

PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION ORDINANCE

The Selectboard of the Town of Plainfield hereby ordains:

Section 1. Authority. This ordinance is enacted pursuant to the authority granted to the Town to promote the public health, safety and welfare by 24 V.S.A. § 2291 (12) and (14). This ordinance shall be a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

Section 2. Purpose. The Town of Plainfield hereby declares new or expanded commercial or industrial operations or facilities, not including home occupation or agricultural operations, that improperly store, treat, release or dispose of solid waste, hazardous waste or hazardous materials constitute a public nuisance. This ordinance does not apply to agricultural operations or existing permitted or certified operations or facilities, or to subsequent renewals without change for existing permitted or certified operations or facilities. The purpose of this ordinance is to regulate or prohibit the storage, release, handling and disposal of solid waste, hazardous waste, or hazardous materials at facilities in the Town of Plainfield in order to protect the public health, safety, and welfare; to promote the responsible use of resources; and to protect the environment, including but not limited to adverse impacts on surface water, groundwater, air quality and public health and to provide procedures and taken action for abatement or removal of sources of solid waste, hazardous waste, or hazardous material release as needed to protect public health, safety, welfare and the environment.

Section 3. Definitions.

- a. The definitions as set forth in 10 V.S.A. § 6602 are hereby incorporated into this ordinance.
- b. "Person shall mean an individual, corporation, partnership, association, and any other incorporated or unincorporated organization or group.
- c. "Operator" shall mean the person responsible for managing the facility.
- d. "Expanded" means a substantial change sufficient to require any amendment of a zoning permit or site plan.

Section 4. Public Hearing.

- a. Prior to constructing, or operating a new or expanded commercial or industrial operation of facility, including expanded or new home occupations, as defined in the Town of Plainfield Zoning Ordinance, that involve the storage, handling and/or disposal of solid waste, hazardous waste or hazardous material, the owner or operator of a facility shall notify the Selectboard of the Town of Plainfield.

The notice provided by the operator shall include a description of the proposed activity, the solid waste, hazardous waste or hazardous materials that will be stored, treated,

handled or disposed of at the facility, the measures that will be taken to ensure that solid waste, hazardous waste or hazardous materials are not released from the facility, and the measures that will be taken to ensure that human health and the environment will not be adversely affected by the facility.

b. Within 30 days of determining that the notice required in subsection (a) is complete, the Selectboard, acting as the local board of health, shall warn a public hearing for the purposes of taking public comment on the proposed construction, expansion and/or operating of the facility. The notice shall be published in a local newspaper and at least three locations within the Town of Plainfield at least 15 days prior to the public hearing.

c. Following the public hearing, the Selectboard acting as the local board of health, may impose specific conditions of operation to prevent the proposed facility from adversely affecting the community of Plainfield as a public nuisance or health risk.

This ordinance shall be effective upon final passage by the Selectboard as per Sections 301-305; Ordinances, Enforcement and Adoption of the Town Charter.

Final passage of this ordinance made this 13th day of March, 2006.

Karl A. Bissex, Chair
Greg Light
Keith E. Terry

This ordinance may be disapproved by a vote of the majority of qualified voters of the Town of Plainfield at a special meeting duly warned for the purpose, pursuant to a petition signed by not less than five percent of the qualified voters and submitted to the Selectboard or the Town Clerk of the Town of Plainfield within forty four days of the adoption of this ordinance in accordance with VSA 24 Section 1973.

Received and recorded at the Plainfield Town Clerks Office, March 27, 2006 at seven o'clock pm. Attest: Linda B. Wells, Town Clerk