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## ORDINANCE TO PROHIBIT LAND SPREADING & STOCKPILING OF CONTAMINATED SOILS ORIGINATING OUTSIDE THE TOWN OF HARTLAND

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**WHEREAS**, the Town Board of Supervisors of the Town of Hartland has determined that it is necessary and desirable to adopt an ordinance in order to prohibit land spreading and stockpiling of petroleum contaminated soils originating outside the township of Hartland; and

**WHEREAS**, the State of Wisconsin has adopted Administrative Code NR 718, Management of Solid Wastes Excavated During Response Actions; and

**WHEREAS**, NR 718 regulates, among other things, land spreading and stockpiling of petroleum contaminated soils, but does not limit soils originating outside municipal boundaries.

**NOW, THEREFORE, BE IT RESOLVED BY THE** Town Board of Supervisors of the Town of Hartland in session this 19<sup>th</sup> day of June 2001, that the following Ordinance is created;

### **LAND SPREADING OR STOCKPILING OF PETROLEUM CONTAMINATED SOILS ORIGINATING OUTSIDE THE TOWN OF HARTLAND**

- 1.01 PURPOSE AND AUTHORITY.** This ordinance establishes a standard for the transportation of contaminated soil and/or the stockpiling or land spreading of contaminated soil excavated in accordance with the requirements of chapters NR 700 to 726. This ordinance is adopted pursuant to ss. 59.70(1) and 292(11) Statutes.
- 1.02 APPLICABILITY.** This ordinance applies to the transportation and/or the stockpiling or land spreading of petroleum contaminated soil that originated from outside the municipal borders of the Town of Hartland, Shawano County, Wisconsin.
- 1.03 REQUIREMENT.** No persons or entities shall transport, stockpile or land spread petroleum contaminated products that originated from outside the borders of the Town of Hartland to any property located within the borders of the Town of Hartland.
- 1.04 EXEMPTIONS.**
- (1) Disposal of petroleum contaminated soil on the same property from which it is excavated.
  - (2) Subject to exemptions allowed in Wis. Admin. Code NR 700 to 726.

**1.05 JURISDICTION.** This ordinance shall apply to all locations inside the municipal boundaries of the Town of Hartland, Shawano County, Wisconsin.

**2.01 DEFINITIONS.**

**Contaminated Soil:** means soil that contains one or more hazardous substances or environmental pollution and that is not defined as hazardous waste in NR 600.03.

**Land Spreading:** means application where contaminated soil is discharged, deposited, placed or injected in thin layers onto the land surface or is incorporated into the top several feet of the surface soil for disposal purposes.

**Petroleum Products:** means gasoline, diesel fuel; no. 1 or no. 2 fuel oil, kerosene, aviation gasoline, jet fuel, or a mixture of two or more of these materials.

**Stockpiling:** means placement of contaminated soil on a temporary basis in a manner that does not constitute disposal.

**3.01 ENFORCEMENT.** The chief law enforcement official of any designated representative of jurisdiction, shall include but not limited to the Shawano County Sheriff and deputies, shall have authority to issue citation for violations of this section. Citations shall be in a form that is in accordance with ss66.119, Wis. Statutes.

Where appropriate, the Town of Hartland may take court enforcement action, including the request for an injunction or other order as an enforcement tool, with the costs of such action assessed against the responsible party(ies).

**3.02 SITE ACCESS.** Access to any site, public or private, where there is a known, or suspected land spreading or stockpiling of contaminated soil will be provided to the incident commander, emergency management, law enforcement or fire department representative having jurisdictional authority for purposes of implementing and coordinating assessment, containment, clean up, and restoration operations.

This authorization is intended to qualify any such officer or agent for immunity from trespass under Wisconsin law, including s.939.45.

**4.01 VIOLATIONS AND PENALTIES.** Whenever a violation of this ordinance is found, the chief law enforcement official of any designated representative of jurisdiction may take the following action: Order the violation corrected by the property owner by removal and proper disposal of the soil within a specified period ranging from one (1) to thirty (30) days.

Any person, firm, corporation or other legal entity failing to comply with provisions of this ordinance shall, upon conviction, forfeit not less than \$100 nor more than \$500, plus costs of the

prosecution for each violation. Each day a violation occurs or continues constitutes a separate offense.

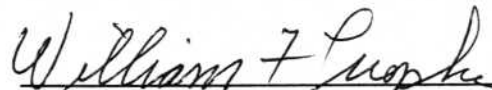
**5.01 SEPARABILITY.** Every section, provision or part of this ordinance is declared separable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

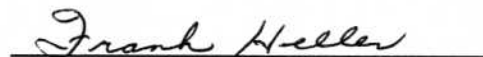
**6.01 EFFECTIVE DATE.** This ordinance shall take effect upon passage and publication, and shall remain in full force and effect as may be amended from time to time until repealed by the Town of Hartland Board of Supervisors.


Adopted this 19 day of June 2001

For: 3 Against: 0

  
Robert Woldt - Chairman

  
William Luepke - Supervisor

  
Frank Heller - Supervisor

Attested:   
Wayne D. Moericke - Clerk

Contaminated-Soil- Prohibit 2001-01.wpd