

CHAPTER 18

HAZARDOUS WASTE

18.01 DEFINITIONS

The following definition shall apply:

“Hazardous Waste” means all waste defined as "hazardous waste" pursuant to all regulations, administrative codes, rules, or statutes of the State of Wisconsin.

18.02 PURPOSE

The purpose of this Chapter is to further the maintenance of safe and healthful conditions, prevent and control pollution, protect the environment, and promote the public health, welfare, safety, convenience and interests of the residents of the Town of Neenah by establishing standards covering Hazardous Waste in the Town of Neenah. This Hazardous Waste Ordinance may be amended from time to time as determined by the Town of Neenah Board of Supervisors.

18.03 DISPOSAL OF HAZARDOUS WASTE FROM OUTSIDE THE TOWN OF NEENAH INTO THE TOWN OF NEENAH

No person, firm, corporation, partnership, business or any entity shall dump, dispose, store, or locate, on either a temporary or permanent basis, any hazardous waste from outside the Town of Neenah upon any location or property within the Town of Neenah. However, a hazardous waste may be temporarily stored or located in the Town of Neenah for industrial reuse or recycling purposes.

18.04 DISPOSAL OF HAZARDOUS WASTE FROM INSIDE THE TOWN OF NEENAH INTO THE TOWN OF NEENAH

(1) No person, firm, corporation, partnership, business or any entity shall dump, dispose, store, or locate on either a temporary or permanent basis, any hazardous waste from inside the Town of Neenah upon any location or property within the Town of Neenah, except upon permits issued by the Board of Supervisors of the Town of Neenah and in conformity with the provisions set forth below. In addition, a hazardous waste may be temporarily stored or located in the Town of Neenah for industrial reuse or recycling purposes.

(2) Application for Permit

(a) Applications for disposal of hazardous waste in the Town that has originated in the Town shall be made to the Town Clerk.

(b) **Application Contents.** The application for the permit shall, at minimum, contain all of the following:

1. The application shall designate the legal premises to be used by the permitted person for the proposed use, site, or facility. The

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permit may not be amended if the person changes the premises in the town.

2. The name of the applicant and the name of any agent for the applicant.
3. The address of the applicant.
4. The address and legal description of the premises for the facility or site and the current owner of the premises.
5. The type and use of the facility or site to be constructed, operated, maintained, closed, or provided long-term care at the premises.
6. The length of time in years for construction of the facility, if applicable.
7. All local approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to any construction, maintenance, operation, closure, or long-term care.
8. All federal or state approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to construction, maintenance, operation, closure, or long-term care.
9. The proposed length in years of operational time for actual disposal, treatment, or storage operations at the facility.
10. The current and proposed zoning and land use plan for the facility premises, if any.
11. The projected type, source, and amount of hazardous or toxic waste to be stored, treated, or disposed at the facility on an annual basis.
12. Copies of all feasibility reports and plan of operations submitted or to be submitted to the State of Wisconsin, Department of Natural Resources.
13. The financial security projected to be provided by the applicant to insure compliance with the permits as issued and with any other approvals.
14. Any public nuisance or threats to the public health or safety known by the applicant that are located at or near the proposed or current waste location.
15. Any other information regarding the construction, operation, closure, or long-term care of the facility requested by the town in the application form.

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- (c) The Town Board shall grant, deny, or conditionally grant the application in writing within six (6) months after the submission of a complete application. The Board may inspect the proposed site and/or schedule a hearing for public comment if the Board determines that it is in the Town's interest to do so. The Town Board shall not grant any permit it determines is prejudicial to the interests of the residents of the Town.
- (3) Permit if Granted
- (a) A permit is not transferable from one person to another.
 - (b) A permit is not transferable from one location to another.
 - (c) Failure to comply with the terms of a permit shall constitute a violation of this Chapter.
 - (d) A permit does not entitle the holder to violate the other Sections of this Chapter.

18.05 TOWN LANDFILL

No person, firm, corporation, partnership, business or any entity shall use or dispose of any hazardous waste in any landfill site within the Town without approval from the Town Board.

18.06 COLLECTION AND TRANSPORTATION OF HAZARDOUS WASTE

- (1) Hazardous waste shall be collected and transported by private contract (a licensed contractor) of the owner. This waste shall be collected and transported in such manner and frequency as is needed to protect the public safety and welfare of the Town of Neenah. The Town of Neenah shall not provide for nor arrange to provide for, by contract or otherwise, any services for collection, removal, or transportation of hazardous waste in the Town of Neenah.
- (2) All hazardous waste transported upon any Town of Neenah road shall comply with all laws, rules, administrative codes, and regulations of the State of Wisconsin and/or State of Wisconsin Department of Natural Resources, and all federal laws.

18.07 EXEMPTIONS

- (1) All statutes, administrative rules, and regulations of the State of Wisconsin/State of Wisconsin Department of Natural Resources concerning materials, which are excluded from regulation as hazardous waste, are incorporated herein at length by reference and made a part of this Chapter.
- (2) This Chapter shall not prohibit the industrial reuse or recycling of a hazardous waste, provided such reuse or recycling process complies with all federal and/or state laws.

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18.08 PENALTY

Any person, firm, corporation, partnership, business, or entity who shall violate any provision of this Chapter, shall upon conviction thereof, forfeit an amount not less than \$2,000.00 and not more than \$25,000.00, together with the costs of prosecution. Each violation and each day a violation continues or occurs shall constitute a separate offense.