

03062

ORDINANCE NO. 3

AN ORDINANCE REQUIRING THAT PERSONS RESPONSIBLE FOR THE STORING, HANDLING, AND TRANSPORTATION OF HAZARDOUS MATERIALS SHALL AT THEIR OWN COST CLEAN UP ANY SPILLS OF THOSE MATERIALS, AND PROVIDING REMEDIES FOR THE COUNTY TO CLEAN UP SPILLS IF THE RESPONSIBLE PARTY FAILS TO DO SO, AND TO RECOVER THE COSTS FOR THE COUNTY.

Be It Ordained by the Board of Supervisors of Poweshiek County, Iowa:

HAZARDOUS SUBSTANCES

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 clean up of spills with the county.

DEFINITIONS. For the purpose of (this article) (the following sections) these words have the following meanings:

(1) "Hazardous waste" means those wastes which are included by definition in section 455B.411, subsection 3, paragraph a, 1995 Code of Iowa, and the rules of the Iowa Department of Natural Resources.

(2) "Hazardous substance" means any substance as defined in section 455B.381, subsection 5, 1995 Code of Iowa.

(3) "Hazardous condition" means the same as set out in section 455B.381, subsection 4, 1995 Code of Iowa.

(4)# "Persons having control over a hazardous substance" means the same as set out in section 455B.381, subsection 7, 1995 Code of Iowa.

It is assumed the term "person" is defined elsewhere in the code to include "corporation, partnership, firm, association, cooperative, or governmental agency of any kind."

(5) "Cleanup" means the same as set out in section 455B.381, subsection 1, 1995 Code of Iowa.

(6) "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so

03062

as to neutralize it or to render the substance nonhazardous, safe 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 substance to render it nonhazardous.


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 substance or waste or a 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 responsible person 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 the cleanup shall be borne by the person having control over hazardous substance. If the person having control over a hazardous substance does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the county may proceed to procure cleanup services and bill the responsible person. If the bill for those services is not paid within thirty (30) days, the county attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the county to finance it, the authorized officer shall report to the county board of supervisors and immediately seek any state or federal funds available for said cleanup.

NOTIFICATIONS. The first county officer or employee who arrives at the scene of an incident involving hazardous substances, if not a peace officer, shall notify the Sheriff's Department, which shall notify the proper state office in the manner established by state.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not effect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.


Passed by the Board the ___6th___ day of ___April___, 1995___, and approved this ___6th___ day of ___April___, 1995___.


Harold L. McNaul, Chairman


ATTEST: 
Jo Wray, Auditor

- March 15, 1995-Published summary of Ordinance #3 and dates of hearing
- March 16, 1995-Published summary of Ordinance #3 and dates of hearing
- March 27, 1995-1st consideration and Suspended 2nd Consideration
- April 6, 1995-Final consideration and Adoption
- April 19 & 20, 1995-Published Ordinance #3

I, Jo Wray, do hereby certify the preceding to be a true and correct copy of Ordinance #3 and the dates of consideration and publication are correct.


Jo Wray, Poweshiek County Auditor

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Recorded this 21st day of April 19 95
3:15 o'clock P. M. Book 534 Page 127


Recorder, Poweshiek County, Iowa