

CODE
OF
ORDINANCE

CHAPTER 33
HAZARDOUS SUBSTANCE SPILLS

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33.01 PURPOSE. The purpose of this chapter is to establish the responsibility for the removal and cleanup of spills or releases of hazardous substances in order to reduce the danger to the public health, safety and welfare within Adams County.

33.02 DEFINITIONS. For purposes of this chapter the following terms are defined:

- A. "Cleanup" means the same as defined in Section 455B.31(6) of the Code of Iowa.
- B. "Hazardous Substance" means any circumstance as defined in Section 455B.381 of the Code of Iowa.
- C. "Hazardous Substance" means any substance as defined in Section 455B.381(1) of the Code of Iowa.
- D. "Hazardous Wastes" means those wastes which are included by definition in Section 455B.411 of the Code of Iowa.
- E. "Person having control over a hazardous substance" or "responsible person" includes but is not limited to the definition as set out in Section 455B.381 of the Code of Iowa. The term "person" includes any corporation, partnership, firm, association, cooperative, public or governmental agency of any kind.
- F. "Treatment" means a method, technique, or process, including neutralization that is designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or to render the substance nonhazardous, safe to 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 substances to render it nonhazardous.

33.03 CLEANUP REQUIRED. Whenever a hazardous condition is created by the

deposit, injection, dumping, spilling, leaking, releasing 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 the hazardous substance. If the person having control over the hazardous substance does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, Adams County may proceed to procure cleanup services and bill the responsible party. If the bill for those services is not paid within (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 Adams County Emergency Management Coordinator shall report to the Board of Supervisors and immediately seek State or Federal funds for said cleanup. The existence of more than one responsible person does not relieve any other person from cleanup responsibilities set out by this chapter.

33.04 NOTIFICATIONS.

A. A person manufacturing, storing, handling, transporting or disposing of a hazardous substance shall notify the Adams County Sheriff's Office of the occurrence of a hazardous condition as soon as possible but not later than (30) minutes after the onset of the hazardous condition or discovery of the hazardous condition. The Adams County Sheriff shall immediately notify the Adams County Emergency Management Coordinator.

B. Any other person who discovers a hazardous condition shall notify the Adams County Sheriff's Office which shall then notify the Adams County Emergency Management Coordinator.

33.05 INFRACTIONS. The provisions of Chapter 2 of this Code of Ordinance shall be applicable for violations of this Chapter.