

## ORDINANCE 31

### Section A –Declaration of Policy

The designated best use of all ground-waters of Union County is for public and private water supply, and of most surface waters for food production, bathing and recreation. Therefore, it is hereby declared to be the policy of Union County to maintain its water resources as near to their natural condition of purity as reasonably possible for the safeguarding of the public health and, to that end, to require the use of all available practical methods of preventing and controlling water pollution from toxic and hazardous materials.

### Section B – Statement of Purpose.

It is the intent and purpose of this article to safeguard the water resources of Union County from toxic or hazardous materials pollution by controlling or abating pollution from such sources in existence when this article is enacted and also by which is consistent with the above-stated Declaration of Policy.

### Section C – Application

This ordinance shall apply to all bodies of water greater than 500 acres in surface area in Union County. This shall apply to all lands within 500 feet of 1,190 feet MSL for Twelve Mile Reservoir and 1,162 feet MSL for Three Mile Reservoir.

### Section D – Definitions

Whenever used in this ordinance, unless otherwise expressly stated, or unless the context or subject matter requires a different meaning, the following terms will have the respective meanings set forth or indicated:

- A. Discharge means to release by any means or to relinquish control in a manner that could result in a release to the surface waters, ground-water, surface of the ground or below any of the following, either singly or in any combination:
  1. Leaks from the failure of a storage facility;
  2. Spills during transport or transfer of toxic or hazardous materials;
  3. Disposal or storage of soils, sand or debris containing toxic or hazardous materials;
  4. Disposal to or from: sanitary sewer systems, or any other drainage system or leaching system of toxic or hazardous materials;
  5. Burial, land-spreading or dumping anywhere of toxic or hazardous materials.
  6. Abandonment of containers, tanks, pipes, vehicles or structure containing toxic or hazardous materials or residues. For the purpose of this subdivision, abandonment shall mean:
    - a. Substantially empty and unattended, or
    - b. The relinquishment or termination of possession, ownership or control without full disclosure of the new owner thereof of containers, tanks, pipes, vehicles or structure containing toxic or hazardous materials or residues, whether by vacating or by disposition thereof, and will not depend on a mere lapse of time.
  7. Said Definition does not apply to approved maintenance of roadways owned or maintained by Federal, State or Local governments or subdivisions thereof.

- B. "Union County Standards" means standards of quality and purity and special standards, and groundwater quality standards and effluent standards, and/or limitations as found in State Code and Department of Natural Resource regulations.
- C. "Pollution" means the presence in the environment of conditions and/or contaminants in quantities or characteristics, which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of like and property through such areas of the county as shall be affected thereby.
- D. "Substantial Modifications" shall mean the construction of any additions to an existing storage facility as defined under Section E, or restoration, refurbishment or renovation which:
  - a. Increases or decreases the in-place storage capacity of the facility;
  - b. Alters the physical configuration; or
  - c. Impairs or affects the physical integrity or the facility or its monitoring systems.
- E. "Storage Facility" means tanks, pipes, vaults, buildings, or fixed containers used or designed to be used, either singly or in any combination thereof, for the storage and/or transmission of toxic or hazardous materials or for the storage of portable containers containing toxic or hazardous materials.
- F. "Toxic or Hazardous Materials" means the substance solution or mixture which, because of its quality, quantity concentration, physical, chemical or infectious characteristic or any combination of the foregoing, presents or may present an actual or potential hazard to human health or to the drinking water supply if such substance, solution, mixture or combination thereof is discharge to the land or waters of County of Union.  
Toxic or Hazardous Materials will include:
  - a. Each and every substance, material or waste found listed in any or either of the federal register, state code, Union County standards and Department of Natural Resources.
  - b. Acids and alkalies beyond the pH range of 4 to 10.
  - c. Heavy metal sludges, mixtures and solutions in excess of standards of federal, state and local.
  - d. Petroleum products, including fuels and waste oils.
  - e. Organic solvents, including petroleum solvents, halogenated and non-halogenated hydrocarbons.
  - f. Any substance not included within subdivisions one through six above subsequently declared to be a toxic or hazardous material by the sanitarian.
  - g. Said definition does not apply to generally accepted agricultural applications and/or uses.

Section E – Prohibited discharges, transporting and disposal

- A. It will be unlawful for any person to discharge toxic or hazardous materials in Union County.
- B. It will be unlawful to fabricate, construct, install, use maintain, or modify any new existing storage facility or part thereof, above ground or underground, which allows the discharge of a toxic or hazardous material to the ground, groundwater, or surface of Union County.

Section F –Construction

Prior to construction of any nature in the restricted areas, around Three Mile Reservoir and Twelve Mile Reservoir the party intending said construction will first present detailed plans and specifications, including plans for waste disposal, to the Union County Board of Supervisors,

City of Creston Waterworks Board of Trustees and the Department of Natural Resources. All three of the above agencies shall review the application and approve said application prior to construction. No construction will be permitted without the required permission.

#### Section G – Remedies and Penalties

- A. The Sanitarian may order the owner or any other person in possession or control of any land, structure or equipment, or agent of such owner or other person, to take whatever action is necessary in the opinion of the sanitarian bring said land, structure or equipment into compliance with the provisions of this article and any standards or regulations promulgated thereunder. Such action may include but is not necessarily limited to the following, either singly or in any combination thereof:
- a. Ordering the removal of the contents of a tank, portable container, storage facility or any part thereof:
  - b. Ordering the removal or abandonment or reconstruction of any installation, tank, storage facility or any part thereof installed in contravention of any of the requirements of this article or any standards or regulations promulgated thereunder:
  - c. Ordering that the physical improvements be performed on any tank, storage facility or part thereof before permitting it to be returned to service including such improvements as tank lining removal and replacement, bottom and structural repairs:
    - i. Any person who violates any provision of this act or the rules and regulations of the Local Board of any lawful order of said Board, its officers or authorized agents will be guilty of a simple misdemeanor and will be punished by a fine not to exceed five hundred (\$500.00) dollars and/or be imprisonment in the County Jail for not more than thirty (30) days. Each additional day of neglect or failure to comply with such provision rule or regulations or lawful order after notice of violation by the Local Board shall constitute a separate offense.

#### Section H

This ordinance will not apply to systems and/or structures in existence prior to January 1, 1990.

#### Section I

Any and all ordinances in conflict herewith are hereby repealed.

#### Section J

This ordinance will be in full force and effect after its passage and publication as required by law.