

CHAPTER 3

Hazardous Materials

- 3-3-1 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Clean-up of Spills
- 3-3-2 Recovery of Costs of Extinguishing and Cleaning Up Fires Involving Hazardous Materials

SEC. 3-3-1 DISCLOSURE OF HAZARDOUS MATERIALS AND INFECTIOUS AGENTS; REIMBURSEMENT FOR CLEAN UP-OF SPILLS.

(a) **Application.**

- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Fire Department serving the Town of Burke as prescribed by this Section.
- (2) The provisions of this Section shall apply to all persons, firms or organizations other than farms engaged in production agriculture using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.

(b) **Definitions.**

- (1) "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.
- (2) "Hazardous materials" are 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 shall include radioactive materials. Hazardous materials includes the list of hazardous wastes which are promulgated by the U.S. Environmental Protection Agency under Sec. 6821(b) of the resource conservation and recovery act as amended and as further set forth in Sec. 144.62, Wis. Stats.

(c) **Information Required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:
 - a. Address, location of where hazardous materials are used, researched, stored or produced;
 - b. The trade name of the hazardous material;
 - c. The chemical name and any commonly used synonym for the hazardous 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 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 material;

- g. The flashpoint and flammable limits of the hazardous substance;
 - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
 - i. The stability of the hazardous substance;
 - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
 - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
 - l. Any condition or material which is incompatible with the hazardous 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;
 - n. Procedures for handling or coming into contact with the hazardous 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, clean-up and disposal of infectious agents leaked or spilled.
- (d) **Prohibited Discharges.** No person, firm, or corporation shall discharge or cause to be discharged, leaked, leached, or spilled upon any public or private street, alley, public, or private property, or onto the ground, surface waters, subsurface waters, or aquifers, or within the Town of Burke, except those areas specifically licensed for waste disposal, landfill activities or farming activities using accepted farming practices and to receive such materials, any explosive, flammable, or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid, or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid, or gas having a deleterious effect on the environment.
- (e) **Containment, Cleanup, And Restoration.** Any person, firm, or corporation in violation of the above section shall, upon direction of any emergency government officer of the Fire Department, begin immediate actions to contain, clean up, and remove to any approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm, or corporation being responsible for all expenses incurred. Should any person, firm, or corporation fail to engage the necessary persons and equipment to comply or to complete the requirements of this Section, the office of emergency government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Town of Burke.
- (f) **Emergency Services Response.** Any emergency services response includes, but is not limited to, fire service, emergency medical service, and law enforcement

personnel. A person, firm, or corporation who possesses or controls a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this ordinance. Actual and necessary expenses may include but not be limited to replacement of equipment damaged by the hazardous material, cleaning, decontamination, and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up, and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.

- (g) **Site Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency government officers and staff and to law enforcement and fire department personnel for the purpose of evaluating the threat to the public and monitoring containment, clean up, and restoration activities.
- (h) **Public Protection.** Should any prohibited discharge occur that threatens the life, safety, or health of the public at, near, or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the senior law enforcement or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Burke Town Board can take appropriate action.
- (i) **Reimbursement For Cleanup Of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the Town for actual and necessary expenses incurred by the Town or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstances.

SEC. 3-3-2 RECOVERY OF COSTS.

- (a) Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Chapter ILHR 8, Wis. Adm. Code, as the same is now in force and may hereafter from time to time be amended.
- (b) Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the Town 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 material which is involved in any accidental spill or in threat of any fire or accidental spill.