

**AN ORDINANCE PERTAINING
TO CONTAMINATED SOILS**

SECTION I. Applicability

- 1) This Ordinance shall apply to the storage and treatment of any contaminated soils from petroleum or toxic chemical sources as regulated by the VT Agency of Natural Resources within the Town of Georgia.
 - a) If contamination of soils occurs in Georgia, the owner of the property and or the person(s) responsible for the site must notify Town Officials as soon as the owner or person(s) responsible are aware of the contamination. Town Official contact persons are: Town Administrator, Town Clerk, or Chair of the Selectboard.

SECTION II. Requirements for Approval of Treatment or Storage

- 1) Contaminated soils may not be stored and or treated in the Town of Georgia if the soils originate from a location other than the Town of Georgia, unless they are stored or treated at a location specifically approved and permitted by the appropriate Town authorities or Boards for such purpose (e.g. land farm).
- 2) Where contamination of soils occurs in Georgia, and with State and local approval, the soils may be stored and treated in Georgia. Approval by the Selectboard shall be required in writing and shall be granted upon a determination that such storage and treatment will not be adverse to the health, safety, and welfare of the community. Storage and treatment of soils shall be in accordance with requirements of Vermont Hazardous Waste Management Regulations and the Vermont Underground Storage Tank Regulations. Specific requirements are set forth in the Agency Guidelines for Handling Petroleum Contaminated Soil and Carbon Media, which shall be the standard for this Ordinance. In addition, the following shall apply:
 - a) Formal notification, by certified or return receipt mail, shall be given to all interested parties and is required prior to grant of said approval. Interested parties shall include: all adjacent property owners or any property owners within 500' of the contaminated site. Notification is the responsibility of the person(s) responsible for the site and verification will be required.
 - b) The Town may require performance bonds, money to be held in escrow, proof of insurance, or any other means of surety deemed necessary to protect the interests of the Town and or adjacent properties.
 - c) The Town may require the site to be inspected at any time by an independent consultant of their choice, to be paid for by the person responsible for the site, to determine compliance with State or local Regulations.
 - d) Town Officials reserve the right to inspect any soils being stored or treated upon reasonable notice to the owner of person(s) responsible for the treatment or storage of the soils and at reasonable times.
- 3) Once soils have been determined, by proper authority, to have reached non-detect levels as specified by State Regulations and or specific permit requirements the soils may be spread on site only after written approval of the State and the Town. The Town may require an independent analysis of these soils and or the test results provided by the applicants consultant, by a consultant of their choice to be paid for by the person(s) responsible for the soil in order to verify that it is safe to spread the soils.

SECTION III. Enforcement

- 1) Violations. Any violation of this Ordinance or any permits or approvals granted under the provisions of this Ordinance shall be subject to penalties set forth below. Violations of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA Section 1974a and 1977 et set. Each day a violation exists shall constitute a separate violation.
- 2) Penalties. Any violation(s) of this ordinance is subject to a civil penalty of \$100 a day with a waiver fine of \$75.00. Each day the violation continues shall constitute a new offense.
- 3) Appeals. Appeals may be taken in the manner set forth in 24 VSA Section 1974a and 1977 et seq.

SECTION IV. Definitions

- 1) All definitions shall be the same as those set forth in the current copy of the Agency of Natural Resources Underground Storage Tank Regulations and the Agency guidelines for handling Petroleum Contaminated Soil and Carbon Media.