

**MENTOR TOWNSHIP ORDINANCE NO. 10**

**HANDLING AND/OR DISPOSAL OF TOXIC OR HAZARDOUS SUBSTANCES**

**THE TOWNSHIP OF MENTOR, OSCODA COUNTY, MICHIGAN.**

**BE IT ORDAINED BY THE MENTOR TOWNSHIP BOARD** that this Ordinance and is hereby adopted as follows:

**Section 1. UNLAWFUL ACTS.**

It shall be unlawful to engage in or carry on any business or activity which involves the hauling (except over public highways) or disposing of any toxic or hazardous substance within the Township of Mentor, unless such activity, business or disposal facility has been approved and authorized pursuant to a permit issued under this Ordinance.

**Section 2. DEFINITIONS.**

A. "Disposal Facility" means any waste disposal facility, incinerator, sanitary landfill, pit, excavation, or any other facility used for disposal of toxic waste and/or toxic or hazardous substances, except facilities for disposal of human wastes approved by the County Health Department.

B. "Disposal Area" means any area of land upon which a disposal facility is located or proposed for location within the Township.

C. "Applicant" means any individual, firm, corporation, or political subdivision of the State, including any governmental authority created by Statute, or other person, that proposes to develop a disposal facility within the Township.

D. "Toxic and Hazardous Waste" means any material, liquid, solid or other matter which is harmful or dangerous to human health, or to birds, fish, wildlife, trees, or other plants including, but not by way of limitation, any chemical, substance or material listed in the Michigan Critical Material Register published by the Michigan Department of Natural Resources, or determined to be toxic, harmful or hazardous by the Environmental Protection Agency, pursuant to Public Law 94-469

E. "Person" means an individual, co-partnership, association, corporation, or other legal entity, or any political subdivision of the State, including any State or local governmental agency.

**Section 3. LEGISLATIVE FINDINGS.**

It is determined that the utilization and disposal of regulated materials is an activity which, if conducted on certain lands or in certain ways will result in the pollution,



impairment and/or destruction of natural resources and create hazards to the public health, safety and general welfare as well as nuisances both public and private that licensing and regulated material is required to haul, utilize or dispose of regulated material is required to protect natural resources and the public health, safety and general welfare, and that the regulations capable of assuring the protection of the natural resources of the Township and adjacent areas and the public health, safety and general welfare

#### **Section 4. APPLICATION FOR PERMIT.**

Application for a permit shall be made in writing to the Mentor Township Clerk and shall contain the following.

- A. Names, addresses and telephone number of applicant, engineer, attorney, scientist, contractor or other person engaging in the preparation of the application.
- B. Legal description of the premises for which the permit is sought.
- C. A description including if applicable, the chemical analysis of said toxic or hazardous substance involved in the application, whether it is liquefied, solid or mixed, whether it has been treated and, if so, how and where. Also describe any treatment or processing to be done on permit premises.
- D. The estimated volume of toxic or hazardous substance to be hauled, utilized, or disposed of.
- E. Statement of the measures to be taken to control noise, vibration, dust, odors, erosion, leaching, or other forms of pollution.
- F. A description of any public facilities or services required, whether such services exist, and if not, how applicant proposed these services to be provided and financed.
- G. A description of the measures which applicant proposes to take to assure the public safety, the exclusion of children from the premises, and the lateral support of surrounding lands and structure.
- H. Applicant shall provide a diagram or map of the premises and surrounding area which shall include the following information:
  - 1. A topographic map of the area
  - 2. Description of natural and improved drainage surface and features
  - 3. Location of all wells within one half (1/2) mile of the application site
  - 4. Location of all occupied dwellings within one half (1/2) mile of the application site
  - 5. Soil characteristics of the application site
  - 6. Proposed access to the application site



7. Proposed buffers or features to control drainage from the area where toxic or hazardous substances are to be disposed of
8. Proposed ground water monitoring points
9. Proposed delivery, storage, and transfer location, if within the application site.

I. Applicant shall provide an environmental impact statement describing the environmental consequences of the proposed activity both during the operation and after, and setting forth any limitation or restrictions on the proposed operations that are necessary to protect the environment.

J. When requested, applicant will provide a description of the surface and subsurface geological characteristics of the premises, including identification of bedrock and rock outcrops, detailed soil analysis and ground water table, the location of existing or desired test wells.

#### **Section 5. PROCESSING OF APPLICATION.**

Upon receipt of such application, it shall be transmitted by the Clerk to the Township Board which shall first retain independent professional advisors to analyze the application and environmental impact statement and report thereon. It shall also estimate the cost of the services of such advisors and the cost of legal counsel to supervise the proceedings and any other costs involved in connection with the processing of the application. The total of such costs shall be reported to the applicant who shall pay the amount thereof to the Township Treasurer before the work of said professionals begins. If, at any time during the processing of the application, it appears that additional expenditures on the part of the Township are required in order that the Township officials may properly discharge their obligations to the public, the amount of such expenditures shall be reported to the applicant and paid by the applicant to the Township Treasurer forthwith. Prior to the granting of any license hereunder, the Township Board shall refer the matter to the planning Commission for advice with respect to the impact of the grant of a license upon existing planning for land use and development in the vicinity of the premises.

#### **Section 6. PUBLIC HEARING.**

Prior to the granting of any license hereunder the Township Board shall conduct a public hearing with notice of the date, time, place and purpose published in a newspaper of general circulation in the Township at least fourteen (14) days prior to said public hearing.