

RESOLUTION 91-121
OF THE COUNCIL OF THE CITY OF FORT COLLINS
CONCERNING THE PURCHASE OF CEMENT AND PRODUCTS CONTAINING
CEMENT PRODUCED WITHOUT THE BURNING OF HAZARDOUS WASTE

WHEREAS, the disposal of hazardous waste materials is sometimes accomplished by the burning of such waste in cement kilns, boilers and industrial furnaces, whether for energy recovery purposes or otherwise; and

WHEREAS, the burning of hazardous waste in cement kilns can adversely affect public health and the environment through the routine or accidental release of hazardous waste during its transportation, transfer or storage and through the burning process itself; and

WHEREAS, the Council has determined that pollution prevention through the reduction of hazardous waste generation is preferred over burning as a waste management strategy and that pollution prevention should be encouraged by government policy; and

WHEREAS, the operation of cement kilns for hazardous waste incineration is expected to reduce the disposal cost for such waste, with the corresponding result that hazardous waste generators will be less inclined to investigate and adopt pollution prevention techniques; and

WHEREAS, pursuant to Resolution 91-25, the Council stated its position that hazardous or toxic substances should not be burned as fuel in cement kilns; and

WHEREAS, pursuant to Resolution 91-73, the Council directed City staff to develop for Council's review and approval a proposed work plan to implement the foregoing policy of opposition, including development of a policy that City-funded projects will not use cement made from cement kilns that burn hazardous waste as fuel.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

(1) That the City's Purchasing Agent will require vendors supplying cement or products containing cement for City-funded projects to certify that the cement was not made in cement kilns that burn hazardous waste as a fuel.

(2) For the purposes of this Resolution, hazardous waste shall be defined as set forth in the Code of Federal Regulation (40 CFR Part 261) and shall specifically include hazardous wastes burned for energy recovery in cement kilns, boilers or industrial furnaces.

(3) For contracts subject to Chapter 8, Article IV of the City Code, any bidder or proposer who has not provided the certification required by Section (1) above shall not be awarded the bid or contract. In the event that no bidder or proposer provides the required certification, the Purchasing Agent will make reasonable efforts to find a vendor who will provide the certification. If such vendor is not found then the requirement for such certification may be waived by the City Council.


(4) Upon receiving credible information that a vendor has supplied cement or products containing cement in violation of the vendor's certification required by Section (1) above, the Purchasing Agent shall review such information and offer the vendor an opportunity to respond. If the Purchasing Agent finds on the basis of competent evidence that a violation of such certification has occurred, the Purchasing Agent shall take such action as may be appropriate and provided for by law, rule, regulation or contract, including but not limited to imposing sanctions, seeking compliance, recovering damages and/or declaring the vendor in default of any applicable contract.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 3rd day of September, A.D. 1991.



Mayor

ATTEST:



Deputy City Clerk