

**COMMONWEALTH OF KENTUCKY
KENTON COUNTY FISCAL COURT
ORDINANCE NO. 340.5**

**AN ORDINANCE AMENDING ORDINANCE 340.3 RELATING
TO THE USE AND CONTROL OF HAZARDOUS MATERIALS
IN KENTON COUNTY, KENTUCKY, TO ADOPT A NEW FEE SCHEDULE**

WHEREAS, on April 13, 1993, the Kenton County Fiscal Court adopted Ordinance 340.1 relating to the use and control of hazardous materials in Kenton County; and

WHEREAS, on August 15, 2000, the Kenton County Fiscal Court adopted Ordinance 340.3 amending portions of the hazardous waste Ordinance and adopting the current billing schedule for hazardous spills and cleanup costs; and

WHEREAS, the costs associated with cleaning up hazardous waste spills and releases increased since the adoption of the previous fee schedule, and the Fiscal Court believes it necessary to adopt a new fee schedule with cleanup rates; and

WHEREAS, the Fiscal Court is replacing the existing fee scheduled with the new fee schedule attached as Exhibit "B."

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

Section I

Section IX, Liability for Costs, is amended to read as follows:

Notwithstanding any other provision or rule of law, the following persons shall be jointly and severally liable for all costs of removal and remedial actions incurred by local public safety and emergency agencies as a result of a release or threatened release of hazardous materials into the environment and moneys recovered under this section shall be credited to the appropriate funds of the political subdivision or countywide or regional organization from which moneys were expended in performing the emergency actions. Said moneys shall be commensurate with the attached Exhibit "A," "B" entitled "~~Billing Schedule Hazardous Materials Spills/Releases~~ **Hazardous Materials Cleanup Reimbursement Rates.**"

A. The owner and operator of a facility or vessel from which there is a release or substantial threat of release of hazardous materials.

B. Any person who, at the time of disposal, transport, storage, or treatment of hazardous materials, owned or operated the facility or vessel used for such disposal, transport, treatment, or storage from which there was a release or substantial threat of a release of hazardous materials.

C. Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by another party or entity from which facility there is a release or substantial threat of a release of hazardous materials.

D. Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities from which there is a release or substantial threat of a release of hazardous materials.

Section II

If any section or part of any section or any provisions of this Ordinance which is declared invalid by a court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

Section III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Adopted this _____ day of July, 2021

1st Reading – July 13, 2021.

2nd Reading – _____. Vote: _____, Yes, _____, No

Fiscal Court of Kenton County, Kentucky

By: _____
Kris A. Knochelmann
Judge/Executive

Attest:

Sue Kaiser, Fiscal Court Clerk