

ARTICLE VI

TOWN OF LEEDS

HAZARDOUS WASTE ORDINANCE

Adopted: March 6, 1982

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TOWN OF LEEDS HAZARDOUS WASTE ORDINANCE

The Town of Leeds, by vote in Town Meeting on March 6, 1982, hereby adopts the following ordinance:

1. This ordinance shall be known as the "Hazardous Waste Ordinance of the Town of Leeds, Maine (Adopted 1982)."
2. For purposes of this ordinance:
 - a. The definition of "hazardous waste" shall be set forth in 38 M.R.S.A. Section 1303 (5), and
 - b. The definition of "commercial hazardous waste facility" shall be that set forth in 38 M.R.S.A. Section 1303 (1-B).
3. No person shall construct, develop, establish, own, control, or maintain any site within this Town that does or is designed to handle, store, refine, process, or dispose of any hazardous waste within this Town without first obtaining and maintaining in effect a permit from the Planning Board of the Town of Leeds.
4. The requirements of Section 3, above, shall not apply to any "commercial hazardous waste facility."

5. A permit may be requested from the Planning Board by filing an application with the Board, accompanied by a fee of \$500.00. The application must describe:
 - a. The operations that will take place if the permit is granted and the facilities that will be located at the site;
 - b. The nature and quantity of the hazardous waste that will or may be present on the site; and
 - c. The exact location of the site.

6. A permit under this ordinance shall be issued only after the applicant has demonstrated to the Planning Board:
 - a. That the applicant has complied with all applicable rules of the Maine Board of Environmental Protection, adopted pursuant to 38 M.R.S.A. Sections 1303-A (4), 1304 (1), and 1304 (2), or any other legislative authorization to make rules governing waste facilities, and has obtained and maintained any license or permits required by such rules;
 - b. That, whether or not a particular operation or site constitutes a "waste facility" as defined in 38 M.R.S.A. Section 1303 (14), the applicant is fit, willing and able to comply with all applicable rules relating to the handling of hazardous wastes and the transportation of hazardous wastes, as adopted by the Board of Environmental Protection of the State of Maine pursuant to 38 M.R.S.A. Sections 1303-A (2) and 1303-A (3), or other appropriate statutory authority; and
 - c. That the applicant has complied applicable rules relating to the financial capacity of hazardous waste facilities and transporters of hazardous wastes, as adopted by the Board of Environmental Protection of the State of Maine, pursuant to 38 M.R.S.A. Section 1303-A (5), or other appropriate statutory authority.

7. In all proceedings necessary to demonstrate to the Planning Board that the applicant for a permit under this ordinance has met the standards set forth in Section 6, above, the burden of proof shall rest on the applicant.
8. The Planning Board may attach to any permit granted under this section such conditions or limitations as may be necessary or appropriate to assure that the applicant continues to meet the standards set forth in Section 6, above, for the duration of the permit.
9. All permits issued under this ordinance shall expire one year from the date of issuance, unless the Planning Board shall, where special circumstances require, establish an earlier expiration date. To allow continuity of operations, the Planning Board shall act on any application for a new permit that relates to construction or operations authorized by an existing permit within 45 days of the date on which the application is received.
10. Any person, firm, or corporation that owns or controls a "commercial hazardous waste facility" as defined in 38 M.R.S.A. Section 1303 (1-B) shall pay to the Town of Leeds a fee for the operation or maintenance of such a facility in this Town equal to two percent (2%) of the annual billing of said facility to its customers. This fee shall be paid to the Town within 60 days of the date on which the annual books of account of the facility are closed.
11. The Planning Board or the Board of Selectmen, upon finding that any provision of this ordinance or the conditions of a permit under this ordinance has been or is being violated, are authorized to commence legal action to enjoy or remedy such violations.
12. Any person who violates the provisions of this ordinance or the conditions of a permit issued under this ordinance shall be guilty of a civil violation, and on conviction shall be fined not less than \$100.00 nor more than \$1,000.00 for each violation. Each day that a violation continues shall be a distinct offense. A person convicted of a violation of this ordinance shall also be liable for court costs and reasonable attorney's fees incurred by the municipality.

13. Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this ordinance.