

CHAPTER 193

SOLID WASTE

[**HISTORY:** Adopted by the Annual Town Meeting of the Town of Hillsborough 3-8-1988 as Art. II. Amendments noted where applicable.]

GENERAL REFERENCES

Regional Solid Waste/Resource Recovery Cooperative — See Ch. 67.

Landfill — See Ch. 152.

§ 193-1 Definitions.

[Note: Refers to the Regional Solid Waste/Resource Recovery Cooperative. See Ch. 67.]

As used in this chapter, the following terms shall have the meanings indicated:

ACCEPTABLE WASTE -

- A. Household garbage, trash, rubbish and refuse, originating within the boundaries of the town, normally collected or disposed of, or caused to be collected or disposed of, by or on behalf of the Cooperative or its members, as a result of residential pickups or deliveries; and
- B. Such types of agricultural, commercial and light industrial waste originating within the boundaries of the town as are normally collected or disposed of or caused to be collected or disposed of by or on behalf of the town, but excluding hazardous waste and unacceptable waste.

FACILITY - The transfer station or other sites or areas designated by the Selectmen within or outside the borders of the town for the delivery or disposal of acceptable waste collected within the borders of the town pursuant to this chapter.

HAZARDOUS WASTE -

- A. Waste containing explosive, toxic or pathological substances;
- B. Waste defined or classified as "hazardous waste" at any time under the Resource Conservation and Recovery Act, as amended (42 U.S.C. § 6901 et seq.), New Hampshire RSA 147A, as amended, or any other applicable federal, state or local law, or any regulation thereunder, or waste defined by any applicable federal, state or local law, or any regulations thereunder, as a low level or high level radioactive waste;
- C. Waste prohibited for incineration by any local, state or federal agency with jurisdiction over the waste plant because of its toxic nature;

D. Waste (other than acceptable waste of the character referred to in Subsection A of the definition of "acceptable waste") the processing of which would result in "hazardous waste" under Subsection A, B or C of this definition; or

E. Containers which hold or which previously have held waste described under Subsection A, B, or C above.

If any governmental entity having jurisdiction shall determine that any substances which are not, as of the date of this chapter, considered harmful or of a toxic nature or dangerous are harmful, toxic or dangerous, such substances shall thereafter be deemed "hazardous waste."

PERSON - Any natural person, partnership, corporation, association or other legal entity.

SOLID WASTE - The meaning prescribed by the Division of Solid Waste Management of the New Hampshire Department of Environmental Services as set forth in New Hampshire Administrative Rules, He-P 1901.2.

UNACCEPTABLE WASTE -

A. Pathological and biological waste; oil sludge; cesspool or other human waste; human remains; street sweepings; large items of machinery and equipment such as automobile and vehicle parts, except tires; trailers; agricultural equipment; marine vessels or similar items; farm and other large machinery; wire and cable from industrial sources; plastics from industrial sources in excess of a total of 5% of the town's waste plant wasteload; foundry sands; tree stumps; liquid wastes and slurries; explosives, including ammunition and firearms; and radioactive materials.

B. Any item of waste exceeding six feet six inches in any one of its dimensions or being whole or in part a solid mass, the solid portion of which has dimensions such that a sphere with a diameter of eight inches could be contained within such portion.

C. Animal remains, dirt, concrete and other nonburnable construction material and demolition debris and chemicals from industrial and commercial sources such as cleaning fluids, petroleum products, paints, acids, caustics, pesticides, insecticides, poisons, drugs or other materials, the processing of which the company reasonably believes would pose a threat to health or safety or the processing of which may cause damage to the waste plant.

D. Any waste which, if processed, would violate or cause the violation of any judicial decision, order or action of any federal, state or local government or any agency thereof or applicable law.

E. Hazardous waste.

§ 193-2 Regulated activities.

- A. All acceptable waste originating or collected within the municipal boundaries of the town shall be delivered to and deposited for disposal at the waste plant or the facility as designated by the Selectmen.
- B. All unacceptable waste shall be delivered to and deposited at a site and in accordance with rules and procedures as may from time to time be designated and adopted by the Selectmen of the Town of Hillsborough.
- C. All hazardous waste shall be disposed of in compliance with applicable laws of the State of New Hampshire and the United States of America.
- D. No person shall deliver or cause the delivery of any solid waste originating outside the municipal boundaries of the town to the facility without the prior written consent of the town. No person shall deliver or cause the delivery of any unacceptable waste or hazardous waste to the waste plant or the facility. No person shall cause or allow solid waste originating outside the town which is delivered to the waste plant by such person to be credited against the quantity of acceptable waste received or accepted at the waste plant for the account of the town. Any person delivering solid waste originating both within and outside the municipal boundaries of the town of the waste plant shall take adequate precautions to ensure that such waste is credited to the account of the appropriate party. No person shall deliver or cause the delivery of acceptable waste to the waste plant in any vehicle with a gross vehicle weight of less than 27,500 pounds.

§ 193-3 Alternate sites.

Notwithstanding the foregoing provisions of this chapter, the town may designate one or more alternate sites for disposal of solid waste and specify the types and amounts of solid waste that may be accepted by such alternate disposal site or sites and the time period during which such alternate site or sites shall be available for the disposal of solid waste; provided, however, that such order shall not conflict with the covenants, terms or conditions of any agreement between the town and the Cooperative [*Note: Refers to the Regional Solid Waste Resource Recovery Cooperative. See Ch. 67.*] with respect to solid waste disposal. No person shall dispose of solid waste at such alternate disposal site or sites except in strict accord with the provisions of an order issued hereunder; provided, however, that the deposit of solid waste residue at a sanitary landfill or other disposal site by the owner or operator of a solid waste disposal facility, following the incineration or other utilization of solid waste by or through such solid waste disposal facility, shall not be unlawful.

§ 193-4 Disposal on private property.

Notwithstanding any of the provisions of this chapter, it shall not be a violation of this chapter for a person to process or deposit on his own land, without a permit or license, solid waste

produced or generated by such person or to cause the incineration of such solid waste, provided that such processing, depositing or incineration is in compliance with all other ordinances, resolutions, statutes, rules and regulations and does not create a public nuisance or adversely affect the public health, welfare or safety.

§ 193-5 Penalties for offenses.

Any person who shall deposit, dispose of or accept solid waste in violation of the provisions of this chapter or of a license or order issued hereunder shall be guilty of a misdemeanor. Each separate deposit, disposal or acceptance of solid waste contrary to the provisions of this chapter or of a license or order issued hereunder shall be a separate offense.

§ 193-6 Amendment.

This chapter may be amended in the same manner as any other ordinance of the town, subject to the town's continuing obligations under the cooperative agreement and the Cooperative's obligations under the service contract, as the same may be amended from time to time.

§ 193-7 Repealer.

Provisions of any ordinances in conflict with the provisions of this chapter are hereby repealed.

§ 193-8 When effective.

This chapter shall become effective upon adoption; provided, however, that § 193-2 shall become effective on a date to be designated by the Cooperative in a written notice to the town certifying that the town's obligation under the cooperative agreement to provide acceptable waste to the waste plant shall commence on such date. Notice and publication of the date on which § 193-2 shall become effective shall be made by the town at least 30 days prior to such effective date.