

TEU  
2019-249

Sec. 111.755. - Environmental Protection Fund.

There shall be an *Environmental Protection Fund*, as set forth in section 360.601, hereinafter referred to as the Fund, which shall consist of funds collected by the City under Section 360.308, moneys received as a result of an administrative or judicial proceeding under Section 360.408 except that moneys collected as administrative costs or attorney's fees or costs of litigation shall be paid directly to the city, moneys recovered as punitive damages under Section 360.502, moneys recovered by the city as civil penalties under Chapter 362, Chapter 368 or Chapter 376, and proceeds, less expenses of sale, from the sale of surplus City ash site property sold pursuant to Part 4, Subpart B, Chapter 122, together with interest earned thereon as a result of investments of the principal thereof. The Fund shall be supervised and used by the Environmental Protection Board for the purposes described in Section 360.602, which shall include:

- (a) To pay the amounts necessary to restore the respective polluted areas which were the subjects of Board action pursuant to Section 360.408.
- (b) To pay for work needed to restore areas which require more money than the Board was able to obtain by court action or otherwise or to restore areas in which the Board brought suit but was unable to recover any moneys from the alleged violators.
- (c) To recover the costs and expenses of the Board in administering the Fund.
- (d) In remittitur to violators as provided in Section 360.408(i).
- (e) To pay for the removal or remedial actions undertaken by the Director, pursuant to the authority of Section 360.408(b), not to exceed \$50,000 for each occurrence, unless the Board approves a greater amount.
- (f) To fund education and outreach activities, studies, surveys, tests and investigations, as necessary, to implement the duties of the Board, as defined in Section 73.102, Ordinance Code. Such education and outreach activities, studies, surveys, tests and investigations may be conducted by the Department or by entities approved by the Board or by independent contractors and consultants retained for such purposes. Any studies, surveys, tests and investigations shall be special projects of a unique, onetime nature, and shall not be continuing, or ongoing duties, or programs of the Department. Prior to authorizing the use of such funds, pursuant to Section 360.604(c), the Board shall specify the extent, the anticipated use, and if possible, a listing of who may perform such activities as listed herein. After this information is developed, when appropriate, the Board shall provide public notice and an opportunity for hearing and consideration of public comments on the request(s) for and the use of such funds for the proposed activities as listed herein. In no event may such funds be obligated that will reduce funds available for removal and remedial actions, as provided for in Section 360.602(e) below \$100,000.

(Ord. 2006-422-E, § 30; Ord. 2011-274-E, § 2; Ord. 2018-871-E, § 3)