



Recorded: 07/15/2019 at 10:38:54 AM
Amt: Page 1 of 18
Revenue Tax:
Marshall County Iowa
Nan Benson County Recorder
File **2019-00003322**

NO Fee

Prepared by: Nan Benson, Marshall County Auditor and Recorder, Courthouse, Marshalltown, Iowa 50158 641/844-2711. Return Document to: Marshall County Board of Supervisors' Office

C E R T I F I C A T E

MARSHALL COUNTY ORDINANCE #5

HAZARDOUS WASTE AND SUBSTANCE MANAGEMENT

STATE OF IOWA)
) ss:
COUNTY OF MARSHALL)

I, Nan Benson, County Auditor and Recorder of said County do hereby certify that as County Auditor and Recorder, I have in my possession and under my control, the official proceedings of the Marshall County Board of Supervisors, and that the paper to which this certificate is attached is a true and correct extract of records pertaining thereto.

A. Extract of Board of Supervisors' proceedings, Regular Session, May 14, 2019- First Reading of Proposed Ordinance No. 5 and Set Date of Public Hearing and Waive the Second Reading – Hazardous Waste and Substance Management

B. Affidavits of Publication, Notice of Public Hearing, published May 25, 2019, in the Marshalltown Times-Republican Newspaper, Marshalltown, Iowa and May 23, 2019 in the Mid Iowa Enterprise Newspaper, State Center, Iowa.

C. Extract of Board of Supervisors' proceedings, Regular Session, May 28, 2019- Public Hearing, Third and Final Reading and Adoption of proposed Ordinance #5- Hazard Waste and Substance Management

D. Affidavits of Publication, Ordinance No. 5 –Notice of Adoption, published June 5, 2019, in the Marshalltown Times-Republican Newspaper, Marshalltown, Iowa and June 6, 2019 in the Mid Iowa Enterprise Newspaper, State Center, Iowa.

Dated at Marshalltown, Iowa this 12th day of July, 2019.

A handwritten signature in cursive script, reading "Nan Benson", positioned above a horizontal line.

Nan Benson

Marshall County Auditor and Recorder

Baffidavit of Publication

STATE OF IOWA,
Marshall County, ss.

Marshall County Auditor
Public Meeting May 28 for Ordinances #5, #9, #18, #26,
and #31

I, Colleen Ward, being first duly sworn, on oath depose and say that Marshalltown Newspaper, LLC is a corporation for pecuniary profit organization under the law of the State of Iowa, with its principal place of business in Marshalltown, Iowa; that the "Times-Republican" is a daily newspaper of general circulation printed wholly in the English language and published by said corporation at the city of Marshalltown, in Marshall County, Iowa; that I am the Accounting Manager of said corporation and a full time employee of the said newspaper, and have personal knowledge of the facts stated herein; that the Notice hereto attached in the above entitled action was published in the regular daily edition of the said "Times-Republican" once each week for:

One

consecutive weeks on the days and dates as follows, to-wit:
May 20, 2019

Statutory fees for publishing said notices are:
25.72

Colleen Ward

Sworn to before me and subscribed in my
presence by the said Colleen Ward, this
Twentieth Day of May, 2019

Sandra Plummer

Sandra Plummer, Notary Public
Marshall County, Iowa
Commission No. 766297
Commission Expires January 14, 2020

Account No. and Account Name
D15900 Marshall County Auditor



PUBLIC NOTICE

Notice of Public Hearing – Proposed Amendments to Previously Adopted and Published Marshall County, IA Ordinances #5, #9, #18, #26 and #31

The Marshall County Board of Supervisors will hold a public hearing Tuesday, May 28, 2019, 9:05 a.m., Meeting Room #1, 2nd floor, Great Western Bank (Temporary Location of Courthouse Offices), 11 N. 1st Ave., Marshalltown, Iowa to hear comments on proposed amendments to previously adopted Marshall County Ordinances as listed below:

Proposed Amendment to Ordinance No. 5-Hazardous Substance

Proposed Amendment to Ordinance No. 9-Establishing a Timetable for Collection of Recyclables and Providing a Method of Collection

Proposed Amendment to Ordinance No. 18-Class "C" Roads

Proposed Amendment to Ordinance No. 26-Fire Protection

Proposed Amendment to Ordinance No. 31-Courthouse Parking

Should the Board determine at the public hearing that the proposed amendments to previously adopted ordinances #5, #9, #18, #26 and #31 shall become effective from and after their final passage, approval and publication as provided by law, Iowa Code 331.302.

Written or oral comments are welcome. Written comments can be presented at the public hearing, or sent to the Marshall County Board of Supervisors, 1 East Main St., Courthouse, Marshalltown, Iowa 50158

Dated at Marshalltown, Iowa this
14th day of May, 2019.

Nan Benson
Marshall County
Auditor and Recorder

-----27110

PROOF OF PUBLICATION OF

Marshall County

STATE OF IOWA
MARSHALL COUNTY

Christine Davis being first duty
sworn on her oath deposes and
states that she is the
publisher of the

MID IOWA ENTERPRISE

a weekly newspaper of general
circulation, published wholly in
the English language and printed
and published in

STATECENTER, IOWA

which is within the County of
Marshall, and State of Iowa; and
printed notice hereto attached is
a true copy of the

Notice of Public Hearing - Proposed Amendments

and was published in the regular to Ordinances #5, #9, #18, #26, #31
edition of said newspaper once
each week on the same day of
the week, one publication
thereof being had on each of the
following dates:

May 23, 2019

Christine Davis
Publisher

Fees for publication \$ 18.61

MARSHALL COUNTY

Notice of Public Hearing - Proposed
Amendments to Previously Adopted and
Published Marshall County, IA Ordinances
#5, #9, #18, #26 and #31

The Marshall County Board of Supervisors will hold a public hearing Tuesday, May 28, 2019, 9:05 a.m., Meeting Room #1, 2nd floor, Great Western Bank (Temporary Location of Courthouse Offices), 11 N. 1st Ave., Marshalltown, Iowa to hear comments on proposed amendments to previously adopted Marshall County Ordinances as listed below:

*Proposed Amendment to Ordinance
No. 5-Hazardous Substance

*Proposed Amendment to Ordinance
No. 9-Establishing a Timetable for Collection of Recyclables and Providing a Method of Collection

*Proposed Amendment to Ordinance
No. 18-Class "C" Roads

*Proposed Amendment to Ordinance
No. 26-Fire Protection

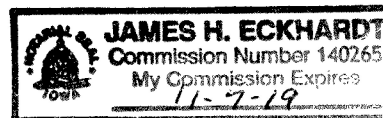
*Proposed Amendment to Ordinance
No. 31-Courthouse Parking

Should the Board determine at the public hearing that the proposed amendments to previously adopted ordinances #5, #9, #18, #26 and #31 shall become effective from and after their final passage, approval and publication as provided by law, Iowa Code 331.302.

Written or oral comments are welcome. Written comments can be presented at the public hearing, or sent to the Marshall County Board of Supervisors, 1 East Main St., Courthouse, Marshalltown, Iowa 50158

Dated at Marshalltown, Iowa this 14th day of May, 2019.

Nan Benson
Marshall County Auditor and Recorder



Sworn to before me and subscribed in
my presence by the said Christine Davis
this 23RD day of

MAY 2019

James H. Eckhardt
Marshall County, Iowa

**Marshall County Board of Supervisors
Regular Session May 14, 2019 at 9:05 a.m.**

MINUTES

The Board met in regular session on Tuesday, May 14, 2019, at 9:05 a.m. in the Great Western Bank, 11 N. 1st Ave., Marshalltown, Iowa, 2nd Floor, meeting room #1,(please use North entrance) with all 3 members present.

* * *

Resolution #2019-0026

12. First Reading of Proposed Amendment No. 19-01 to Marshall County, Iowa Ordinance No. 5, Hazardous Substance, Set Date and Time for Public Hearing and Waive Second Reading—

HAZARDOUS SUBSTANCE

A request to amend:

Title-To amend title by adding the words “WASTE” “AND” and “MANAGEMENT” to read:

HAZARDOUS WASTE AND SUBSTANCE MANAGEMENT

A request to amend:

SECTION 2. DEFINITIONS (A) – amend by removing the numbers and letters: “(4) (a & b)” and “(1987)” to read:

SECTION 2. DEFINITIONS (A).

A. “Hazardous Waste” means such wastes as defined in Section 455B.411~~(4)~~~~(a & b)~~, Code of Iowa ~~(1987)~~: “Hazardous Waste” means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:

A request to amend:

SECTION 2 DEFINITIONS (B) - to amend by removing the numbers “(1)” and “(1987)” to read:

B. “Hazardous Substance” means any substances as defined in the Section 455B.381 ~~(1)~~, Code of Iowa ~~(1987)~~: Any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous Substance” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic

pollutant listed under Section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

A request to amend:

SECTION 2 DEFINITIONS(C) - to amend by removing the numbers and word “(2)”, “(1987)” and “Subsection 1” to read:

C. “Hazardous Condition” means any circumstance as defined in Section 455B.381 ~~(2)~~, Code of Iowa ~~(1987)~~: Any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance and/or hazardous waste onto the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. For purposes of this division, a site which is abandoned or uncontrolled disposal site as defined in Section 455B.411, ~~Subsection 1~~, is a hazardous condition.

A request to amend:

1. SECTION 2 DEFINITIONS(E)- to amend by removing the numbers “(6)” and “(1987)” to read;

E. “Cleanup” means the same as defined in Section 455B.381 ~~(6)~~, Code of Iowa ~~(1987)~~ Actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

A request to amend:

SECTION 2 DEFINITIONS (F) - to amend by removing the numbers “(10)” and “(1987)” to read;

F. “Treatment” means the same as defined in Section 455B.411 ~~(10)~~, Code of Iowa ~~(1987)~~; A method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance and/or hazardous waste so as to neutralize it and/or render it nonhazardous, safe for transport, amenable for recovery and for 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 and/or hazardous waste to render it nonhazardous.

A request to amend:

SECTION 2 DEFINITIONS (H) - to amend by removing the numbers “(9)” and “(1987)” to read;

H. “Release” means the same as defined in Section 455B.381~~(9)~~, Code of Iowa~~(1987)~~: A threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying, or dumping of a hazardous substance and/or hazardous waste into or onto the land, air, or waters of the state unless one of the following applies;

A request to amend:

SECTION 2. DEFINITIONS (I) - to amend by adding the words “Chapter 4” removing the numbers “(13)” and “(1987)” to read;

I. “Person” means individual, corporation, firm, government or government subdivision or agency, business trust estate, trust partnership or association, or any other legal entity as defined in Chapter 4, Section 4.1(13), Code of Iowa (1987).

A request to amend:

SECTION 3. NOTIFICATIONS(A) -to amend by adding the words “Communications Center at the non-emergency number 641-754-5725 or life threatening emergency number (9-1-1) and “Communications Center” and Marshall County Emergency Management Agency” and “725” and removing the words “Sheriff’s Department” , “Sheriff” and “282” to read;

A. Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance and/or waste shall notify the Marshall County ~~Sheriff’s Department~~ Communications Center at the non-emergency number 641-754-5725 or life threatening emergency number (9-1-1) of the occurrence of a hazardous condition as soon as possible, but no later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. The ~~Sheriff~~ Communications Center shall immediately notify the Marshall County Emergency Management Agency and Department of Natural Resources at (515)-282-725-8694 and any member of the appropriate fire department who has received special training in the handling and disposal of a hazardous substance and/or waste.

A request to amend:

SECTION 3. NOTIFICATIONS (B) -to amend by adding the words “Communications Center” and “Marshall County Emergency Management and” and removing the words “Sheriff’s Department” and “9-1-1” to read;

B. 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 Marshall County ~~Sheriff’s Department~~ Communications Center ~~(9-1-1)~~. The authorized person shall notify Marshall County Emergency Management and proper state authority in the manner established by state regulation.

A request to amend:

SECTION 4. LAW ENFORCEMENT AUTHORITY(B)-to amend by adding the words “Emergency Management Agency or Fire Department” to read;

B. No person shall disobey an order of the authorized person or any law enforcement official, Emergency Management Agency or Fire Department acting under direction of the authorized person issued under this section. Disobedience of an order issued under this section is punishable as stated in Section 8 of this ordinance.

A request to amend:

SECTION 5. CLEANUP REQUIRED (D) – to amend by removing the numbers “(2)” and “(1987)” to read;

D. If the cost of the cleanup and/or treatment is beyond the capacity of the County to finance it, the authorized person shall proceed pursuant to Sections 455B.387-~~(2)~~ and 455B.423, Code of Iowa ~~(1987)~~ and immediately seek any state or federal funds available for such cleanup or treatment.

A request to amend:

SECTION 6. LIABILITY FOR CLEANUP COST -to amend by adding the words “and Emergency Management Agency”” and removing the words “or” and “& 455B.418.1 (1) (c)” and “(1987)” to read;

The person having control over a hazardous substance and/or hazardous waste shall be strictly liable to Marshall County ~~or~~ and Emergency Management Agency for cleanup costs incurred by Marshall County. The scope of the liability for cleanup costs shall be consistent with liability to the state as defined in Section 455B.392 & ~~455B.418 (1) (c)~~ Code of Iowa ~~(1987)~~.

A request to amend:

SECTION 10. EFFECT.-to amend by adding the word “final” and removing the words “full force and” and “from and” to read:

The Amendment to this Ordinance shall be in ~~full force and~~ effect ~~from and~~ after its final passage, approval and publication as provided by law.

Dated at Marshalltown Iowa, Marshall County, IA, on this 14th day of May, 2019.

Reason for the Amendment Request - to revise Marshall County Ordinance No. 5 with current contact information and changes to reflect the Code of Iowa.

Motion by Thompson, second by Patten to adopt Resolution #2019-0026, The First Reading of Proposed Amendment No. 19-01 to Marshall County Ordinance No. 5, Hazardous Waste and Substance Management and set hearing date for Tuesday, May 28, 2019 at 9:05 a.m.

Roll call vote:	Patten-Aye	Salasek-Aye	Thompson-Aye
	Member	Chairman	Vice Chairman

Motion by Patten, second by Thompson to waive the second reading of this proposed amendment No. 19-01 to Marshall County Ordinance No. 5 by majority of the Supervisors pursuant to Iowa Code Chapter 331.302(6.a.) and hold the public hearing and third and final reading of Ordinance Amendment No. 19-01 at the regularly scheduled Board of Supervisor’s meeting on May 28, 2019 at 9:05 a.m.

Roll call vote:	Patten-Aye	Salasek-Aye	Thompson-Aye
	Member	Chairman	Vice Chairman

/s/ Steve Salasek
Steve Salasek
Board of Supervisors, Chairman

Attest: /s/ Nan Benson
Nan Benson
Marshall County
Auditor and Recorder

* * *

20. Adjournment--The next regular session is May 28, 2019, at 9:00 a.m. All business to be acted upon at that session should be submitted to the County Auditor and Recorder's Office or the Board of Supervisors' Office by Thursday, May 23, 2019, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:59 a.m.

/s/ Steve Salasek
Steve Salasek
Board of Supervisors, Chairman

Attest: /s/ Nan Benson
Nan Benson
Marshall County
Auditor and Recorder

**Marshall County Board of Supervisors
Regular Session May 28, 2019 at 9:05 a.m.**

MINUTES

The Board met in regular session on Tuesday, May 28, 2019, at 9:05 a.m. in Great Western Bank, 11 N. 1st Ave., Marshalltown, Iowa, meeting room #1, 2nd floor (north entrance) with all 3 members present.

* * *

3. Public Hearing - Proposed Amendment 19-01 to Ordinance No. 5, Hazard Substance—

At the public hearing, any resident may present objections to or arguments in favor of any part of the proposed amendment 19-01 to Ordinance #5, Hazardous Substance

There were 0 written comments, questions, or objections on file in the County Auditor's Office. Of the 8 individuals attending the public hearing, no individual(s) presented oral comments, questions, or objections at the hearing.

Motion by Thompson, second by Patten to close the hearing at 9:11 a.m. and hold the third and final reading of Proposed Amendment #19-01 to Ordinance No. 5 at the regularly scheduled Board of Supervisor's meeting on May 28, 2019. (The second reading of this proposed Ordinance No. 5 was suspended by majority of the supervisors pursuant to Iowa Code Chapter 331.302(6.a.) at the May 14th, 2019 Regular Session.

Roll call vote:	Salasek-Aye	Thompson-Aye	Patten-Aye
	Chairman	Vice Chairman	Member

Resolution #2019-0032

4. Third and Final Reading and Adoption of Proposed Amendment No. 19-01 to Marshall County, Iowa Ordinance No. 5, Hazardous Substance--

Whereas the second reading of this ordinance was suspended by majority of the Supervisors pursuant to Iowa Code Chapter 331.302(6.a.) at the May 14, 2019 Board of Supervisors meeting, and;

Whereas, the Marshall County Board of Supervisors is considering the adoption of Amendment No. 19-01 to Marshall County Ordinance #5, Hazardous Substance.

Now, Therefore, Be it Resolved, by the Marshall County Board of Supervisors that this be considered the third and final reading and adoption of the proposed amendment;

HAZARDOUS SUBSTANCE

A request to amend:

Title-To amend title by adding the words “WASTE” “AND” and “MANAGEMENT” to read:

HAZARDOUS WASTE AND SUBSTANCE MANAGEMENT

A request to amend:

SECTION 2. DEFINITIONS (A) – amend by removing the numbers and letters: “(4) (a & b)” and “(1987)” to read:

SECTION 2. DEFINITIONS (A).

A. “Hazardous Waste” means such wastes as defined in Section 455B.411 ~~(4) (a & b)~~, Code of Iowa ~~(1987)~~: “Hazardous Waste” means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:

A request to amend:

SECTION 2 DEFINITIONS (B) - to amend by removing the numbers “(1)” and “(1987)” to read:

B. “Hazardous Substance” means any substances as defined in the Section 455B.381 ~~(1)~~, Code of Iowa ~~(1987)~~: Any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous Substance” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

A request to amend:

SECTION 2 DEFINITIONS(C) - to amend by removing the numbers and word “(2)”, “(1987)” and “Subsection 1” to read:

C. “Hazardous Condition” means any circumstance as defined in Section 455B.381 ~~(2)~~, Code of Iowa ~~(1987)~~: Any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance and/or hazardous waste onto the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. For purposes of this division, a site which is

abandoned or uncontrolled disposal site as defined in Section 455B.411, ~~Subsection 1~~, is a hazardous condition.

A request to amend:

1. **SECTION 2 DEFINITIONS(E)- to amend by removing the numbers “(6)” and “(1987)” to read;**

E. “Cleanup” means the same as defined in Section 455B.381 ~~(6)~~, Code of Iowa ~~(1987)~~ Actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

A request to amend:

SECTION 2 DEFINITIONS (F) - to amend by removing the numbers “(10)” and “(1987)” to read;

F. “Treatment” means the same as defined in Section 455B.411 ~~(10)~~, Code of Iowa ~~(1987)~~; A method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance and/or hazardous waste so as to neutralize it and/or render it nonhazardous, safe for transport, amenable for recovery and for 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 and/or hazardous waste to render it nonhazardous.

A request to amend:

SECTION 2 DEFINITIONS (H) - to amend by removing the numbers “(9)” and “(1987)” to read;

H. “Release” means the same as defined in Section 455B381~~(9)~~, Code of Iowa~~(1987)~~: A threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying, or dumping of a hazardous substance and/or hazardous waste into or onto the land, air, or waters of the state unless one of the following applies;

A request to amend:

SECTION 2 DEFINITIONS (I) - to amend by adding the words “Chapter 4” removing the numbers “(13)” and “(1987)” to read;

I. “Person” means individual, corporation, firm, government or government subdivision or agency, business trust estate, trust partnership or association, or any other legal entity as defined in Chapter 4, Section 4.1~~(13)~~, Code of Iowa ~~(1987)~~.

A request to amend:

SECTION 3. NOTIFICATIONS(A) -to amend by adding the words “Communications Center at the non-emergency number 641-754-5725 or life threatening emergency number (9-1-1) and “Communications Center” and Marshall

County Emergency Management Agency” and “725” and removing the words “Sheriff’s Department” , “Sheriff” and “282” to read;

A. Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance and/or waste shall notify the Marshall County ~~Sheriff’s Department~~ Communications Center at the non-emergency number 641-754-5725 or life threatening emergency number (9-1-1) of the occurrence of a hazardous condition as soon as possible, but no later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. The ~~Sheriff~~ Communications Center shall immediately notify the Marshall County Emergency Management Agency and Department of Natural Resources at (515)-282-725-8694 and any member of the appropriate fire department who has received special training in the handling and disposal of a hazardous substance and/or waste.

A request to amend:

SECTION 3. NOTIFICATIONS (B) -to amend by adding the words “Communications Center” and “Marshall County Emergency Management and” and removing the words “Sheriff’s Department” and “9-1-1” to read;

B. 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 Marshall County ~~Sheriff’s Department~~ Communications Center ~~(9-1-1)~~. The authorized person shall notify Marshall County Emergency Management and proper state authority in the manner established by state regulation.

A request to amend:

SECTION 4. LAW ENFORCEMENT AUTHORITY(B)-to amend by adding the words “Emergency Management Agency or Fire Department” to read;

B. No person shall disobey an order of the authorized person or any law enforcement official, Emergency Management Agency or Fire Department acting under direction of the authorized person issued under this section. Disobedience of an order issued under this section is punishable as stated in Section 8 of this ordinance.

A request to amend:

SECTION 5. CLEANUP REQUIRED (D) – to amend by removing the numbers “(2)” and “(1987)” to read;

D. If the cost of the cleanup and/or treatment is beyond the capacity of the County to finance it, the authorized person shall proceed pursuant to Sections 455B.387-~~(2)~~ and 455B.423, Code of Iowa ~~(1987)~~ and immediately seek any state or federal funds available for such cleanup or treatment.

A request to amend:

SECTION 6. LIABILITY FOR CLEANUP COST -to amend by adding the words “and Emergency Management Agency” and removing the words “or” and “& 455B.418.1 (1) (c)” and “(1987)” to read;

The person having control over a hazardous substance and/or hazardous waste shall be strictly liable to Marshall County ~~or~~ and Emergency Management Agency for cleanup costs incurred by Marshall County. The scope of the liability for cleanup costs shall be consistent with liability to the state as defined in Section 455B.392 & ~~455B.418 (1)(e)~~ Code of Iowa (~~1987~~).

A request to amend:

SECTION 10. EFFECT.-to amend by adding the word “final” and removing the words “full force and” and “from and” to read:

The Amendment to this Ordinance shall be in ~~full force and effect from and~~ after its final passage, approval and publication as provided by law.

Dated at Marshalltown Iowa, Marshall County, IA, this 28th day of May, 2019.

Reason for the Amendment Request - to revise Marshall County Ordinance No. 5 with current contact information and changes to reflect the Code of Iowa.

Motion by Patten, second by Thompson, to adopt Resolution #2019-0032, The Third and Final Reading and Adoption of proposed Amendment No. 19-01 to Marshall County Ordinance No. 5, Hazardous Waste and Substance Management.

Roll call vote:	Salasek-Aye	Thompson-Aye	Patten-Aye
	Chairman	Vice Chairman	Member

/s/ Steve Salasek
Steve Salasek
Board of Supervisors, Chairman

Attest: /s/ Nan Benson
Nan Benson
Marshall County
Auditor and Recorder

* * *

22. Adjournment--The next regular session is June 11, 2019, at 9:05 a.m. All business to be acted upon at that session should be submitted to the County Auditor and Recorder's Office or the Board of Supervisors' Office by Thursday, June 6, 2019, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 9:46 a.m.

/s/ Steve Salasek
Steve Salasek
Board of Supervisors, Chairman

Attest: /s/ Nan Benson
Nan Benson
Marshall County
Auditor and Recorder

BAffidavit of Publication

STATE OF IOWA,
Marshall County, ss.

Marshall County Auditor
Notice of Adoption Ordinance #5 Hazardous Waste and
Substance Management Amendment #19-01

I, Colleen Ward, being first duly sworn, on oath depose and say that Marshalltown Newspaper, LLC is a corporation for pecuniary profit organization under the law of the State of Iowa, with its principal place of business in Marshalltown, Iowa; that the "Times-Republican" is a daily newspaper of general circulation printed wholly in the English language and published by said corporation at the city of Marshalltown, in Marshall County, Iowa; that I am the Accounting Manager of said corporation and a full time employee of the said newspaper, and have personal knowledge of the facts stated herein; that the Notice hereto attached in the above entitled action was published in the regular daily edition of the said "Times-Republican" once each week for:

One

consecutive weeks on the days and dates as follows, to-wit:
June 5, 2019

Statutory fees for publishing said notices are:
99.84

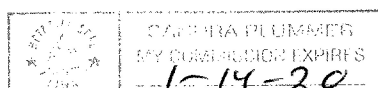
Colleen Ward

Sworn to before me and subscribed in my
presence by the said Colleen Ward, this
Fifth Day of June, 2019

Sandra Plummer

Sandra Plummer, Notary Public
Marshall County, Iowa
Commission No. 766297
Commission Expires January 14, 2020

Account No. and Account Name
L15900 Marshall County Auditor



**PUBLIC NOTICE
NOTICE OF ADOPTION
ORDINANCE #5
HAZARDOUS WASTE AND
SUBSTANCE MANAGEMENT
AMENDMENT #19-01**

TO WHOM IT MAY CONCERN:

You are hereby notified that on May 28, 2019, the Marshall County Board of Supervisors adopted the third and final reading of Amendment #19-01 to the Ordinances of Marshall County, IA amending Ordinance #5, Hazardous Waste and Substance Management.

The amendment to Ordinance #5 follows:

**TitleHAZARDOUS WASTE
AND SUBSTANCE
MANAGEMENT**

SECTION 2. DEFINITIONS (A).

A. "Hazardous Waste" means such wastes as defined in Section 455B.411, Code of Iowa: "Hazardous Waste" means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:

B. "Hazardous Substance" means any substances as defined in the Section 455B.381, Code of Iowa: Any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous Substance" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

C. "Hazardous Condition" means any circumstance as defined in Section 455B.381, Code of Iowa: Any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance and/or hazardous waste onto the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. For purposes of this division, a site which is abandoned or uncontrolled disposal site as defined in Section 455B.411, is a hazardous condition.

E. "Cleanup" means the same as defined in Section 455B.381, Code of Iowa, actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

F. "Treatment" means the same as defined in Section 455B.411, Code of Iowa; a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance and/or hazardous waste so as to neutralize it and/or render it nonhazardous, safe for transport, amenable for recovery and for 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 and/or hazardous waste to render it nonhazardous.

H. "Release" means the same as defined in Section 455B.381, Code of Iowa: a threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying, or dumping of a hazardous substance and/or hazardous waste into or onto the land, air, or waters of the state unless one of the following applies;

I. "Person" means individual, corporation, firm, government or government subdivision or agency, business trust estate, trust partnership or association, or any other legal entity as defined in Chapter 4, Section 4.1, Code of Iowa.

SECTION 3. NOTIFICATIONS

A. Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance and/or waste shall notify the Marshall County Communications Center at the non-emergency number

641-754-5725 or life threatening emergency number (9-1-1) of the occurrence of a hazardous condition as soon as possible, but no later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. The Communications Center shall immediately notify the Marshall County Emergency Management Agency and Department of Natural Resources at 515-725-8694 and any member of the appropriate fire department who has received special training in the handling and disposal of a hazardous substance and/or waste.

B. 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 Marshall County Communications Center. The authorized person shall notify Marshall County Emergency Management and proper state authority in the manner established by state regulation.

SECTION 4. LAW ENFORCEMENT AUTHORITY

B. No person shall disobey an order of the authorized person or any law enforcement official, Emergency Management Agency or Fire Department acting under direction of the authorized person issued under this section. Disobedience of an order issued under this section is punishable as stated in Section 8 of this ordinance.

SECTION 5. CLEANUP REQUIRED

D. If the cost of the cleanup and/or treatment is beyond the

capacity of the County to finance it, the authorized person shall proceed pursuant to Sections 455B.387 and 455B.423, Code of Iowa and immediately seek any state or federal funds available for such cleanup or treatment.

SECTION 6. LIABILITY FOR CLEANUP COST

The person having control over a hazardous substance and/or hazardous waste shall be strictly liable to Marshall County and Emergency Management Agency for cleanup costs incurred by Marshall County. The scope of the liability for cleanup costs shall be consistent with liability to the state as defined in Section 455B.392, Code of Iowa.

SECTION 10. EFFECT

The Amendment to this Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Reason for the Amendment Request

- to revise Marshall County Ordinance No. 5 with current contact information and changes to reflect the Code of Iowa.

Dated at Marshalltown, Iowa this 28th day of May, 2019.

The complete text for Ordinance #5 is on file in the Auditor and Recorder's Office or the Board of Supervisor's office.

Nan Benson
Marshall County
Auditor and Recorder

-----27207

PROOF OF PUBLICATION OF

Marshall County
Board of Supervisors

STATE OF IOWA
MARSHALL COUNTY

Christine Davis being first duty
sworn on her oath deposes and
states that she is the
publisher of the

MID IOWA ENTERPRISE

a weekly newspaper of general
circulation, published wholly in
the English language and printed
and published in

STATECENTER, IOWA

which is within the County of
Marshall, and State of Iowa; and
printed notice hereto attached is
a true copy of the

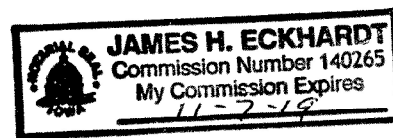
Ordinance #5

and was published in the regular
edition of said newspaper once
each week on the same day of
the week, one publication
thereof being had on each of the
following dates:

June 6, 2019

Christine Davis
Publisher

Fees for publication \$ 76⁷³



Sworn to before me and subscribed in
my presence by the said Christine Davis
this 6TH day of

June 2019
James H Eckhardt
Marshall County, Iowa

1062

MARSHALL COUNTY

PUBLIC NOTICE NOTICE OF ADOPTION ORDINANCE #5 HAZARDOUS WASTE AND SUBSTANCE MANAGEMENT AMENDMENT #19-01

TO WHOM IT MAY CONCERN:

You are hereby notified that on May 28, 2019, the Marshall County Board of Supervisors adopted the third and final reading of Amendment #19-01 to the Ordinances of Marshall County, IA amending Ordinance #5, Hazardous Waste and Substance Management. The amendment to Ordinance #5 follows:

Title:

HAZARDOUS WASTE AND SUBSTANCE MANAGEMENT SECTION 2. DEFINITIONS (A).

A. "Hazardous Waste" means such wastes as defined in Section 455B.411, Code of Iowa. "Hazardous Waste" means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:

B. "Hazardous Substance" means any substances as defined in the Section 455B.381, Code of Iowa. Any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous Substance" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

C. "Hazardous Condition" means any circumstance as defined in Section 455B.381, Code of Iowa. Any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance and/or hazardous waste onto the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. For purposes of this division, a site which is abandoned or uncontrolled disposal site as defined in Section 455B.411, is a hazardous condition.

E. "Cleanup" means the same as defined in Section 455B.381, Code of Iowa, actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

F. "Treatment" means the same as defined in Section 455B.411, Code of Iowa; a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance and/or hazardous waste so as to neutralize it and/or render it nonhazardous, safe for transport, amenable for recovery, and for 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 and/or hazardous waste to render it nonhazardous.

H. "Release" means the same as defined in Section 455B.381, Code of Iowa; a threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying, or dumping of a hazardous substance and/or hazardous waste into or onto the land, air, or waters of the state unless one of the following applies:

1. "Person" means individual, corporation, firm, government or government subdivision or agency, business trust estate, trust partnership or association, or any other legal entity as defined in Chapter 4, Section 4.1, Code of Iowa.

SECTION 3. NOTIFICATIONS

A. Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance and/or waste shall notify the Marshall County Communications Center at the non-emergency number 641-754-5725 or life threatening emergency number (9-1-1) of the occurrence of a hazardous condition as soon as possible, but no later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. The Communications Center shall immediately notify the Marshall County Emergency Management Agency and Department of Natural Resources at 515-725-8694 and any member of the appropriate fire department who has received special training in the handling and disposal of a hazardous substance and/or waste.

B. 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 Marshall County Communications Center. The authorized person shall notify Marshall County Emergency Management and proper state authority in the manner established by state regulation.

SECTION 4. LAW ENFORCEMENT AUTHORITY

B. No person shall disobey an order of the authorized person or any law enforcement official, Emergency Management Agency or Fire Department acting under direction of the authorized person issued under this section. This subsection of an order issued under this section.