

Chapter 3-8

HAZARDOUS SUBSTANCES

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Section 3-8-1	Purpose

In order to reduce the danger to public health, safety and welfare for the spills of hazardous substances these regulations are promulgated to establish responsibility for the removal and clean up of spills within the City limits.

Section 3-8-2 Definitions

For the purpose of this Chapter, these words have the followings meanings:

(A) "CLEANUP": 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 State rules 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 order as far as practicable.

(B) "HAZARDOUS CONDITION": The same as set out in Section 455B.381, subsection 4, 1993 Code of Iowa.

(C) "HAZARDOUS SUBSTANCE": Any substance as defined in Section 455B.381, subsection 5, 1993 Code of Iowa.

(D) "HAZARDOUS WASTE": Those wastes which are included by the definition in section 55B.411, subsection 3, 1993 Code of Iowa.

(E) "PERSON": Any individual, corporation, partnership, firm, association, cooperative or governmental agency of any kind.

(F) "RESPONSIBLE PERSON": The party, whether the owner, agent, lessor, or lessee, 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 of such hazardous substances or wastes would cause danger to the public or any person or to the environment.

(G) "TREATMENT": A method, technique, or process, including neutralization, designed to change the physical, chemical or biological charger or composition of a hazardous substance so as to neutralize it or to render the substance nonhazardous, safer for transport, amendable for recovery, amendable 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 non-hazardous.

Section 3-8-3 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 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 water, including groundwaters, 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 cleanup shall be borne by the responsible person and if more than one person shall be a responsible person as previously defined, each responsible person shall be jointly and severally responsible for the cost of cleanup. If the responsible person does not cause the cleanup to begin in a reasonable length of time in relation to the hazard and circumstances of the incident, the City Administrator shall serve upon the responsible person a reasonable notice, based upon the character of the hazardous condition, setting a deadline for accomplishing the cleanup and which notice shall provide that if the cleanup is not completed before said deadline that the City 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 City Attorney shall proceed to obtain payment by all legal means.

Section 3-8-4 City Administrator's Responsibilities

When the City Administrator is notified of an existing hazardous condition, the City Administrator shall communicate, to the extent possible, with the responsible person to determine the responsible person's intentions with regard to clean up. If reasonable assurances of clean up are not promptly received, the City Administrator shall cause the notice described in Section 3-8-3 to be served upon the responsible person. If the hazardous condition is not corrected by the deadline set forth in the notice, the City Administrator shall cause the clean up to be accomplished by public employees or private contractors, as the Administrator deems appropriate, unless the costs of said clean up exceeds the City's financial capacity. If the cost of the clean up is beyond the capacity of the City to finance, the City Administrator shall report to the Council and immediately seek any State or Federal funds available for said clean up.

Section 3-8-5 Notifications

The first City officer or employee who arrives at the scene of an accident involving hazardous substances, if not a police officer, shall notify the Police Department of such hazardous condition. The Police Department, when notified of a hazardous condition, shall immediately notify the City Administrator of the hazardous condition, and the City Administrator, or the City Administrator's designated alternate employee, shall thereafter notify the State Department of Natural Resources of the hazardous condition in the manner required by that Department.

Section 3-8-6 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the

Code of Iowa.