TOWN OF WARREN
HAZARDOUS WASTE ORDINANCE

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B. Conflict with other Ordinances:

1. Whenever the requirements of this ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

Section IV - Applicability

A. This ordinance shall apply to all development proposals for new construction of hazardous waste storage, handling, processing and/or disposal facilities and shall also apply to any expansion of existing facilities.

B. Existing facilities including commercial or industrial operation which store, handle, process, or dispose of hazardous wastes shall comply with renewal permit criteria in Section VI. C of this ordinance.

C. Exemptions:

1. Agriculture: The storage and handling of products used for agricultural purposes on working farms.

2. Household Waste: Products which are used for normal domestic housekeeping.

3. Industrial Storage: Industrial or manufacturing facilities storing less than two hundred (200) kilograms per calendar month.

   Industrial or manufacturing facilities storing less than one thousand (1,000) kilograms per calendar month when such storage is within a fully enclosed secure structure with concrete retaining walls on all sides.

Section V - Application Procedure and Site Plan Content

A. The Site Plan of Development Application shall include as a minimum:

1. A map of a convenient scale (i.e. U.S.S.S. 7 1/2 minute or 15 minute topographic) delineating the parcel, existing dwelling units, other structures, 100 year flood zones, private and public water supplies, land currently used for agricultural purposes, aquifers and aquifer recharge areas.

2. Maps and/or engineering drawings at a scale of not less than one (1) inch to fifty (50) feet and shall include:

   a. name and address of applicant or his authorized agent and name of proposed development and any land within 500 feet of the proposed development in which the applicant has title or interest:
c. summary of existing and proposed easements, restrictions and covenants placed on the property;

d. erosion and sedimentation control plan;

e. copies of letters to the abutting landowners, town manager, selectmen, road commission/public works director, fire chief, police chief, notifying them of the proposed development;

f. statement of financial capacity which should include the names and sources of the financing parties including banks, government agencies, private corporations, partnerships and limited partnerships and whether these sources of financing are for construction loans or long term mortgagees or both;

g. list of applicable local, state and federal ordinances, statutes, laws, codes and regulations such as, but not limited to, zoning ordinances, the Resource Conservation and Recovery Act, the Toxic Substance Control Act, the Clean Water Act;

h. the applicants evaluation of the availability and suitability of off-site public safety facilities;

i. a description of the site utilization and a description of specific activities and all methods of operation, a list of hazardous wastes and maximum quantities on site, signed by a Professional Engineer licensed in the State of Maine;

j. an emergency management plan approved by the Planning Board, covering fire and other potential accidents involving hazardous wastes, which shall be prepared by a qualified professional approved by the Planning Board;

k. a spill prevention control and clean-up plan that must include at a minimum the following information:

   i. the hazardous matter and substances covered including the reportable quantity for each hazardous matter and mixture measured in pounds or gallons;

   ii. any containment and diversionary structures or equipment where appropriate;

   iii. inspection, maintenance and testing procedures for storage and containment areas;

   iv. a list of emergency response equipment and locations and a description of the capabilities of the equipment;
B. Application Procedures:

1. The application for a permit allowing hazardous waste handling, storage, processing or disposal shall be filed with the Planning Board for review and accompanied by a fee of $5,000 for processing the application. Within thirty (30) days of the filing of an application, the Planning Board shall notify the applicant, in writing, either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been filed, it shall notify the applicant in writing and begin its review of the proposed development.

2. The Planning Board shall hold a public hearing within thirty (30) days of the filing of the completed application. The Planning Board shall publish the time, date and place of the hearing at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing, in a newspaper of areawide circulation. The abutting landowners shall be notified of the hearing. Public Hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30-A, M.R.S.A., Section 2691.

3. Within thirty (30) days of the public hearing, the Planning Board shall either approve, approve with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

4. Within seven (7) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

Section VI - Requirements and Performance Standards

A. Requirements:

1. Monitoring wells shall be located to adequately sample ground water for contamination. The location, construction standards and monitoring program will be recommended by a registered geologist approved by the Planning Board.

2. Applicant must acquire insurance, exclusive of legal defense costs, for claims arising out of injury to persons or property from the operations of the hazardous waste facility. The amount and duration of the insurance shall be determined by the Planning Board.

3. Applicant must provide a surety bond to the Town in an amount sufficient to cover the construction or expansion costs of the hazardous waste facility as proposed to
6. Surface Water Drainage and Soil Erosion: adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality or public storm drainage systems. On-site absorption of runoff waters shall be utilized to minimize discharges from the site. Also unreasonable soil erosion or reduction in flow capacity of the land to hold water so that a dangerous or unhealthy condition may result shall be prevented.

7. Water Pollution: in making this determination, the Board shall at least consider: (1) the elevation of land and its relation to flood plains, the nature of soils and sub-soils and their ability to adequately support the development; (2) the applicability of any D.E.P. approved licenses; (3) the slope of the land; (4) the ground water resources including aquifer recharge areas; and (5) the applicable federal, state and local laws, ordinance codes and regulations.

8. Air Pollution: in making this determination, the Board shall consult federal and state authorities to determine that applicable air quality laws and regulations can be met.

9. Safety/Fire Hazards: has sufficient facilities and equipment available for the needs of the development including firefighting and spill prevention and control.

10. Sewage Disposal: will provide for adequate sewage waste disposal.

11. Municipal Services: the development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, solid waste program, sewage treatment plant, open spaces, recreational programs and facilities and other municipal services and facilities.

C. Annual Renewal Permit Standards: A yearly operations permit application shall be submitted to the Planning Board accompanied by a fee of $250 for processing the application. The Planning Board shall grant a yearly operations permit contingent upon the findings that the following have been met:

1. Maintenance of a current operations manual;
2. An acceptable emergency exercise;
3. Test monitoring of wells;
4. An acceptable facility inspection by a registered engineer;
Section IX - Appeals

A. If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent and meaning of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision to the Town's Zoning Board of Appeals within thirty (30) days of the Planning Board's decision. The Zoning Board of Appeals shall conduct a public hearing pursuant to 30-A M.R.S.A. Section 2691. The review by the Zoning Board of Appeals shall not be de nova, but rather shall be limited to whether the Planning Board committed an error of law or made findings of facts not supported by substantial evidence in the record.

Section X - Amendments

A. This ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen or on petition of 10% of the votes cast in the last gubernatorial election in the town. The Planning Board shall conduct a public hearing on any proposed amendment.

Section XI - Definitions

A. "Hazardous Wastes" is defined as waste material which is ignitable, corrosive, reactive and/or toxic. It will include: (1) all wastes determined to be hazardous by the Resource Conservation and Recovery Act, Section 3001 and regulations promulgated pursuant to said section including 40 CFR 261; (2) wastes determined to be hazardous by the State Board of Environmental Protection pursuant 38 M.R.S.A. sec. 1303 and 1303-A.

B. "Planning Board" shall mean the WARREN PLANNING BOARD.

C. "Ground Water" shall mean the water present in the saturated zone of the ground.

D. "Aquifer" shall mean geologic deposits or structures from which usable quantities of ground water are available for households, municipalities or industries.

E. "Surface Water" shall mean a body of water whose top surface is exposed to the atmosphere including but not limited to rivers, ponds, lakes, streams, marshes and wetlands.