

TITLE III – PUBLIC ORDER AND SAFETY

CHAPTER 20

HAZARDOUS WASTE

20.01	Purpose	20.05	Cleanup Required
20.02	Definitions	20.06	Liability for Cleanup Cost
20.03	Notifications	20.07	County Liability
20.04	Law Enforcement Authority		

20.01 PURPOSE.

In order to reduce the danger to public health, safety and welfare resulting from conditions created by the storage, transportation or handling of hazardous substances and/or wastes in the County, these regulations are promulgated to establish the responsibility for the removal, disposing and/or cleaning involving hazardous substances and/or hazardous wastes in the County.

20.02 DEFINITIONS.

For purposes of this chapter the following terms are defined:

1. “Authorized person” means the Warren County Sheriff, who may also appoint the Fire Chief or Disaster Service Director.
2. “Cleanup” means the same as defined in Section 455B.381(6) of the Code of Iowa.
3. “Hazardous condition” means any circumstance as defined in Section 455B.381(2) of the Code of Iowa.
4. “Hazardous substance” means any substance as defined in Section 455B.381(1) of the Code of Iowa.
5. “Hazardous waste” means such waste as defined in Section 455B.411(4a) and (4b) of the Code of Iowa.
6. “Person having control over a hazardous substance and/or hazardous waste” means a person who at any time in the County produces, handles, stores, uses, transports, refines or disposes of a hazardous substance and/or hazardous waste, the release of which creates a hazardous condition.

7. "Release" means the same as defined in Section 455B.381(9) of the Code of Iowa.
8. "Treatment" means the same as defined in Section 455B.411(10) of the Code of Iowa.

20.03 NOTIFICATIONS.

1. Any person having control over a hazardous substance and/or hazardous waste shall notify the Department of Natural Resources and the County Sheriff's Department of the occurrence of a hazardous condition as soon as possible, but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Sheriff shall immediately notify the Department of Natural Resources and:
 - A. Warren County Disaster Services,
 - B. Any member of the appropriate fire department who has received special training in the handling and disposal of a hazardous substance and/or waste.
2. Any County or municipal employee or member of a law enforcement agency, city or township fire department, or ambulance service who discovers a hazardous condition shall immediately notify the County Sheriff's Department. The authorized person shall notify the proper State Authority in the manner established by State regulation.

20.04 LAW ENFORCEMENT AUTHORITY.

If the circumstances do require, the authorized person may:

1. Order evacuation of persons to areas away from the site of a hazardous condition, and/or
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to such site.

No person shall disobey an order of the authorized person, or any law enforcement official acting under the direction of the authorized person, which order is issued under this section.

20.05 CLEANUP REQUIRED.

1. Whenever a hazardous condition is created, the person having control over a hazardous substance and/or hazardous waste shall alleviate the condition by cleanup and/or treatment, as defined in Section 20.02 of this chapter, and shall restore the affected area to its condition prior to the hazardous condition as far as practicable. The cost of cleanup and/or treatment shall be borne by the person

having control over a hazardous substance and/or hazardous waste.

2. If the person having control over a hazardous substance and/or hazardous Waste cannot be located within a two-hour period of time, or if the person having control over a hazardous substance and/or hazardous waste does not cause the cleanup and/or treatment to begin within a two-hour period of time, the County may, by the authorized person, give notice (which shall be reasonable in form considering the character of the hazardous condition). The notice shall state the following:
 - A. deadline accomplishing the cleanup and/or treatment;
 - B. The County will proceed to procure cleanup and/or treatment services if the cleanup and/or treatment is not accomplished within the deadline;
 - C. A reasonable estimate of the cost of cleanup and/or treatment;
 - D. The person having control over a hazardous substance and/or hazardous waste will be billed for all costs associated with the cleanup and/or treatment, including, but not limited to, equipment rendered unserviceable, personnel cost (including overtime), disposal cost and any other cost associated with the cleanup and/or treatment;
3. If the bill for the above services is not paid within thirty (30) days, the County may proceed, after service of notice, either by certified mail or by three publications in a newspaper having general circulation within the County, and hearing before the Board of Supervisors, to obtain payment by all available legal means.
4. If the cost of cleanup and/or treatment is beyond the capacity of the County to finance it, the authorized person shall proceed pursuant to Section 455B.423 of the Code of Iowa and immediately seek any State or federal funds available for such cleanup or treatment.

20.06 LIABILITY FOR CLEANUP COSTS. The person having control over a hazardous substance and/or hazardous waste shall be strictly liable to the County for cleanup costs incurred by the County. The scope of the liability for cleanup costs shall be consistent with liability to the State as defined in Section 455B.392 and 455B.418(1) (c) of the Code of Iowa.

20.07 COUNTY LIABILITY. Except where the County is the person having control over a hazardous substance and/or hazardous waste, the County shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition.

[The next page is 95]