

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 HAZARDOUS MATERIALS CLEANUP COST RECOVERY

6-15-1 Purpose

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6-15-1 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.

(Ord. 583, Passed 1991)

6-15-2 DEFINITIONS. For the purpose of this Chapter these words have the following meanings:

1. "Cleanup" means 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 therefore, 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 with noticeable odor as far as practicable.

2. "Hazardous condition" means any substance as defined in Section 455B.381(4), Code of Iowa 2009.

3. "Hazardous substance" means any substance as defined in Section 455B.381(5), Code of Iowa 2009.

4. Hazardous waste" means those wastes which are included by the definition in Section 455B.411(3)(a), Code of Iowa 2009 and the rules of the Iowa Department of Natural Resources.

5. "Responsible person" means the party, whether the owner, agent, lessor, or tenant, 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 would cause danger to the public or to any person or to the environment. Nothing in this Chapter shall mean or be construed to mean that the City of Camanche, Iowa, is a "responsible party" as defined herein for liability purposes for assessing cleanup costs or determining who is in charge of or in control of hazardous substances or hazardous waste or supervising cleanup or treatment of an emergency spill.

6. "Treatment" means a method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous waste or substance so as to neutralize it or to render the substance nonhazardous, safer for transport, amenable 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 waste or substances to render it non-hazardous.

(Ord. 583, Passed 1991)

6-15-3 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 waste or substance or 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 City or an authorized officer or authorized agency may 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 the 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, the 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 and stating that in the event the responsible party fails to comply with said deadline, the City may proceed to procure cleanup services and bill the responsible person for all personal equipment and disposal costs associated with the cleanup. If the bill for those services is not paid within thirty days of billing date, the City may proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance, the Fire Chief, or the Fire Chief's designated appointee, shall report to the City Council and may seek any State or Federal funds available for said cleanup.

(Ord. 583, Passed 1991)

6-15-4 NOTIFICATIONS. The first City officer or employee who arrives at the scene of an incident involving hazardous substances shall notify the Clinton Law Center, which shall notify the proper State department or appropriate agency and the Camanche Fire Department.

(Ord. 583, Passed 1991)