

CHAPTER 21

HAZARDOUS SUBSTANCES

SECTIONS:

- 21-1. SCOPE AND PURPOSE
- 21-2. DEFINITIONS
- 21-3. CLEANUP REQUIRED
- 21-4. NOTIFICATIONS
- 21-5. PENALTY

SEC. 21-1. SCOPE AND PURPOSE

In order to reduce the danger to public health, safety and welfare from the spills of hazardous substances these regulations are promulgated to establish responsibility for the removal and cleanup of spills within the unincorporated area.

SEC. 21-2. DEFINITIONS

For the purpose of this Chapter these words have the following meanings:

- A. "Hazardous waste" means those wastes which are included by the definition in Section 455B.411, subsection 2, paragraph a, 1989 Code of Iowa.
- B. "Hazardous substance" means any substance as defined in Section 455B.381, subsection 1, 1989 Code of Iowa.
- C. "Hazardous condition: means the same as set out in Section 455B.381, subsection 2, 1989 Code of Iowa.
- D. "Responsible person" means the party, whether the owner, agent, lessor, or tenant, in charge of the hazardous substance or hazardous wastes being stored, processed, or handled, or the owner or bailee transporting hazardous wastes or substances whether on public ways or grounds or on private property where the spill would cause danger to the public or to any person or to the environment.
- E. "Cleanup" means the removal of the hazardous wastes or substances to a place where the waste will not cause any danger to persons or the environment, in accordance with rules of the State Department of Water, Air and Waste Management therefor or the treatment of the material as defined herein to eliminate the hazardous condition including the restoration of the area to a general good appearance without noticeable odor as far as practicable.

HAZARDOUS SUBSTANCES

F. "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous waste or substances so as to neutralize it or to render the substance nonhazardous, safer for transport, amenable for recovery, amenable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous waste or substance to render it nonhazardous.

SEC. 21-3. CLEANUP REQUIRED

Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste or substance, so that the hazardous waste or substance or constituent of the hazardous waste or substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the County or an authorized officer or authorized agency shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the County may, be an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that in the event the responsible party fails to comply with said deadline, the County will proceed to procure cleanup services and bill the responsible person for all personal equipment and disposal costs associated with the cleanup. If the bill for those services is not paid within thirty (30) days of billing date, the County may proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the County to finance, the authorized officer shall report through the County Administrator to the Board of Supervisors and may seek any state or federal funds available for said cleanup.

SEC. 21-4. NOTIFICATIONS

The first County officer or employee who arrives at the scene of an incident involving hazardous substances, shall notify the Hazardous Materials Response Team which shall notify the Department of Natural Resources, where appropriate.

SEC. 21-5. PENALTY

Any person, firm, or corporation violating any provision, section, or paragraph of this Chapter shall be guilty of a simple misdemeanor, and upon conviction thereof be subject to a fine of not more than one hundred dollars (\$100.00) or be imprisoned for not more than thirty (30) days. Each day a violation occurs shall constitute a separate offense.