

AN ORDINANCE FOR THE PURPOSE OF 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.

CHAPTER 17: HAZARDOUS SUBSTANCES

Section #1. 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 Appanoose County.

Section #2. DEFINITIONS. For the purpose of this ordinance these words 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.

Section 3. CLEAN UP 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 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 and immediately seek any state or federal funds available to said clean up.

Section 4. NOTIFICATIONS. The first County Official 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 5. 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 6. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

The foregoing ordinance is duly adopted and passed as follows:

Read First time and Passed	<u>5-21-90</u>
Read Second Time and Passed	<u>6-4-90</u>
Final Reading and Passage	<u>6-18-90</u>
Date of Publication	<u></u>

The foregoing ordinance # 12 is adopted on this 18 day of JUNE, 1990.

APPANOOSE COUNTY, IOWA

ATTEST:

BY: Cheryl Pettit
Cheryl Pettit, Chairperson
Board of Supervisors

Linda Demry
Linda Demry
Appanoose County Auditor

Bev Baldwin
Bev Baldwin

Rodger Kaster
Rodger Kaster

PUBLISHER'S CERTIFICATE

STATE OF IOWA
Appanoose County

ss.

On this 29th day of June 1990
personally appeared before the undersigned,
within and for said County and State _____

William C. Hayes
Asst.
Publisher of the

AD-EXPRESS AND DAILY IOWEGIAN AND CITIZEN

a daily newspaper published in Centerville, County
of Appanoose, State of Iowa, who being duly
sworn states on oath that the _____

Ordinance 12

_____ a true copy of which
is hereto attached was published in said paper in
the issue of _____

Friday, June 29, 1990

William C. Hayes Asst.
Publisher.

Subscribed and sworn to before me this 29th day
of June, 1990

Cynthia M. Briggs
Notary Public

Notary Expiration Date 1-26-92

Printer's Fee \$ 32.38



CYNTHIA M. BRIGGS
MY COMMISSION EXPIRES
1-26-92

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ranklin and Haynes to present a
hurch located at the corner of
enterville Assembly of God
college will be appearing at The
roup from North Central Bible
One Accord, a music ministry