

CHAPTER 15

WASTE MANAGEMENT AND RECYCLING

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15.01 STATUTORY AUTHORITY. (1) Authority for this chapter is granted by Ch. 159, Wis. Stats.

(2) The Town is the responsible unit for waste management within the Town and in the manner as defined under §159.09, Wis. Stats.

(3) The Town Board, by resolution, shall authorize an official to file grant applications, sign necessary documents and submit reports in accordance with §159.09, Wis. Stats.

15.02 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall apply.

15.03 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation, shall apply. Where a provision of this chapter is required by the Wisconsin Statutes or by a standard in Wis. Adm. Code NR 544 and, where the chapter provision is unclear, the provision shall be interpreted in accordance with the Wisconsin Statutes and the standards of Wis. Adm. Code NR 544 in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

15.04 APPLICABILITY. The requirements of this chapter apply to all persons within the Town.

15.05 DEFINITIONS. The terms used herein shall be defined as follows:

(1) **BI-METAL CONTAINER.** A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(2) **CONTAINER BOARD.** Corrugated paperboard used in the manufacture of shipping containers and related products.

(3) **DROP OFF POINT.** A location licensed for the receipt of waste and/or recyclable materials.

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(4) FOAM POLYSTYRENE PACKAGING. Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- (a) Is designed for serving food or beverages, or
- (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container, or
- (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(5) HAULERS. Refers to waste, refuse and/or recyclable collectors licensed by the Town to operate within the Town.

(6) HDPE. High density polyethylene plastic containers marked by the SPI code No.2.

(7) LDPE. Low density polyethylene plastic containers marked by the SPI code No.4.

(8) MAGAZINES. Magazines and other materials printed on similar paper.

(9) MAJOR APPLIANCE. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

(10) MATERIALS RECOVERY FACILITY. A facility where 2 or more materials specified in §159.07(3) or (4), Wis. Stats., not mixed with other solid waste, are processed for reuse or recycling by conversion into a consumer product or a product which is used as a raw material in a commercial or industrial process.

(11) MULTI-FAMILY DWELLING. A property containing 5 or more residential units, including those which are occupied seasonally.

(12) NEWSPAPER. A newspaper and other materials printed on news print, including glossy paper inserts.

(13) NONRESIDENTIAL FACILITIES AND PROPERTIES. Commercial, retail, industrial, institutional and governmental facilities and white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(15) OTHER RESINS OR MULTIPLE RESINS. Plastic resins labeled by the SPI code No.7.

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(16) PERSON. Any individual, corporation, partnership, association, local governmental unit, as defined in §66.0103, Wis. Stats., State agency or authority or Federal Agency.

(17) PETE. Polyethylene terephthalate plastic containers marked by the SPI code No.1.

(18) RECYCLABLE MATERIALS. All materials banned from landfilling and incineration in the Oneida County Landfill or in the State, including lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types; steel containers; waste tires; and bimetal containers.

(19) REFUSE. All materials legally accepted for landfilling at licensed landfills.

(20) RESIDENT. For purposes of this chapter and related license agreements only, a resident is defined as a person who occupies a dwelling or abode within the Town and has a present intent to remain within the Town for a period of time, including seasonal periods of time.

(21) WASTE. Any solid waste, including garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semi-solid or contained gaseous materials resulting from industrial, commercial mining and agricultural operations and from community activities, but does not include hazardous waste, solids or dissolved material in domestic sewage or point sources subject to permits under Ch. 147, Wis. Stats., or source, special nuclear or by-product material as defined under §140.52, Wis. Stats.

(22) WASTE FACILITY. A facility for handling or storing waste as defined in sub. (21) above for future disposal. This does not include vehicles used by haulers.

(23) WASTE TIRE. A tire that is no longer suitable for its original purpose because of wear, damage or defect.

(24) YARD WASTE. Leaves, grass clippings, yard and garden debris and brush, including clean, woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

(25) TOWN. The Town of Newbold.

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(26) UNDEFINED TERMS. In interpreting any term in this chapter, when the term is not defined in the section in question or in this definition section, the ordinary meaning of the term shall apply unless the context clearly indicates a different meaning is intended.

15.06 PUBLIC EDUCATION. Recycling education will be divided into 2 general areas.

(1) The Town Board shall create a general education plan using direct mailings, news releases, postings, meetings and advertisements to promote basic recycling knowledge within the Town. General informational pieces shall be made available to licensed waste haulers in the Town.

(2) Recycling information to meet specific legal requirements and specific market requirements shall be handled by licensed waste haulers in communications with their residential and commercial customers.

15.07 DROP OFF, MATERIALS RECOVERY FACILITIES AND COLLECTION. (1) The Town hereby designates the Oneida County Landfill as its official drop off location for waste and recyclable materials. Users of this landfill shall comply with all regulations in effect at the drop off location.

(2) Other materials recovery facilities, waste facilities or recycling operations certified by the State may be established and used by residents and commercial establishments in the Town.

(a) The owner or operator of a materials recovery facility that serves either Town residents or licensed haulers in the Town shall certify to the DNR that the materials recovery facility meets the requirements of Wis. Adm. Code NR 544.16.

(b) The owner or operator of any other waste facility or recycling operation that serves either Town residents or licensed haulers in the Town shall certify to the Town that the waste facility or recycling operation meets the requirements of the Wisconsin Statutes or the Wisconsin Administrative Code and ordinances of Oneida County and the Town.

(3) The Town requires, unless specifically exempted by this chapter or by order of the Town Board, any person authorized by the State to construct, operate, maintain and close a materials recovery facility, a waste facility or recycling operation in the Town shall properly and timely police and remove litter and discharge within one mile of the outer perimeter of the facility or operation on at least a weekly basis during the period the waste facility is operational and is receiving materials.

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(4) Unless specifically exempted by this chapter or by order of the Town Board, the Town requires any person authorized by the appropriate permit to construct, operate, maintain and close a materials recovery facility, a waste facility or recycling operation to maintain adequate personnel and sufficient physical security to reduce vandalism, environmental degradation or disturbance at the facility during the period the facility is operational and is receiving materials. The facility shall maintain sufficient attendants is receiving materials. The facility shall maintain sufficient attendants on call during the time periods when the facility is not receiving materials.

(5) Upon termination of the facility operations by legal closure, persons authorized by a proper permit shall maintain adequate personnel and sufficient physical security to reduce vandalism, environmental degradation or disturbance at the closed waste facility or recycling operation for a period of 10 years thereafter.

(6) Materials recovery facilities, waste facilities or recycling operations in the Town shall be licensed by the Town in accordance with sec. 15.08 of this chapter and shall include the following:

(a) It shall be located on a minimum 20-acre site which shall be zoned business. The site itself shall be shielded from view from public roads and set back a minimum of 80 feet from adjacent property lines.

(b) A certification from the Wisconsin Department of Natural Resources to dismantle CFC coolant containing appliances, required only if part of operation.

(c) No more than one semi-truck load of tires (1,500 tires) can be stored on site. Storage of more than 1,500 tires shall require a tire storage and processing license from the State. Additionally, tires shall be shipped to a permitted processing facility on a regular basis.

(d) Used automotive batteries shall be safely stored and shipped regularly for recycling. Storage of batteries to shipment to the facility cannot be accepted unless the facility and operator are certified by the State.

(f) All liquids shall be properly handled and properly disposed of off site. All accidental spills of liquids shall be reported to the DNR immediately. No solid, liquid or hazardous wastes may be disposed of on site.

(g) No open burning of solid or liquid waste is permitted.

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(h) The perimeter of waste or recyclable collection areas shall have an 8 foot high chain link fence, topped with a standard barbed wire barrier and installed with a locking gate across the entrance to the collection areas and constructed of the same materials as the fence.

(i) Liquid Containment. A minimum 1,600 square foot concrete ground structure shall be constructed with an interior taper to the center with a drain to a nonporous holding tank for containment of spillage or leaking of batteries and/or other hazardous liquids. All unclean batteries, vessels, etc., containing liquid contaminants shall be stored on this liquid containment structure.

(j) Insurance/Bonding. The following insurance and bonding prerequisites are required for materials recovery facilities, waste facilities or recycling operations:

1. In addition to worker's compensation insurance, the facility operator shall carry public liability insurance with limits of not less than \$500,000 for bodily injury, including accidental death, to anyone person and not less than \$1,000,000 for each accident.

2. Before commencement of facility operation, the operator shall provide the Town with evidence of insurance consistent with the requirements specified above and the Town shall be listed as a co-insured party.

3. All insurance policies carried by the facility, operator required by this chapter shall bear an endorsement or ~ shall have attached thereto a rider providing that in the event of cancellation of such policies for any reason whatsoever, the Town shall be notified in writing by the carrier and facility operator by mail at least 30 days prior to any such cancellation.

4. A \$500,000 bond shall be supplied by the facility operator to cover the costs of any adverse environmental problems caused by the operations.

(7) Haulers by license agreement with the County shall collect and market recyclable materials or dispose of same at facilities licensed to receive same.

15.08 LICENSES REQUIRED. Waste haulers collecting from 3 or more residents or commercial establishments, buildings containing 3 or more dwelling units, industrial facilities operating in the Town shall hold a current State license for Solid Waste Collection & Transport Services and shall be licensed by Oneida County.

15.09 SEPARATION OF WASTES. Occupants of single-family residences, buildings containing 2 or more dwelling units, nonresidential facilities and governmental facilities shall separate recyclables from refuse. Owners of commercial, retail and

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industrial facilities shall separate recyclables from refuse or encourage tenants/occupants to separate recyclables from refuse. These, materials include, but may not be limited to, lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines and other materials printed on similar paper, newspaper and other materials printed on newsprint, office paper, rigid plastic containers, including those made of PETE (#1), HDPE (#2), PVC (#3), LDPE (#4), PP (#5), PS (#6) and other resins or multiple resins (#7), steel containers and waste tires.

(1) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements above do not apply to the following:

(a) Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the DNR that recovers the materials specified above from solid waste in as pure a form as is technically feasible.

(b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(c) A recyclable material for which a variance has been granted by the DNR under §159.11(2m), Wis. Stats., or Wis. Adm. Code NR 544.14.

(2) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with the above shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including but not limited to, household hazardous waste, medical waste and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

(3) Recyclables shall be deposited in proper containers provided at the Oneida County Landfill or some other approved recycling center, or they can be collected by waste haulers licensed by the Town.

(4) Owners of multi-family dwellings or apartment buildings, commercial, retail, industrial and governmental facilities in the Town shall either take their wastes to separation facilities or encourage occupants to recycle wastes. Those choosing the latter shall provide a Town-approved method for achieving the requirement.

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(5) **PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING.** No person may dispose of in a solid waste facility or burn in a solid waste treatment facility any aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins, steel containers or waste tires which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

15.10 GRANTS AND ASSURANCES. (1) The Town shall comply with Oneida County Ordinances, the Wisconsin Statutes and the Wisconsin Administrative Code rules pertaining to refuse and recycling materials to the best of its ability.

(2) License agreements with waste haulers and waste and recyclable facility operators shall require that said haulers comply with all Federal, State and local statutes, ordinances and administrative rules.

(3) License agreements with waste haulers and materials recovery facility, waste facility and recyclable facility operators shall include assurances sufficient to permit the Town to properly report recycling action to the State.

15.15 ENFORCEMENT AND PENALTIES. (1) For purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the DNR; authorized officer, employee or representative of Oneida County; authorized officer, employee or representative of the Town may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multi-family dwellings and nonresidential facilities and properties. Licensed haulers in the Town may inspect the same materials of their clients. Any records relating to recycling activities shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any said authorized person who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

(2) Any person who violates a provision of this chapter may be issued a citation by the Oneida County District Attorney's office following a complaint issued by the Town Chairperson to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.

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(3) Penalties for violating this chapter may be assessed as follows:

(a) Any person who violates sec. 15.09(5) of this chapter may be required to forfeit \$50 for a first violation, \$200 for a second violation and not more than \$2,000 for a third or subsequent violation.

(b) Any person who violates a provision of this chapter, except sec. 15.09(5) of this chapter, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

(4) Citations shall be issued to a resident served by a hauler upon receipt in writing from the hauler a statement of violation facts. The hauler shall also supply the Town Clerk with the name and address of the violator.

(5) If the Town Board determines that a hauler or operator of a waste or recyclable facility is not engaging in a good faith effort to enforce the provisions of this chapter or that its waste collection system does not promote the separation and recycling of recyclable materials, the Town Board may suspend, limit or revoke the license agreement.

