1079741 - R8 SDMS

"Jami Brackin"
<jbrackin@co.summit.ut.us>
04/01/2008 04:18 PM

To Kathryn Hernandez/EPR/R8/USEPA/US@EPA, "'Lisa Fitzgerald'" <lfitzgerald@co.summit.ut.us>
cc <Mike.Egan@tetratech.com>, "'Nora Shepard'" <nshepard@co.summit.ut.us>
bcc
Subject RE: New soils ordinance map

History: This message has been replied to.

See attached.

-----Original Message-----
From: Hernandez.Kathryn@epamail.epa.gov
[mailto:Hernandez.Kathryn@epamail.epa.gov]
Sent: Tuesday, April 01, 2008 3:54 PM
To: Lisa Fitzgerald
Cc: 'Jami Brackin'; Mike.Egan@tetratech.com; 'Nora Shepard'
Subject: Re: New soils ordinance map

Can I get a copy of the final draft soils ordinance that was approved last week?

We are finalizing our new contract with Tetra Tech and plan on having a meeting on Lower Silver Creek in May after they complete the necessary high flow sampling. We are currently selecting a new facilitator.

Kathy

Kathryn Hernandez
USEPA, Region VIII (8EPR-SR)
1595 Wynkoop Street
Denver, CO 80202
(303) 312-6101(office)
(720) 352-7497(cell)

"Lisa Fitzgerald" <lfitzgerald@co.summit.ut.us>
02/12/2008 04:04 PM

To "'Nora Shepard'" <nshepard@co.summit.ut.us>, Kathryn Hernandez/EPR/R8/USEPA/US@EPA, "'Jami Brackin'" <jbrackin@co.summit.ut.us>, <Mike.Egan@tetratech.com>
cc
Subject New soils ordinance map

The soils ordinance map with the boundary has been corrected. Attached is a PDF copy.

Thanks!

Lisa Fitzgerald
Environmental Planner II
Summit County Community Development
P.O. Box 128
Coalville, UT 84017
Phone (435) 336-3134
Fax (435) 336-3046
www.summitcounty.org

If you are not the intended recipient, please contact the sender and ignore the content of this email.(See attached file: lower silver creek edited 2_12_08.pdf)

If you are not the intended recipient, please contact the sender and ignore the content of this email.

ORD 692. exhibit A.jpg Ord 692.soils.doc

Lower Silver Creek
Temporary Overlay Zone Map

ORDINANCE NO. 692

AN ORDINANCE REQUIRING ESTABLISHING THE LOWER SILVER CREEK SOILS TEMPORARY OVERLAY ZONE TO INFORM THE CITIZENS AND PROPERTY OWNERS OF THE PRESENCE OF IMPAIRED SOILS AND WATER AND TO REQUIRE SOILS STUDY AND REMEDIATION.

WHEREAS, an innovative site assessment was conducted by the Utah Department of Environmental Quality (UDEQ) in 2001/2002 and concluded that all of the Lower Silver Creek area should be considered for placement on the CERCLIS list for further investigation and possible remediation under Superfund; and

WHEREAS, a Lower Silver Creek Stakeholders and work group has been formed to discuss local remediation solutions other than listing on CERCLIS and

WHEREAS, the Environmental Protection Agency (EPA) and UDEQ are in the process of refining data to further define the areas and type of contamination in the Lower Silver Creek Area; and

WHEREAS Summit County seeks to recognize and inform the public and property owners of potential historical mining contamination in the Lower Silver Creek drainage area of the Snyderville Basin and to minimize potential exposure while studies are being performed; and

WHEREAS Summit County has received input from the public as well as private parties affected by the historical mining contamination; and

WHEREAS, it is anticipated that this ordinance and overlay zone will be revised once additional data is generated to more specifically address the actual areas and type of contamination and options for remediation; and

WHEREAS Summit County has adopted appropriate Land Use General Plans and Development Codes to regulate the proper use of land within the Snyderville Basin; and

WHEREAS Summit County declares it in the best interest of the public health, safety, and welfare to adopt appropriate regulations for development as concerns the environmental quality of the Lower Silver Creek;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, UTAH, AS FOLLOWS:

Section I. Definitions.

A. "Development" is defined in Summit County Code, §10-Appendix A, "Development or Development Activity."
B. "Development Permit" is defined in Summit County Code, §10-Appendix A, "Development Permit."

C. "Soils Study" means a study conducted by a certified engineer and approved by UDEQ to measure the toxicity of the soil of the land which one owns, has developed, or desires to develop.
D. "Remediate" means to remedy any environmental problems/violations as approved by UDEQ, EPA and Summit County on the land one already owns, has developed, or desires to develop, and according to the standards of any clean-up program pursuant to §II.C.i.-ii. herein.

Section II. Provisions.

This Ordinance creates a temporary overlay zone to minimize potential exposure to heavy metals from contaminated soils within the Lower Silver Creek drainage area, which is identified in Exhibit A, and consists of the Silver Creek drainage area between Highway 248 and I-80.

A. Development.

i. Anyone desiring to develop or redevelop in the overlay zone shall obtain a soils study and shall show evidence that the development area is outside of the impacted area or shall propose a plan to remediate any environmental problems/violations identified in the study to the satisfaction of UDEQ and EPA before Summit County will grant a development permit.

ii. Any party who has received approval to develop in the overlay zone, but has not yet built, shall obtain a soils study and shall show evidence that the development area is outside of the impacted area or shall propose a plan to remediate any environmental problems/violations identified in the study to the satisfaction of UDEQ and EPA before Summit County will grant building permits.

iii. Any land owners who may have already built, and/or who do not wish to develop, in the overlay zone shall hereby be on notice that once the final EPA Study is completed, if property they own is in the identified impacted area, they shall be required to remediate under the terms identified in the EPA Study and shall have a limited time in which to do so.

B. Remediation.

i. Environmental issues identified in any soils study may be remediated through the State of Utah Voluntary Clean Up Program ("VCUP"). A certificate from VCUP shall be prima facie evidence of satisfactory compliance; or

ii. Remediation may be executed through any other clean-up plan approved in advance and in writing from UDEQ, EPA and Summit County.

Section III. Violations, Penalties, Enforcement.

A. Violations of this Ordinance may be prosecuted criminally under the Summit County Code §10-9-20(A). Notwithstanding any criminal prosecution, the county may pursue any and all civil remedies available to it pursuant to Summit County Code §10-9-19(E) to ensure compliance with this Ordinance.

Section IV. Effect.

A. This Ordinance shall become effective when approved, passed, and published pursuant to Utah Law.

APPROVED, ADOPTED, and PASSED this ____ day of ____ , 2008.

BOARD OF COUNTY COMMISSIONERS
SUMMIT COUNTY, UTAH

By:_____
Chair

Commissioner Elliot Voted: _____
Commissioner Richer Voted: _____
Commissioner Woolstenhulme Voted: _____

ATTEST:

_____
COUTNY CLERK
SUMMIT COUNTY, UTAH