empowered to order the immediate release of funds for such actions as deemed necessary. In addition, the Director of the Office of Emergency Preparedness can, by declaring a local disaster emergency, cause the release of the funds for clean-up and/or containment. Also, the Health Commissioner, by declaring a Public Health emergency, can cause the release of the funds for clean-up or containment. In the event of a spill or release of a Hazardous substance from an unknown source or generator, the fund will be used for final clean-up and disposal.

12-9-4-2 Liability for Spill or Release

In the event of a spill or release that has a known source or generator, where there has been any expenditure from the fund for initial response, restitution shall be made to the fund by the party or parties subsequently held liable for the event.

12-9-4-3 Other Funds

The remainder of the tax revenue in the hazardous waste tax fund shall be left to accumulate and the Allen County Commissioners shall direct the use of such funds in the normal process for all County funds for the remaining purposes of the fund hereinabove delineated. The advisory committee recommendations are only guidelines and are not binding upon the Commissioners.

12-9-5 Chapter 5: Severability

Should any portion of this Ordinance be deemed invalid for any reason, the same shall be considered severable and the remaining sections shall remain in full force and effect.

Chapter 3 amended 02/10/94