

**SUGARCREEK TOWNSHIP  
RESOLUTION NO. 2014.09.15.04**

IN RE: Acceptance of Hazardous Materials Apparatus Rates

WHEREAS, the Sugarcreek Township Fire Department performs hazardous materials related services; and,

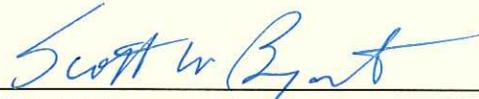
WHEREAS, the Ohio Revised Code (ORC) 3745.13 (see attached) permits township's to seek reimbursement for the costs for investigative, mitigating, minimizing, removing, or abating the unauthorized spill, release, discharge, or contamination; and,

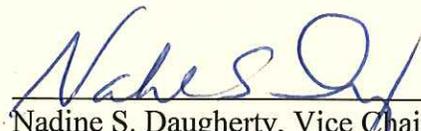
WHEREAS, in accordance with ORC 3745.13, the township will maintain a detailed record for the above mentioned measures and will then certify those costs to the prosecuting attorney's office; and,

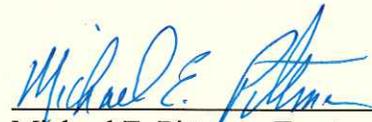
WHEREAS, this Board of Township Trustees has received rates from Randall J. Pavlak, Fire Chief, that reflect the cost associated with providing the services as well as the reimbursement rates provided by FEMA for recoverable cost schedules,

NOW THEREFORE, BE IT RESOLVED, that this Board of Trustees hereby approves the recommended hazardous materials apparatus rates (see attached).

FURTHER, BE IT RESOLVED, the effective date for the hazardous materials apparatus rates will be September 15, 2014.

  
\_\_\_\_\_  
Scott W. Bryant, Chairperson

  
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Nadine S. Daugherty, Vice Chairperson

  
\_\_\_\_\_  
Michael E. Pittman, Trustee

  
\_\_\_\_\_  
Theodore L. Hodson, Fiscal Officer

### **3745.13 Costs of dealing with unauthorized spill, release or discharge.**

(A) When emergency action is required to protect the public health or safety or the environment, any person responsible for causing or allowing an unauthorized spill, release, or discharge of material into or upon the environment or responsible for the operation of an illegal methamphetamine manufacturing laboratory that has caused contamination of the environment is liable to the municipal corporation, county, township, countywide emergency management agency established under section 5502.26 of the Revised Code, regional authority for emergency management established under section 5502.27 of the Revised Code, or emergency management program established by a political subdivision under section 5502.271 of the Revised Code, having territorial jurisdiction, or responsibility for emergency management activities in the location of the spill, release, discharge, or contamination, for the necessary and reasonable, additional or extraordinary costs it incurs in investigating, mitigating, minimizing, removing, or abating the spill, release, discharge, or contamination, in the course of its emergency action, but, to the extent criteria and methods for response actions prescribed under 40 C.F.R. 300 , as amended, may be applied to the type of material involved and the conditions of the spill, release, discharge, or contamination, that person is liable for those costs only if the political subdivision, countywide agency, or regional authority employed those criteria and methods in its emergency action.

The officers of the municipal corporation, county, township, countywide emergency management agency, or regional authority for emergency management performing the emergency action shall keep a detailed record of its costs for investigating, mitigating, minimizing, removing, or abating the unauthorized spill, release, discharge, or contamination; promptly after the completion of those measures, shall certify those costs to the city director of law or village solicitor, as appropriate, of the municipal corporation, the prosecuting attorney of the county in the case of a county, township, or countywide emergency management agency, or the legal counsel retained thereby in the case of a regional authority for emergency management; and may request that the legal officer or counsel bring a civil action for recovery of costs against the person responsible for the unauthorized spill, release, or discharge or responsible for the operation of the illegal methamphetamine manufacturing laboratory that caused contamination of the environment. If the officers request that the legal officer or counsel bring such a civil action regarding emergency action taken in relation to the operation of an illegal methamphetamine manufacturing laboratory that has caused contamination of the environment, the legal officer or counsel also may pursue a forfeiture proceeding against the responsible person under Chapter 2981. of the Revised Code, or in any other manner authorized by law.

The legal officer or counsel shall submit a written, itemized claim for the total certified costs incurred by the municipal corporation, county, township, countywide agency, or regional authority for the emergency action to the responsible party and a written demand that those costs be paid to the political subdivision, countywide agency, or regional authority. Not less than thirty days before bringing a civil action for recovery of those costs, the legal officer or counsel shall mail written notice to the responsible party informing the responsible party that, unless the total certified costs are paid to the political subdivision, countywide agency, or regional authority within thirty days after the date of mailing of the notice, the legal officer or counsel will bring a civil action for that amount. Except for emergency action taken in relation to the operation of an illegal methamphetamine manufacturing laboratory that has caused contamination of the environment, in making a determination of an award for reimbursement, the responsible party's status as a taxpayer to the governmental entity shall be taken into consideration. Nothing in this section prevents a political subdivision, countywide emergency management agency, or

regional authority for emergency management from entering into a settlement of a claim against a responsible party that compromises the amount of the claim. Moneys recovered as described in this section shall be credited to the appropriate funds of the political subdivision, countywide agency, or regional authority from which moneys were expended in performing the emergency action.

(B) As used in this section:

(1) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.

(2) "Illegal methamphetamine manufacturing laboratory" means any laboratory or other premises that is used for the manufacture or production of methamphetamine in violation of section 2925.04 of the Revised Code, whether or not there has been a prior conviction of that violation.

**Cite as R.C. § 3745.13**

**History.** Amended by 129th General Assembly File No.166, HB 360, §1, eff. 12/20/2012.

Effective Date: 08-07-2001; 07-01-2007



Randall J. Pavlak  
FIRE CHIEF

Fire Administration: 937-848-7344  
Fax: 937-848-5185

4398 Clio Road  
Dayton, OH 45459

September 8, 2014

To: Mr. Tiffany Township Administrator

From: Randall J. Pavlak Fire Chief 

Ref: Hazardous Materials Apparatus Rates

Mr. Tiffany,

The hazardous material rates that we charge are in need of updating. The cost of fuel, maintenance and replacement cost of the fire and EMS apparatus have increased significantly since the last review in 2007.

We have reviewed the rates charged compared to our cost associated with providing the services and also the reimbursement rates provided by FEMA for recoverable cost schedules to determine our updated rates.

Attached is our new proposed rate sheet. The rate sheet is authorized under ORC 3745.13

Please present to the Board of Trustees for adoption at the next regular Board of Trustee meeting.

Any questions please let me know.

Randall J. Pavlak

Fire Chief



Randall J. Pavlak  
FIRE CHIEF

Fire Administration: 937-848-7344  
Fax: 937-848-5185

4398 Clio Road  
Dayton, OH 45459

Hazardous Material Response Apparatus Rate Sheet	
Apparatus	Hourly Rate
Engine 71	\$172.00
Engine 72	\$172.00
Engine 73	\$172.00
Engine 74	\$172.00
Ladder 72	\$259.00
Tanker 72	\$172.00
Medic 71	\$87.00
Medic 72	\$87.00
Medic 73	\$87.00
Car 70	\$29.00
Car 72	\$29.00
Car 73	\$29.00
Car 74	\$29.00
Squad 71	\$29.00
Squad 72	\$29.00
Rescue 70	\$87.00
Brush 71	\$87.00
Boat 71	\$29.00
ATV 71	\$87.00

# Sugarcreek Township

FIRE DEPARTMENT  
4398 Clio Rd.  
Dayton, Ohio 45459

Randall J. Pavlak  
FIRE CHIEF

Station 1: 848-2477  
Station 2: 848-5180  
Fire Admin: 848-7344

NON-EMERGENCY  
PHONE (937) 846-2727

2007

## HAZARDOUS MATERIALS RESPONSE APPARATUS RATE SHEET

Apparatus	Hourly Rate
Engine 11	\$ 150.00
Engine 21	\$ 150.00
Engine 41	\$ 150.00
Ladder 26	\$ 225.00
Tanker 2	\$100.00
Medic 15	\$ 75.00
Medic 25	\$ 75.00
Medic 35	\$ 75.00
Car 1	\$ 25.00
Car 2	\$ 25.00
Car 3	\$ 25.00
Rescue 24	\$ 75.00
Brush 3	\$ 75.00
Boat 1	\$ 75.00