

## CHAPTER 107

HAZARDOUS HOUSEHOLD WASTE STORAGE FACILITIES

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107.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Co-composting" means the mixing of any yard waste with any other solid waste or liquid waste, specifically including but not limited to manure, paunch, food waste, sludge, or any other waste. Paunch includes any waste recovered from the stomach of livestock during the slaughtering and butchering process. Co-composting shall not include the mixing of yard waste with other solid waste or liquid waste when such mixing is performed by any agricultural business who mixes only manure or other animal waste on the site where the initial waste is produced. In addition, co-composting is prohibited by Section 107.09.
2. "Hazardous Household Waste" includes any product used for residential purposes and defined as hazardous household waste by the Iowa Legislature or by rule of the Iowa Department of Natural Resources specifically including but not limited to any brand, grade, size or volume of the following products: motor oils and motor oil additives, motor oil filters, gasoline additives, diesel fuel additives, degreasers, personal care products, personal care soaps, cosmetics, waxes and polishes (excluding nail polish), solvents (excluding water), paints (excluding latex-based paints), lacquers, thinners (excluding water), caustic household cleaners, spot and stain removers with a petroleum base, and petroleum based fertilizers. Hazardous household waste does not include laundry detergents or soaps, dishwashing compounds, chlorine bleach, animal and human medications, pharmaceuticals, agricultural fertilizers, agricultural pesticides, and radioactive materials.
3. "Household Hazardous Waste Storage Facility" means a building or warehouse used primarily for the receipt and containment of hazardous household waste, on a nonpermanent basis of less than 90 days in such a manner that does not allow disposal, discharge, deposit, injection, dumping, spilling, leaking, or placing of the hazardous household waste, into or on the land, water, air or groundwaters. This facility must be

licensed pursuant to the provisions of Chapter 105 of this Code of Ordinances. This facility shall only receive household hazardous waste from noncommercial haulers and haulers licensed pursuant to this chapter.

4. "Non-commercial Haulers" shall be limited to individuals carrying household hazardous waste that was previously used on or about their residence or dwelling.

#### 107.02 PERMIT TO HAUL SOLID WASTE OR HAZARDOUS HOUSEHOLD WASTE.

1. No person shall engage in the business of removing or hauling commercial or industrial solid waste or hazardous household waste from the premises of others, unless such person shall first have applied for and received a permit to do so from the City.

2. Application for such permit shall specify the equipment or the vehicles to be used. General information concerning the route to be traveled and the places to be served, and the names and addresses of the applicant.

3. Such person(s) shall pay the annual license fee of \$5.00 per year for each vehicle engaged in such business, to be paid at the office of the City Clerk. Such permit fee shall be payable commencing on and after the effective date of this chapter, and shall be renewable each year thereafter on January 1<sup>st</sup>.

4. All vehicles licensed and under this section shall prominently display the permit number on the left and right sides of vehicle in letters in not less than three inches high.

5. Non-commercial haulers shall be subject to the provisions of Section 107.04.

107.03 AGENCY EXCEPTIONS. Any person authorized as an agent under the contract with the agency to remove or haul solid waste, or hazardous household waste shall be considered to have met the provisions of, and no further permit or license shall be required by the City.

107.04 PROTECTION REQUIRED. No person other than an owner subject to Section 107.06 shall haul any solid waste, or hazardous household waste upon the streets, alleys, or public places of the City unless the same shall be in an approved container, securely fastened to prevent spillage, or in a totally enclosed water-tight vehicle. If, however, material is a dry type material, it may be hauled in a totally enclosed vehicle or open vehicle which is covered with a

suitable tight-fitting cover to prevent spillage. Licensed collectors who collect and haul solid waste or hazardous household waste shall haul these materials only in tightly enclosed vehicles with water-tight containers. All vehicles used for the collection and removal of solid waste or hazardous household waste shall be kept in a clean, inoffensive and sanitary condition. All solid waste or hazardous household waste shall be hauled in such a way as to prevent the scattering, spilling, or leakage of the same, and if spilled the collector will be responsible to pick up or clean up such spilled materials.

107.05 HAZARDOUS HOUSEHOLD WASTE STORAGE SITE REQUIREMENTS. No person shall haul, cause to be hauled, or receive any hazardous household waste of any kind for storage within the corporate limits of the City unless such site is first licensed by the City and complies with all applicable fire, electric, and building codes and all applicable health and zoning ordinances as adopted by the City. The Clerk shall supply permit applications to any applicant that wishes to apply or reapply for a yearly license to operate such storage site within the City limits. In addition to the information requested in the application, the applicant shall supply the following:

1. A detailed description of the site including a drawing showing the dimensions, location, topography, structures, adjacent zoning uses, land uses, surface water and drainage patterns, wells, utilities, residences and other existing and proposed manmade structures or natural features. In addition, a detailed description of the appropriate safeguards to prevent the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous household waste into the land, water, air or groundwater.
2. A current permit to operate the facility from the Iowa Department of Natural Resources, Iowa Environmental Protection Agency and/or any other appropriate State or Federal regulatory agency.
3. An operation manual specifying details with regard to the manner in which such hazardous household waste is to be stored, the hours that the facility will be open, the manner in which the materials are to be received for storage, the manner in which the site is to be monitored to insure that such storage facility is not contaminating surrounding land, water, air or groundwater, the procedures that will be taken to prevent discharges, spills, or any other occurrence as a result of the storage of hazardous household waste, the manner in which such spills will be controlled, the procedure to be used by the storage owner to clean up any spills or discharge of hazardous household waste into the City. The operations manual shall also address those issues set out in Section 107.08 including the contingency plans and the Spill Prevention Control and Countermeasure Plans.

4. In the event that the applicant is seeking a license renewal for an existing storage site, the application must include the records of the operation of the storage site during the previous year, including the types and weights of materials received, and the results of any testing or monitoring. Prior to the renewal of the license, the City Administrator shall require the applicant to test and submit the results of site environmental monitoring to determine whether there has been any contamination of the surrounding environment.

The Council shall approve a site application only if the application meets the requirements of this chapter. No license to operate a site may be approved unless the applicant demonstrates the site complied with any and all requirements of this chapter and all requirements adopted by the Iowa Department of Natural Resources, Iowa Environmental Protection Commission, United States Environmental Protection Agency or any other applicable State or Federal regulatory agency. The Council shall not approve a license for any site which does not meet the specifications of this chapter.

The annual license fee shall be \$1,000 per year payable to the Clerk at the time the license is issued. If a new license is subsequently requested on an existing site, the license fee shall be \$1,000 per year.

107.06 OWNER MAY TRANSPORT. Nothing in Section 107.05 is intended to prevent the owner of household hazardous waste that was previously used on or about his or her residence or dwelling to transport such waste to an approved hazardous household waste storage site in the City in accordance with the policies established by such site.

107.07 LIMITATIONS ON HAZARDOUS HOUSEHOLD WASTE STORAGE SITE LICENSES. No person subject to licensing under this chapter for the operation of a hazardous household waste storage facility shall do any of the following:

1. Accept any household appliances, motor vehicle batteries, motor vehicle tires, or substances which would subject the site to regulation under the Federal Resource Conservation and Recovery Act of 1976 as amended.
2. Accept any commercial, industrial or agricultural waste including but not limited to manures and crop residues.
3. Accept any hazardous household waste from persons or agencies that are not part of or residents of communities which are subject to the same

28E agreement that created the person or party that holds the license under this chapter.

4. Accept any waste from any person without first documenting the name, address, and substance such person is delivering to the site. In the case of a licensed collector, other than an owner subject to 107.06 such collector shall also comply with any other manifesting and product information specifications required by the Federal Department of Transportation, the Iowa Department of Transportation or any other governmental agency.

5. Operate the facility in a manner that would violate fire regulations as adopted by the City, specifically but no limited to the storage, mixing, or aggregating of different types of waste. Construct the facility of materials other than concrete or masonry.

107.08 ADDITIONAL REQUIREMENTS FOR HAZARDOUS HOUSEHOLD WASTE STORAGE FACILITIES. In addition to the requirements set out in Section 107.05, any person seeking a license for a hazardous household waste facility shall prepare, demonstrate, and do the following:

1. Emergency Capabilities.

A. The facility must be designed, constructed, maintained and operated to minimize the possibility of a fire, explosion, unplanned sudden or nonsudden release of hazardous household waste or constituents thereof into the air, soil, surface, or groundwater.

B. The facility shall be designed with an internal communications or alarm system capable of providing immediate emergency instruction to facility personnel.

C. Facility personnel shall have access to a device such as telephone or hand-held two-way radio, capable of summoning emergency assistance from local law enforcements, fire department, and State and local emergency response teams.

D. The facility shall be equipped with portable fire extinguishers, fire control equipment (including special extinguishing equipment such as foam, inert gas, or dry chemicals), spill containment equipment and decontamination equipment.

E. The facility must have access to water at adequate volume and pressure to supply water hose streams, or foam producing

equipment, or automatic sprinklers, or water spray systems sufficient to prevent fire or chemical reactions.

F. The facility shall be designed with an alarm system to notify the owner of such a facility that a spill has occurred.

G. All communication systems, alarm systems, fire protection equipment, spill control equipment, and decontamination equipment must be tested and maintained to assure its proper operation in the time of an emergency.

H. The operator of a facility must maintain sufficient aisle space to allow unrestricted movement of personnel, fire protection equipment, spill containment equipment, and decontamination equipment to any area of a facility licensed under this chapter.

I. The facility shall be fenced with at least a six-foot fence. The facility shall also be posted to prohibit the entry of unauthorized persons. All entry ways to the facility shall be locked when the facility is not open for business. All valves located outside of the facility shall be padlocked and chained when not in use.

## 2. Construction Requirements.

A. All flooring in the facility shall be impervious and designed with internal curbs and gutters to control spills or leaks. All curbs and gutters shall collect into a central collection point for collection and removal by the owner. The collection point shall be contained within the facility and not exposed to the environment outside of the facility. Material collected shall be transported to a proper disposal site and shall not be discharged onto the site or the surrounding environment of the City.

B. All loading/unloading areas shall be made of an impervious all weather surface capable of withstanding traffic and heavy vehicles. All loading/unloading areas shall be curbed and guttered. The guttering system shall discharge into a central collection point and not directly into the environment. Any run-off or material collected in the central collection point shall be transported to a proper disposal site in accordance with Section 107.08(2)(A). The central collection point shall comply with Iowa Administrative Code r. 567-105.5(12)(1990) regarding detention basins. No exterior loading docks may face street frontage. Provisions for handling all material

brought to or removed from the site by vehicle shall also take place on the part of the building that is not facing street frontage.

3. Data Reporting.

A. Air quality and the generation of dust or other particles related to the facility shall be monitored on a quarterly basis by the owner of the facility. Data shall be reported quarterly to the City Administrator.

B. Noise generation shall be monitored on a quarterly basis by the owner of the facility. Data shall be reported quarterly to the City Administrator.

4. Contingency Plans.

A. Each operator of a facility subject to licensing under this chapter must establish a contingency plan. The provisions of such plan must be carried out immediately whenever there is a fire, explosion, or release of household hazardous waste such that the release would threaten human health or the environment.

B. The contingency plan must describe the actions facility personnel must take to comply with Paragraph C of this subsection.

C. Plan Contents.

(1) The plan must describe arrangements agreed to by local law enforcement, fire departments, hospitals, contractors, State and local emergency response team and any other party responsible for the cleanup and the prevention of emergencies at such a site.

(2) The contingency plan must list the name, address, and phone number of a person to act as an emergency coordinator. An emergency coordinator is an employee of the facility who may either be on premises or on call who can respond in under ten minutes to an emergency at the facility. Such emergency coordinators shall have the responsibility for coordinating all emergency response measures. In order to be qualified as an emergency coordinator, the person must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the characteristics of the waste

handled, all records regarding the facility and the facility's layout. In addition, the emergency coordinator must have the authority to commit the resources which would be needed to carry out the contingency plan.

(3) The emergency coordinator shall have the authority also to initiate emergency procedures. Emergency procedures shall include but are not limited to the activation of internal alarm systems, including notification of all facility personnel, notification to State and local government agencies designated to help in the cleanup of such site, identification of the character, source, or amount, of any released materials when such materials were released either through fire, explosion, or spill. In the event that the emergency coordinator determines that fire, explosion, or spill threatens human life or the environment, the coordinator must notify appropriate local authorities.

(4) During an emergency, the coordinator must take all reasonable measures necessary to ensure that additional fires, explosions, or releases do not occur, reoccur, or spread to other waste held at the facility.

(5) The emergency coordinator shall make such provisions for the treatment, storage, disposing, of all recovered waste, contaminated soil or surface water, or any other material that was released through fire, explosion or spill.

5. The owner of a facility shall also prepare a Spill Prevention Control and Countermeasure Plan (SPCC). The SPCC Plan shall be a carefully thought-out plan, prepared in accordance with good engineering practices, and which has the full approval of management at a level with authority to commit the necessary resources. If the plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, these items should be discussed in separate paragraphs, and the details of installation and operational start-up should be explained separately.

The plan shall include at least the following:

- A. A description of maximum storage or handling capacity of the facility and normal daily intake and removal.
- B. A description of the facility, including maps, flow diagrams, and topographical maps.

C. A description of the appropriate containment or diversionary structures or equipment to prevent waste from reaching the environment surrounding the facility or the grounds of the facility. One of the following preventive systems or its equivalent should be used as a minimum:

- (1) Dikes, berms or retaining walls sufficiently impervious to contain spilled material;
- (2) Curbing;
- (3) Culverting, gutters or other drainage systems;
- (4) Spill diversion ponds;
- (5) Retention ponds;
- (6) Absorbent materials.

D. A description of the planned maintenance or above-ground tanks which should be subject to periodic integrity testing, taking into account tank design and using such techniques as hydrostatic testing, visual inspection or a system of non-destructive shell thickness testing. Comparison records should be kept where appropriate, and tank supports and foundations should be included in these inspections. In addition, the outside of the tank should frequently be observed by operating personnel for signs of deterioration, leaks which might cause a spill, or accumulation of oil inside diked areas.

E. A description of the planned maintenance or buried piping installations which should have a protective wrapping and coating and should be cathodically protected if soil conditions warrant. If a section of buried line is exposed for any reason, it should be carefully examined for deterioration. If corrosion damage is found, additional examination and correction action should be taken as indicated by the magnitude of the damage.

All aboveground valves and pipelines should be subjected to regular examinations by operating personnel at which time the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces should be assessed. In addition,

periodic pressure testing may be warranted for piping in areas where facility drainage is such that a failure might lead to a spill event.

F. A description of how the facility intends to train personnel and implement spill prevention procedures.

(1) Owners are responsible for properly instructing their personnel in the operation and maintenance of equipment to prevent the discharges of waste and applicable pollution control laws, rules and regulations.

(2) Each facility should have a designated person who is accountable for spill prevention procedures and monitoring who reports to management.

(3) Owners should schedule and conduct spill prevention briefings for their operating personnel at intervals frequent enough to assure adequate understanding of the SPCC Plan for that facility. Such briefings should highlight and describe known spill events or failures, malfunctioning components, and recently developed precautionary measures.

6. Operating Record. The owner of a hazardous household waste facility licensed pursuant to this chapter shall keep the following information available at the facility until the closure of such a site.

A. A description of the quantity of the hazardous household waste received, and the methods, dates and treatment, storage, and the date on which such material was removed from the facility. Any other information required to be kept by Section 107.07.

B. The location and quantity of each substance of hazardous household waste within the facility and such hazardous household waste shall be cross-indexed by the specific manifest document number if such waste was accompanied by a waste manifest document prior to entering the site.

C. Records of any and all waste analysis performed on the waste.

D. Summary reports and details of all incidents that require implementation of the contingency plan as specified in Section 107.08.

- E. Records and results of any inspections performed by any government agency.
  - F. Monitoring, testing, or analytical data.
  - G. All closure cost estimates.
  - H. Records of the quantities, date of placement into commerce, manifest numbers, if available, and any other information regarding the shipment of hazardous household waste from the site to any other facility or site.
  - I. All records including contingency plans, required under this chapter, must be furnished upon request and made available at all reasonable times for inspection, by any officer or employee of the City. Only the operations manual, contingency plans, and Spill Prevention Control and Countermeasure Plan required by this chapter shall be held by the Clerk of the City and such records shall be open to public inspection at all reasonable times.
7. Groundwater Monitoring Requirements. A facility licensed pursuant to this chapter shall have in place all monitoring programs as set out below.
- A. A groundwater monitoring system shall consist of an appropriate number of ground monitoring wells, installed in an appropriate location and depth to yield groundwater samples from the uppermost aquifer as certified by a qualified geologist or geotechnical engineer.
  - B. Such monitoring system shall be used to determine that the quality of background water has not been affected by leakage from the site and determine when household hazardous waste has migrated from the site into the uppermost aquifer.
  - C. The certification by the qualified geologist or geotechnical engineer shall also include a certification that the integrity of the monitoring well has been maintained and that such well hole has been sealed to prevent contamination of samples in the groundwater and such geologist or engineer shall represent that the quality of background water has not been affected by leakage from the site and that the quality of groundwater passing through the wells has not been contaminated at the well site.

D. The groundwater monitoring program as adopted by this chapter shall include appropriate techniques and procedures for:

- (1) Sample collection;
- (2) Sample preservation and shipment;
- (3) Analytical procedures; and
- (4) Chain of custody and control.

E. Groundwater monitoring samples taken pursuant to this subsection shall be analyzed by an independent chemical laboratory to identify statistically significant evidence of contamination from the site.

F. The owner shall certify to the City no less than semi-annually there is no statistically significant evidence of contamination from any chemical stored in the facility. If statistically significant evidence of contamination exists, the owner of the facility shall immediately report such facts in writing to the Mayor and adopt a corrective action program. A corrective action program as defined in this chapter shall include a program to treat in place or remove any waste that exceeds the statistically significant point at which contamination would exist. In addition, a corrective action program shall also include the owner's plan for cleanup of any material that has migrated beyond the facility.

8. Closure and Postclosure Plans. Any application for a license pursuant to this chapter shall also include appropriate closure and postclosure plans.

A. Closure Standards.

- (1) Closure standards shall include plans by the owner to minimize the costs of further maintenance after the facility has closed and such a plan shall articulate the requirements necessary to protect human health and the environment, including preventing the escape of any hazardous household waste into or on the land, water, air, or groundwater. The owner shall also certify that upon closure, the facility shall no longer be used to store hazardous household waste or that no such waste is left in the facility at the time of closure

and that the threat to human health and the environment has been minimized. The owner shall, simultaneous with the application for a license to operate such a facility within the corporate boundaries of the City, include a detailed description of the steps necessary to remove or decontaminate all hazardous household waste residues, equipment, structures and soils during final closure of the facility. Such plan shall also include the methods for sampling and testing the surrounding soils and provide a criteria for determining the extent of decontamination required to satisfy the closure performance standards. Furthermore, such plan shall also include a schedule for closure of the facility including a timetable which will show the total time required to close the site. A closure plan shall also include an estimated year when closure procedures will begin.

Within 180 days of the initiation of closure procedures, the owner shall notify the City Administrator of the owner's intent to commence closure activities under this section. Within 60 days of the completion of the final closure, the owner of such site shall certify to the City that such a site has been closed in accordance with the specifications set out in the closure plan and that requirements of this chapter have been met. Certification must be signed by the owner and by an independent professional engineer.

(2) An owner of a site licensed pursuant to this chapter shall include postclosure care of the site in any closure plan. A postclosure plan shall identify the remaining care of the site such that the integrity of any liners, covers, or any other components of the containment system or the facility's monitoring systems such that any proposed use of the property will not increase the potential hazard to human health or the environment or the plan shall identify remaining care necessary to reduce the threat to human health or the environment. The plan shall identify what planned maintenance activities are necessary and the frequency with which such planned maintenance activities will be performed to ensure the integrity of the containment systems and the monitoring equipment. Such plan shall also provide the name, address and phone number of the person or office to contact regarding the facility during the postclosure care period.

(3) An applicant at the time of application for a license for the facility shall estimate in current dollars the cost of closing the facility and the costs in current dollars of any postclosure care. The estimate shall be based on the cost of hiring an independent contractor to close the facility.

The applicant, upon receiving City approval for the license, but as a precondition to the receipt of such license, shall post suitable security in the form of a surety bond, trust, or irrevocable letter of credit in an amount to cover closure and postclosure clean-up costs. At the time of renewal of the license, the estimate of current dollars shall be adjusted and the security adjusted accordingly.

107.09 CO-COMPOSTING PROHIBITED. The Council finds the practice of co-composting to be inimical to the public health, safety, and welfare of the citizens of the City. As such, the practice of co-composting is prohibited within the Grimes corporate boundaries.