

DAVIS COUNTY
BOARD OF SUPERVISORS
BLOOMFIELD, IOWA

ORDINANCE NO. 3

AN ORDINANCE FOR THE PURPOSE OF CREATING A REQUIREMENT 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 Davis County, Iowa:

Section 1. Davis County, Iowa hereby adopts the following ordinance:

HAZARDOUS SUBSTANCES

A. 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 within the county limits.

B. DEFINITIONS. For the purpose of this Ordinance, these words shall have the following meanings:

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

(3) "Hazardous condition" means the same as set out in section 455B.381, subsection 2, Code of Iowa.

(4) "Person having control over a hazardous substance" means the same as set out in section 455B.381, subsection 8, Code of Iowa.

(5) "Clean up" means the same as set out in section 455B.381, subsection 6, 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 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.

C. CLEAN UP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste 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 clean up, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of clean up shall be borne by the person having control over a hazardous substance. If the person having control over a hazardous substance does not cause the clean up to begin in a reasonable time in relation to the hazard and circumstances of the incident, the County may proceed to procure clean up 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 clean up is beyond the capacity of the County to finance it, the authorized officer shall report to the Board of Supervisors and immediately seek any state or federal funds available for said clean up.

D. 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 the state.

Section 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect 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 on its first consideration on the 27 day of AUGUST, 1990.

PASSED on its second consideration on the 4th day of SEPTEMBER, 1990.

FINAL PASSAGE and ADOPTION ON THE 11th day of September, 1990.

DAVIS COUNTY, IOWA

By Max Leyda
MAX LEYDA, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST: Goldie Rysdam
Goldie Rysdam,
Davis County Auditor &
Commissioner of Elections

By David H. Burns

By Warry J. Downing