

TITLE III COMMUNITY PROTECTION
CHAPTER 11 HAZARDOUS SUBSTANCES

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3-11-1 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 cleanup of spills within the city limits.

3-11-2 DEFINITIONS. For the purpose of this chapter, these words have the following meanings:

- A. "Hazardous waste" means those wastes which are by definition in Section 455B.411(3), Code of Iowa, 1995.
- B. "Hazardous substance" means any substance as defined in Section 455B.381(5), Code of Iowa, 1995.
- C. "Hazardous condition" means the same as set out in Section 455B.381(4), Code of Iowa, 1995.
- D. "Responsible person" means the party, whether the owner, agent, lessor or tenant in charge of the hazardous substance or hazardous waste being stored, processed, handled or the owner or bailee transporting hazardous wastes or substances, whether on public grounds or on private property, where the spill would cause danger to the public or to any person or to the environment.
- E. "Cleanup" means the removal of the hazardous waste 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 odor as far as practicable.
- F. "Treatment" means a method, technique or process including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance as to neutralize it or to render the substance non-hazardous, safer 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 a hazardous substance to render it non-hazardous.

3-11-3 CLEANUP REQUIRED. Whenever a hazardous conditions 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 conditions to be remedied by a cleanup as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The cost of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time, in relation to the hazard and circumstances of the incident, they city may, by an authorized officer, give reasonable notice based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup or that the city will proceed to procure cleanup services and setting forth a reasonable estimate of the cost of cleanup and bill the responsible person for all costs associated with the cleanup, including but not limited to equipment rendered unserviceable; personnel costs, including overtime; disposal costs and any other costs associated therewith. If the bill for these services is not paid within thirty (30) days, the City of Coggon may proceed, after service of notice, either by certified mail or on publication in the local newspaper, in hearing before the city council, to obtain payment by any legal means. If the cost of cleanup is beyond the capacity of the city to finance it, the authorized officer shall report to the council and immediately seek any state or federal funds available for such cleanup.

3-11-4 NOTIFICATIONS. The first city officer or employee who arrives at the scene of an incident involving hazardous substances, if not a sheriff's deputy, shall notify the mayor or sheriff's office, who shall notify the proper state office in the manner established by the state.

3-11-5 OFFICIAL AUTHORITY. If the circumstances reasonable so require, they mayor of the City of Coggon or his representative, may:

1. Evacuate persons, even from their homes to areas away from the site of a hazardous condition; and,
2. Establish perimeter or other boundaries at or near the site oa hazardous condition beyond which no person shall access.

No person shall disobey an order of the mayor, or his representative issued under this section.

3-11-6 CITY LIABILITY. The City of Coggon shall not be liable for any losses occurring due to any hazardous condition created which may be claimed by any firm, person or corporation.