

Chapter 267

HAZARDOUS MATERIALS AND POLLUTION

[HISTORY: Adopted by the Village Board of Trustees of the Village of Hixton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Hazardous Materials or Potentially Polluting Substance Materials

[Adopted 10-6-1987 (Secs. 3-2-2 through 3-2-4 of the 1987 Code of Ordinances)]

§ 267-1. Disclosure of hazardous materials or potentially polluting substance materials and infectious agents; reimbursement for cleanup of spills.

A. Application.

- (1) All persons, firms or organizations using, researching, producing or storing hazardous materials or potentially polluting substance materials and/or infectious agents shall notify the Fire Department as prescribed by this section. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (2) The provisions of this section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials or potentially polluting substance materials and/or infectious agents on and after the effective date of this section.

B. Definitions. As used in this article, the following terms shall have the meanings indicated:

HAZARDOUS MATERIALS or POTENTIALLY POLLUTING SUBSTANCE MATERIALS — Those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials or potentially polluting substance materials shall include radioactive materials.

INFECTIOUS AGENT — Is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.

C. Information required.

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials or potentially polluting substance materials shall provide, in writing, to the Fire Department the following information:
 - (a) Address, location of where hazardous materials or potentially polluting substance materials are used, researched, stored or produced;

- (b) The trade name of the hazardous materials or potentially polluting substance material;
 - (c) The chemical name and any commonly used synonym for the hazardous materials or potentially polluting substance material and the chemical name and any commonly used synonym for its major components;
 - (d) The exact locations on the premises where materials are used, researched, stored and/or produced;
 - (e) Amounts of hazardous materials or potentially polluting substance materials on premises per exact location;
 - (f) The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous materials or potentially polluting substance material;
 - (g) The flash point and flammable limits of the hazardous materials or potentially polluting substance material;
 - (h) Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material or potentially polluting substance material;
 - (i) The stability of the hazardous materials or potentially polluting substance materials;
 - (j) Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous materials or potentially polluting substance materials;
 - (k) Any effect of over-exposure to the hazardous materials or potentially polluting substance materials, emergency and first aid procedures and telephone numbers to call in an emergency;
 - (l) Any condition or material which is incompatible with the hazardous materials or potentially polluting substance material and must be avoided.
 - (m) Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials or potentially polluting substance materials;
 - (n) Procedures for handling or coming into contact with the hazardous materials or potentially polluting substance materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide, in writing, to the Fire Department the following:
- (a) The name and any commonly used synonym of the infectious agent;
 - (b) Address/location where infectious agents are used, researched, stored and/or

produced;

- (c) The exact locations where infectious agents are used, researched, stored and/or produced;
 - (d) Amount of infectious agent on premises per exact locations;
 - (e) Any methods of route of transmission of the infectious agents;
 - (f) Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
 - (g) Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
 - (h) Procedure for handling, cleanup and disposal of infectious agents leaked or spilled.
- D. Reimbursement for cleanup of spills. Any person who possesses or controls a hazardous material or potentially polluting substance material or infectious agent which was discharged or caused the discharge of a hazardous material or potentially polluting substance material or infectious agent shall reimburse the Village for actual and necessary expenses incurred by the Village or its agent to contain, remove or dispose of the hazardous material or potentially polluting substance material or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

§ 267-2. Recovery of costs.

- A. Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gases or other hazardous materials or potentially polluting substance materials shall comply with the requirements of Ch. ATCP 93, Wis. Adm. Code, as the same is now in force and may hereafter from time to time be amended. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gases or other hazardous materials or potentially polluting substance materials shall be liable to the Village for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous materials or potentially polluting substance material which is involved in any accidental spill or in threat of any fire or accidental spill.

§ 267-3. Removal of abandoned underground flammable liquid storage tanks. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Underground flammable liquid storage tanks which are abandoned, as defined in § ATCP 93.030, Wis. Adm. Code, shall not be abandoned in place. Such tanks shall be removed within 90 days from the date they become abandoned and the excavation filled with clean, well-compacted fill to the surface of the adjacent grade.

ARTICLE II

Pollution Abatement

[Adopted 10-6-1987 (Title 6, Ch. 2, of the 1987 Code of Ordinances); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 267-4. Cleanup of spilled or accidentally discharged hazardous materials or potentially polluting substances.

- A. Cleanup required. All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling hazardous materials or potentially polluting substance materials, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the Village.
- B. Notification. Spills or accidental release of hazardous materials or potentially polluting substance materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Village Clerk-Treasurer so that assistance can be given by the proper agency.
- C. Financial liability. The party or parties responsible for the release, escape or discharge of hazardous materials or potentially polluting substance materials or pollutants shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Village, or its designated agent, in an effort to minimize the pollutional effects of the hazardous materials or potentially polluting substance materials.

§ 267-5. Storage of hazardous materials or potentially polluting substances.

It shall be unlawful for any person, firm or corporation to store any hazardous materials or potentially polluting substance unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainageway, lake or stream within the jurisdiction of the Village.