

AFTER-THE-FACT  
CONDITIONAL USE PERMIT  
(Grease Recycling Facility)

1. For purposes of this conditional use permit ("Permit"), the terms "Operator," and "Applicant", shall mean or refer to United Grease . ("UG")) The term "Owner" shall mean and refer to Tracy Bros. LLC ("Tracy Bros.") as the owner of the parcel on which a grease recycling facility ("GRF") already exists. The term "Permittee" shall mean or refer to UG and Tracy Bros., jointly and severally. The uses permitted under this Permit include all of the following if conducted in a nuisance-free manner: receiving and rendering animal fats; receiving and processing by heating and centrifugation rendered animal fats, vegetable oils, Food Wastes containing vegetable oils or animal fats; the storing of the rendered fat, vegetable oil and Food Wastes prior to processing; the storing of the reclaimed fats and oils; disposal of waste by-products and, the transportation of the reclaimed fats and oils for reuse away from the Property (collectively, "Permitted Uses"). For purposes of this Permit, the term "Permitted Feedstock" shall include only the following: renderable animal fat, vegetable oil and Food Waste containing vegetable oil or animal fat.
2. For purposes of this Permit, the term "Town" shall mean or refer to the Town of Clyman, located in Dodge County, Wisconsin. The term "WPDES Permit" No. WI-0061514-02-0 shall mean the Wisconsin Pollutant Discharge Elimination System Permit and any subsequent amendment thereto issued to ULWR by the Wisconsin Department of Natural Resources ("WDNR"). The acronym CZO means the Clyman Zoning Ordinance. When a number of days for the submission of a document is stated below, the number shall refer to business days unless otherwise specified in this Permit.
3. For purposes of this Permit, the term "GRF" shall refer to and include all tanks, centrifuges, heating equipment, off-loading facilities and other equipment used for the Permitted Uses and their plumbing connections that are located on 13.6 acres at the SE ¼ of the NE ½ of Section 32, Town of Clyman, Dodge County, Wisconsin (with the street address of N2797 State Highway 26, Dodge County, Wisconsin). The term "Food Waste" means nonhazardous wastes that are not regulated under Wis. Admin. Code ch. NR 518 but that are regulated under Wis. Admin Code. ch. NR 214 and are further described in Wis. Admin. Code § NR 214.02. The term "Property" as used in paragraph 8 below shall include the 13.6 acre parcel in the Town where the GRF is currently located.
4. For the purpose of this Permit, the Permittee shall not accept for grease recycling any waste that is not or does not contain a Permitted Feedstock. This provision does not apply to waste whose recycling is expressly exempt from local control by state law.
5. The Permittee shall operate the GRF in a nuisance-free manner, that is in a manner that minimizes to the greatest extent possible odor, noise (including vibration), dust or smoke offensive to the Immediate Neighborhood. The Permittee shall not operate the GRF in a manner or in circumstances where to do so would be detrimental to the health, safety or general welfare of the Immediate Neighborhood or the community as a

whole.

6. The waste byproducts generated by the GRF may only be disposed of in the Town if the disposal complies with all regulations promulgated by the State of Wisconsin for such disposal. All of which regulations are incorporated into and become conditions of this Permit.

7. To the extent the Permittee is required to submit any report to a federal, state or local governmental entity under SARA Title III (Superfund Amendment and Reauthorization Act) for the storage or use of chemicals at the GRF, the Permittee shall submit a photocopy of the same to the Town Clerk within five (5) days of the date such report is submitted to the governmental entity or within five (5) days of the date the submission is due to the governmental entity, whichever is earlier.

8. The Permittee shall maintain records of the wastes recycled, their volume and the time of operation sufficient to identify the source of offensive odors if such odors are complained of. Upon written request of the Zoning Administrator for the Town in conjunction with the Administrator's investigation of an odor complaint associated with the Property, the Permittee shall make available to the Administrator for inspection and copying all such records that the Administrator, in the sound exercise of his discretion, shall deem germane to the complaint.

9. The Permittee shall have an operation and maintenance plan ("O&M Plan") that sets forth best management practices and procedures for operation of the GRF, including procedures that may be needed to comply with spill prevention, control and countermeasures if mandated by federal or state law and procedures for disposal of the residue from the GRF in the event of a malfunction of processing equipment that persists for more than thirty (30) days or the permanent shutdown of the GRF.

10. No waste may be delivered to or accepted for recycling at the GRF before 6:00 a.m. and after 8:00 p.m. on a weekday or before 6:00 a.m. and after 2:00 p.m. on any Saturday, Sunday or the holidays of New Year's Day, Easter, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas unless the waste is off-loaded within a building with its bay doors closed. Transfers of waste materials through pipeage within the N2797 Site shall not be considered delivery or acceptance for the purposes of this provision.

11. This Permit does not cover or authorize the conducting of any operations not expressly identified in this CUP.

12. The Owner and Operator shall defend, indemnify and hold harmless the Town and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including attorney's fees, arising out of the acts or omissions of the Permittee under this Permit. The Owner or Operator shall have the exclusive right to select defense counsel for the Town pursuant to this provision.

13. On an ongoing basis, the Permittee shall be responsible for obtaining all permits and approvals required by other applicable federal, state and county agencies for all activities conducted on the Property associated with or as a result of the GRF. Copies of all permits, approvals and licenses issued by such agencies shall be provided to the Town Clerk including any future notices of such agencies of alleged non-compliance. Violation of such permits, approvals and licenses that go unreported constitute violations of this Permit.

14. In the event either the Operator or Owner sells or otherwise relinquishes control of or its ownership interest in the GRF to anyone or any entity, this Permit may only continue in force if the Operator's or Owner's successor agrees in writing, acknowledged before a notary public, to be bound by all of the terms and conditions of this Permit. Notwithstanding the foregoing, a prospective new Owner or Operator may seek in advance of any transfer of ownership or operation a determination by the Board that one or more conditions of this Permit may be modified. An applicant for such a determination shall pay the CUP application fee then in force.

15. The Zoning Administrator or the Administrator's appropriate designee may enter the Property to ascertain compliance or to investigate an alleged violation of the terms of this Permit. Anyone inspecting pursuant to this provision may at the Permittee's discretion be escorted by the Operator or Owner (or their Designee) and shall comply with all safety regulations and confidentiality conditions imposed by the Operator on its own employees. Refusal to promptly allow inspection shall constitute noncompliance with this CUP.

16. This Permit shall be reviewed by the Town Board three (3) years after it is issued to verify ongoing compliance with all of its material terms and conditions. The Permittee shall cooperate with the Board in that review by attending the public meeting and responding to the Board's questions, if any. If, based on the information gathered in conjunction with the meeting, the Board determines that this Permit is in need of modifications, additions or deletions, the Board shall thereafter initiate the procedures under the CZO appropriate for taking such actions.

17. Should any section, clause or provision of this Permit or the WPDES Permit incorporated herein be declared by any Court of competent jurisdiction to be invalid, the same shall not affect the validity of this Permit as a whole or in any part thereof, other than the part or parts so declared to be invalid.

FINDINGS

The Town Board of the Town of Clyman finds that the existing GRF will be in conformance with the standards of approval under § 6.2 of the Town's Zoning Ordinance, and the granting of this Conditional Use Permit will not unreasonably interfere with the use, enjoyment and retention of value of neighboring property in the Town provided the conditions listed above are satisfied and continue to be satisfied.

Dated: \_\_\_\_\_, 2008

TOWN OF CLYMAN TOWN BOARD

\_\_\_\_\_  
Chairperson

Attest: Clerk