Attachment 2.17:

POLLUTION PREVENTION

MODEL ORDINANCE

(GOVERNMENT ENTITY'S NAME)
Ordinance No.

GROUNDWATER PROTECTION REGULATIONS – CHEMICAL SUBSTANCE CONTROLS

Sec. 1-0 Abbreviations and Definitions

(a) The following abbreviations, when used in this Article, shall have the designated meanings: C.F.R. - Code of Federal Regulations

(b) Except as stated in this Article, and unless a different meaning of a word or term is clear from the context, the definition

(c) of words or terms in this Article shall have the meanings hereinafter designated and shall be the same as those used in the Illinois Environmental Protection Act and the Illinois Groundwater Protection Act (415 ILCS 5/14 et seq.), as amended from time to time. Fully capitalized definitions are statutory, and if there is any conflict between the definition set forth in this Article and the definition in the Illinois Environmental Protection Act or the Illinois Groundwater Protection Act, the statutory definition shall govern. Where there is a reference to a provision of the C.F.R. or any other state or federal statute or regulation, the reference shall include any subsequent amendment to such statute or regulation and to include any statute or regulation which is intended to replace or supercede the referenced statute or regulation.

(d) "Chemical Substance" means any "Extremely Hazardous Substance" listed in Appendix A of 40 C.F.R. Part 355; Any "Hazardous Substance" listed in 40 C.F.R. Section 302.4; any petroleum product including crude oil or any fraction thereof, and any of the chemicals, metals and compounds as listed in Appendix B.

(e) "Chemical Substance Storage Permit" means an authorization by the (Government Entity Name) for a person to store, handle, use, or produce a chemical substance in excess of ten pounds or five gallons.

(f) "Containment Device" means a device that is designed to contain a release, retain it for cleanup, and prevent released materials from penetrating into the ground.

(g) "Facility" means the buildings and all real property contiguous thereto, and the equipment at a single location used for the conduct of business.

(h) "Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.

(i) “Occupant” means any person who leases or rents from an owner or who otherwise has the right to occupy a site, facility or unit or part of a site, facility or unit, or the land on which the site, facility or unit is located.

(j) “Operator” means any person in control of or having responsibility for daily operation of a facility.

(k) “Owner” means any person who owns a site, facility or unit or part of a site, facility or unit, or who owns the land on which the site, facility or unit is located. Where real property is subject to a leasehold, the term owner includes both the lessor and the lessee.

(l) “Person” means any individual person, corporation, firm, association, joint venture, trust, partnership, unit of local government that is subject to the regulatory authority of the as exercised in this Article or other legal entity that is subject to the regulatory authority of the (Government Entity Name) as exercised in this Article.

(m)“Premises” means the site, facility or unit and the land or leasehold on which the site, facility or unit where a Chemical Substance has been or is being stored or where a Release of a Chemical Substance has occurred. If the release occurs from a vehicle on a public right of way, then the term “premises” as used in this Article shall mean the vehicle from which the release occurred.

(n) “(Program Manager)” means the (Government Entity’s Program Manager).

(o) “Release” means any spilling, leaking, emitting, discharging, escaping, leaching, discharging or disposing of a Chemical Substance into a containment device, into the air, into the groundwater, surface water, surface soils or subsurface soils, or into sanitary or storm sewers. Releases do not include: intentional withdrawals of Chemical Substances for the purpose of legitimate sale, use, or disposal; and discharges permitted under federal, state, or local law.

(p) “(Government Entity Name) means The (Government Entity Name), Illinois.

Sec. 2-0 Applicability and Administration.

(a) This Article applies to all persons who own or who occupy real property in the (Government Entity Name) or real property which is provided with potable water. The owner(s) and occupant(s) of real property subject to this Article are jointly and severally responsible for complying with the applicable provisions of this Article. The failure of an owner or occupant of real property to comply with the requirements of this Article shall not be excused because of a lack of knowledge as to such requirements or their applicability.

(b) Except as otherwise provided in this Article, the (Program Manager) shall administer, implement and enforce the provisions of this Article. The (Program Manager), the (Program Manager)'s designees, and any other person who is a peace officer, shall have the authority to issue citations or sign complaints on behalf of the (Government Entity Name) for the purpose of enforcing the provisions of this Article. Any powers granted to or duties imposed on the (Program Manager) by this Article may be delegated by the (Program Manager) to other employees, officers or agents of the (Government Entity Name).

Sec. 3-0 Release of Chemical Substances Prohibited.

It shall be unlawful for any person to intentionally or recklessly release, any Chemical Substance or combination of Chemical Substances in such a manner or at such a location where, unless remediated, there is a reasonable possibility that the Chemical Substance will come into contact with or be absorbed into groundwater or will enter into (Government Entity Name)'s potable water supply system.

Sec. 4-0 Reporting Requirements in the Event of a Release of a Chemical Substance.

(a) Whenever there is any release of a Chemical Substance or combination of Chemical Substances that exceeds more than ten (10) pounds in weight or five (5) gallons in volume in such a manner or at such a location where, unless remediated, there is a reasonable possibility that the Chemical Substance will come into contact with or be absorbed into groundwater or will enter into the (Government Entity Name)'s potable water supply system, the owner and the occupant of the Premises where the release occurred shall immediately notify the (Program Manager) and provide the following information:

1) Any and all actions that have been and are intended to be taken to halt the release of the Chemical Substance.
2) An estimate of the quantity of the Chemical Substance released.
3) The methods that are to be used to clean up and otherwise remediate the Chemical Substance that was released.

(b) The notification provided for in Section 4-0(a) must be given even if the release would not constitute a violation of Section 3-0. The initial notification of a Chemical Substance release may be made by telephoning the (Program Manager) or the (Government Entity's Law Enforcement) Department. If initial notification of a release is made by telephone or other oral communication, then a written notification of the release containing the information required under Section 4-0(a) must be made to the (Program Manager) no later than forty-eight (48) hours after the release occurred or was first discovered, whichever occurs last.

(c) It shall be unlawful for any person to fail to give the notification of a release of a Chemical Substance or combination of Chemical Substances as provided in this Section 4-0.

Sec. 5-0 Remediation of Releases.

(a) If a release occurs for which notification is required under Section 4-0, then the owner and occupant of the Premises where the release occurred, shall be required to submit a plan to the (Government Entity Name) for the remediation of the release. Such plan must be submitted to the (Government Entity Name), within the time period specified by the (Program Manager), but no later than seven (7) days after the date on which the Release was first discovered to have occurred.

(b) Following the submission of the remediation plan provided for in Section 5-0(a), the (Program Manager) shall schedule a conference with the person(s) who submitted the remediation plan. The purpose of the conference shall be to discuss and establish the procedures, investigations, studies and compliance measures that the (Government Entity Name) deems necessary in order to control and prevent any Chemical Substances from coming into contact with or being absorbed into groundwater or entering into the area's potable water supply system as a result of the release. Following the conference, the (Program Manager) shall issue a "Remediation Order" which sets forth in writing the steps which the owner and any occupants of the Premises on which the release occurred must take in order to remediate the release and the time periods within which such steps must be taken.

(c) It shall be unlawful for the owner or occupant of Premises on which a release has occurred to fail to comply with a Remediation Order.

(d) The owner and occupant of any Premises on which a release has occurred shall be jointly and severally liable to reimburse the (Government Entity Name) for any costs and expenses which the (Government Entity Name) may incur as the result of the release. Payment of any such costs and expenses must be made to the (Government Entity Name) not more than forty-five (45) days after the date that the (Government Entity Name)issues an invoice for the costs and expenses.

(e) If an owner or occupant fails to comply with a Remediation Order, or if it otherwise becomes reasonably necessary for the (Government Entity Name) to remediate the effects of a release in order to prevent a Chemical Substance from coming into contact with or being absorbed into groundwater or will enter into the area's potable water supply system or to eliminate a Chemical Substance from the ground water or the area's potable water supply, then the (Government Entity Name) may take whatever steps it determines in the reasonable exercise of its discretion are necessary to remediate. The owner and any occupants of the Premises on which the release of the Chemical Substance occurred and any other person who caused the release of the Chemical Substance or the contamination of the groundwater or the area's potable water supply with the Chemical Substance shall be jointly and severally liable to reimburse the (Government Entity Name) for the cost of any such remediation work performed by or on behalf of the (Government Entity Name). Such reimbursement shall be made not less than forty-five (45) days after the (Government Entity Name) issues an invoice for the cost of the remediation work.

Sec. 6-0 Chemical Substance Storage Permit Required.

a) Except as provided in Section 6-0(b) and (c) it shall be unlawful for any person to store Chemical Substances which weigh more than ten (10) pounds or have a volume of more than five (5) gallons in any single container without first obtaining a Chemical Substance Storage Permit from the "superintendent".
b) The permit requirements contained in Section 6-0(a) of this Article shall not apply to the following:

    1) Fuel tanks that have been issued a license by the Illinois or United States Department of Transportation.
    2) Fuel tanks and fluid reservoirs which are attached to motor vehicles licensed by the federal or a state government and which are used in the operation of such vehicles.
    3) Fuel containers and fluid reservoirs that are attached to lawn or yard maintenance equipment and which are used in the operation of such equipment.
    4) Fuel containers that are attached to or associated with water craft and which are used in the operation of the water craft.

c) The permit requirements contained in Section 6-0(a) of this Article do not apply to the owner or occupant of premises used for residential purposes with respect to Chemical Substances stored or maintained on the premises that are being stored by the owner or occupant of the premises for the owner's or occupant's own use, provided (I) that the Chemical Substances stored or maintained are not used or intended to be used in connection with a business and (ii) are intended to be used on the Premises where they are being stored.

Sec. 7-0 Applications for Chemical Substance Storage Permits.

a) Persons required to obtain a Chemical Substance Storage Permit shall submit to the (Program Manager) a permit application containing the following information:
    1. Description of activities, facilities, and processes on the premises to be covered by the permit, including a list of the Chemical Substances to be used or stored on the premises to be covered by the permit;
    2. Number and type of employees, hours of operation,
    3. Site plans, floor plans;
    4. A Release Prevention, Containment and Control Plan as described in Section 8-0; and
    5. Such other information as the (Program Manager) in the reasonable exercise of his discretion determines is required in order to be able to evaluate whether a Chemical Substance Storage Permit should be issued and what, if any conditions should be attached to the permit.

b) If the (Government Entity Name) provides a form for the application for a Chemical Substance Storage Permit, the application for a Chemical Substance

Storage Permit must be submitted using the (Government Entity Name) application form.

c) Incomplete or inaccurate applications shall be returned to the applicant for correction prior to review and action by the (Program Manager).

d) All Chemical Substance Storage Permit applications must be signed by the owner or occupant of the premises where the Chemical Substances are to be stored or an authorized agent. Applications shall include the following certification statement: "I certify that the information contained in the attached application for a Chemical Substance Storage Permit is, to the best of my knowledge and belief, true, accurate, and complete, and that I understand that the submission of false or inaccurate information is unlawful and will subject me to being fined."

Sec. 8-0 Release Prevention, Containment and Control Plan

a) Each application for a Chemical Substance Storage Permit shall be accompanied by a Release Prevention, Containment and Control Plan for the premises where the Chemical Substances are to be stored. The Release, Prevention, Containment and Control Plan shall include, at a minimum, the following components:

1) Emergency contact information;
2) Description of activities, facilities, and plant processes on the premises;
3) Description of stored Chemical Substances, locations, and quantities;
4) Description of Chemical Substance disposal practices;
5) Procedures for immediately notifying the (Program Manager) of any release as required by Section 4-0(a) of this Article; and
6) Procedures to prevent accidental releases and to eliminate or minimize adverse impacts from accidental releases. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of Chemical Substances, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing Chemical Substances, and/or measures and equipment for emergency response.

b) The Release, Prevention, Containment and Control Plan shall also contain such additional information and components which the "superintendent" determines in the reasonable exercise of his discretion, are necessary in order to provide a plan of action which will protect against Chemical Substances from coming into contact with or being absorbed into groundwater or entering into the (Government Entity Name)'s potable water supply system and/or which will reduce the likelihood that an accidental release of Chemical Substances might occur.

c) After the issuance of the initial permit allowing the storage of Chemical Substances on a premises, the Release, Prevention, Containment and Control Plan shall be updated not less than once every three (3) years. The updated Release, Prevention, Containment and Control Plan shall be submitted to the (Program Manager), for the (Program Manager)'s review and approval. The

(Program Manager), may in the reasonable exercise of his discretion, require that a Release, Prevention, Containment and Control Plan for a premises be updated more frequently than once every three (3) years if he determines that the Release, Prevention, Containment and Control Plan needs to be updated in order to protect against Chemical Substances from coming into contact with or being absorbed into groundwater or entering into the area's potable water supply system and/or in order to reduce the likelihood that an accidental release of Chemical Substances might occur.

d) There shall be a minimal application fee for a Chemical Substance Storage Permit.

Sec. 9-0 Chemical Substance Storage Permit Issuance, Duration and Contents.

a) The (Program Manager) shall review each Chemical Substance Storage Permit application in consultation with the (Other Entity Departments associated with water) and within forty-five (45) days of receipt of a complete permit application, the (Program Manager) shall issue a decision as to whether the Chemical Substance Storage Permit should be issued. The reasons the "superintendent" may refuse to issue a Chemical Substance Storage Permit include, but are not limited to the following:

1) The permit application is incomplete or inaccurate.
2) The proposed Release, Prevention, Containment and Control Plan does not meet the requirements of Section 8-0 or will not provide adequate protection against Chemical Substances coming into contact with or being absorbed into groundwater or entering into the area's potable water supply system or does not adequately reduces the likelihood that an accidental release of Chemical Substances might occur.
3) The storage of the Chemical Substance for which permission to store is being sought will create an unacceptable risk to the public health if stored on the premises in the application in the manner described in the application. If the (Program Manager) refuses to issue the Chemical Substance Storage Permit, he shall inform the applicant in writing of the reasons the Chemical Substance Storage Permit was not issued.

b) The duration of a Chemical Substance Storage Permit shall be determined by the (Program Manager), provided that no Chemical Substance Storage Permit shall have a duration of more than three (3) years from the effective date of the permit. The "superintendent" may issue a Chemical Substance Storage Permit which has a duration of less than three (3) years if (1) the period of time that the Chemical Substance will be stored on the premises described in the permit application is to be less than three (3) years; or (2) the storage of the Chemical Substance presents a potential hazard which requires that the premises covered by the permit be inspected or that the Release Prevention, Containment and Control Plan for the premises covered by the permit be reviewed and updated more frequently than once every three (3) years.

c) A Chemical Substance Storage Permit shall include those conditions which the (Program Manager) determines are reasonably necessary to protect against the release of the Chemical Substances covered by the permit. A Chemical Substance Storage Permit shall also include the following:

1) The expiration date of the permit.
2) A description of the premises for which the permit is being issued.
3) A statement that the permit is not transferable to a new permittee unless the transfer is approved as provided in Section 12-0.
4) A list of the Chemical Substances which the permit allows to be stored on the premises described in the permit.
5) A statement that any release of a Chemical Substance must be reported immediately as provided in Section 4-0.
6) A statement that the permit is conditioned upon compliance with the Release Prevention, Containment and Control Plan.

Sec. 10-0 Appeals of Decisions Relating to the Issuance of a Chemical Substance Storage Permit.

a) If the (Program Manager) denies an application for a Chemical Substance Storage Permit, the applicant may file a written request for reconsideration of the decision by the (Program Manager). The request for reconsideration shall state in detail the reasons why the applicant believes the decision denying the application for a Chemical Substance Storage Permit should be reconsidered and the permit should be issued. The request for reconsideration shall be filed with the (Government Entity Name) Administrator.

b) The (Program Manager) shall provide notice of the issuance of a Chemical Substance Storage Permit by posting a notice of the issuance of the permit in the building where the office of the (Government Entity Name) Administrator is located and by publishing a notice in a newspaper which has a general circulation within the (Government Entity Name). Any person residing in the (Government Entity Name), any person who owns or occupies real property that is connected to the area's potable water supply system and the applicant shall be entitled to request in writing that the (Program Manager) reconsider the terms and conditions contained in a Chemical Substance Storage Permit by filing the request with the (Government Entity Name) Administrator. Any request for reconsideration must state the conditions or terms in the permit which the person making the request wants to be modified. The request for reconsideration may also request that the permit not be issued or that additional conditions be included in the permit. Any request for reconsideration shall state in detail the reasons the request for reconsideration is being made.

c) Any request for the reconsideration of the issuance or denial of a permit must be made not more than thirty (30) days after the date notice of the issuance of the permit is published in a newspaper of general circulation in the (Government Entity Name) as provided in Section 10-0(b). If no request for reconsideration is filed with the (Government Entity Name) Administrator within such thirty (30) day time period, the decision to issue the permit shall become final for purposes of

judicial review. Following SARA Title III, if there is a change in chemicals, notify in 3 months.

d) If a request for reconsideration of the issuance of a Chemical Substance Storage Permit is made by a person other than the applicant, then the (Program Manager) shall promptly notify the applicant by sending a copy of the request for reconsideration to the applicant along with a notice stating that the applicant has seven (7) days from the date of the notice to file a written response to the request for reconsideration with the (Government Entity Name) Administrator.

e) If the (Program Manager) fails to act on a request for reconsideration within thirty (30) days after the request for reconsideration is filed, then the request for reconsideration shall be considered to have been denied, provided that the (Program Manager) may extend for a period not to exceed ninety (90) days the time within which the (Program Manager) will decide whether to grant or deny the petition for reconsideration. Any decision by the (Program Manager) to deny a request for reconsideration shall constitute a final decision for purposes of judicial review.

Sec. 11-0 Modification of Chemical Substance Storage Permits.

a) The (Program Manager) may require a modified a Chemical Substance Storage Permit for any of the following reasons:

1) To incorporate any requirements resulting from a new or revised Federal, State or local law, ordinance, rule or regulation.
2) To take into account any technological developments.
3) To take into account any new information relating to the storage or potential dangers or hazards of the Chemical Substances allowed to be stored under the Chemical Substance Storage Permit.
4) To take into consideration and address any substantial alterations or additions to the operations or activities which occur on the premises covered by the Chemical Substance Storage Permit that have occurred since the date the permit was issued.
5) Because of a violation of this Ordinance or another applicable law, rule or regulation, or because of a failure to comply with a term or condition contained in the Chemical Substance Storage Permit**.**
6) To correct typographical or other errors in the Chemical Substance Storage Permit or in the Release Prevention, Containment and Control Plan.
7) To correct misrepresentations or the failure to disclose information in the application for the Chemical Substance Storage Permit.
8) To reflect a transfer in the ownership or occupancy of the premises covered by the Chemical Substance Storage Permit, provided that the transfer has been approved as provided in Section 12-0.
9) To protect against Chemical Substances covered by the permit from coming into contact with or being absorbed into groundwater or entering into the area's potable water supply system and\or in order to reduce the likelihood that an accidental release of Chemical Substances might occur.

b) If the (Program Manager) proposes to modify a Chemical Substance Storage Permit, the (Program Manager) shall notify the permit holder of the modifications the (Program Manager) proposes to make to the permit and the reasons for the modifications. The permit holder shall be given not less than thirty (30) days to respond in writing to the (Program Manager) as to why the modifications should not be made as proposed and to otherwise comment on the proposed modifications.

c) If a Chemical Substances Storage Permit is modified as provided in this Section 11-0, the (Program Manager) shall give notice of the modification in the same manner provided for giving public notice of the issuance of permits in Section 10-0(b). Any person who occupies property that is connected to the area's potable water supply system and the person to whom the permit has been issued shall be entitled to request in writing that the (Program Manager) reconsider the terms and conditions contained in a Chemical Substance Storage Permit by filing the request with the (Government Entity Name) Administrator as provided in Section 10-0(b). The procedures set forth in Section 10-0 applicable to the reconsideration of decisions to issue a Chemical Substance Storage Permit shall be applicable to requests for reconsideration of decisions to modify the conditions contained in a Chemical Substance Storage Permit.

Sec. 12-0 Transfer and Assignment of Chemical Substance Storage Permits.

a) Chemical Substance Storage Permits are valid only for the premises described in the permit and for the permittee identified in the permit. Chemical Substance Storage Permits cannot be transferred or assigned without the prior written approval of the (Program Manager). If the premises for which a Chemical Substance Storage Permit has been issued is sold or otherwise transferred to a new owner who will maintain the same operation in the same premises, whether or not the seller will continue to operate the equipment or the equipment is leased to another entity for its operation at the site of the original permitee, then the permit held by the seller and/or owner shall be reissued by the (Government Entity Name) to the new owner and/or operator as a temporary permit; Permits are not transferrable. Failure to notify (Government Entity Name) of a new owner/operator will be considered a violation (13-0a).

1) The new owner and/or operator notifies the (Government Entity Name) thirty (30) calendar days in advance of the transaction, and
2) The new owner and/or operator confirms to the (Government Entity Name), within twenty-four (24) business hours of the transaction, of completion of the sale or execution of an operating contract, and
3) The new owner and/or operator immediately applies for a new permit in accordance with this Article.

b) A temporary permit shall be valid for a period of not more than ninety (90) days.

Sec. 13-0 Enforcement.

a) If an alleged violation of this Article occurs, the (Program Manager) shall send or otherwise cause a written “Notice of Violation” to be delivered to the person alleged to have committed the violation. The “Notice of Violation" shall describe the violation that is alleged to have occurred and shall set a time and place for a Compliance Meeting. The Compliance Meeting shall be attended by the (Program Manager) and other appropriate representatives of the (Government Entity Name), the person alleged to have committed the violation and any representatives or agents of the person alleged to have committed the violation, provided that the failure of the person alleged to have committed the violation and any of such person’s representatives failure or refusal to attend a scheduled Compliance Meeting shall not preclude the Compliance Meeting from occurring. The purpose of such a meeting shall be to establish the procedures, investigations, testing studies and compliance measures as the (Government Entity Name) deems necessary and desirable to determine whether a violation occurred, to control and prevent any further violations of this Article and to remediate the adverse effects of any prior violations. During the Compliance Meeting the person alleged to have committed the violation shall be given the opportunity to present evidence and otherwise explain why such person is not responsible for the violation or should not be required to remediate the adverse effects of the violation.

b) Following the completion of any procedures, testing, investigations or studies provided for as a result of the Compliance Meeting or at such other time as the (Government Entity Name)deems appropriate following the Compliance Meeting, the (Government Entity Name) may issue an order which may require the person alleged to have committed the violation to take certain steps as described in the order to prevent violations from occurring in the future and\or to remediate adverse effects resulting from the violation.

c) A failure to timely comply an order issued in accordance with Section 13-0(b) shall make the person to whom the order is directed subject to fines and any other applicable penalties as provided for in this Code.

d) The enforcement procedures provided for in this Sections 13-0(a) and 13-0(b) are not exclusive.

e) If there is a violation of any provision of this Article, the (Government Entity Name) shall be entitled to seek any remedy and to impose any penalty as may otherwise be authorized by state law, by this Code or by any other ordinance of the (Government Entity Name) or which may otherwise be available to the (Government Entity Name) in law or in equity, including but not limited to injunctive relief.

Sec. 14-0 Violations of State and Federal Water Quality Standards

If the (Government Entity Name) is fined by the State of Illinois or the United State Environmental Protection Agency for a violation of water quality standards as the result of a release, then the (Government Entity Name)shall, in addition to any other remedy which may be available, also be entitled to recover from any person or persons who caused the release or whose failure to comply with the requirements of this Article resulted in the occurrence of the release, the amount of any such fine as well as any

costs incurred by the (Government Entity Name)as a result of the violation of the water quality standards, including but not limited to all (Government Entity Name)legal, sampling and analytical testing costs.

Sec. 15-0 Revocation of Chemical Substances Storage Permit.

a) The (Principal Elected Offical) may revoke a Chemical Substance Storage Permit for good cause, including, but not limited to, the following reasons:

1) Failure to notify the (Program Manager) of substantial changes relating to the use or storage of Chemical Substances on the premises for which the permit was issued prior to the occurrence of the change;
2) Misrepresentation or failure to fully disclose all relevant facts in the Chemical Substance Storage Permit application;
3) Failure to pay fines;
4) Failure to meet compliance schedules;
5) Failure to provide advance notice of the transfer of business or operation ownership of a permitted facility; or
6) Violation of any standard or requirement, or any terms of the Chemical Substance Storage Permit or this Article.

b) The (Program Manager) may order any person whose Chemical Substance Storage Permit is subject to revocation to show cause as to why the Chemical Substance Storage Permit should not be revoked. A notice shall be served on the offending person, specifying the time and place of a hearing to be held by the (Principal Elected Offical) at which the person to whom the Chemical Substance Storage Permit has been issued shall show cause as to why the Chemical Substance Storage Permit should not be revoked. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. The notice shall specify the reason or reasons as to why the Chemical Substance Storage Permit is subject to revocation.

c) (Principal Elected Offical) may conduct the hearing and take the evidence or may designate a hearing officer to conduct the hearing. The (Principal Elected Offical) or hearing officer shall have the authority to:

1) Issue, in the name of the Board, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
2) Take the evidence; If the hearing is conducted by a hearing officer, the hearing officer shall transmit a report of the evidence and hearing, including transcripts and other evidence, together with the hearing officer's recommendation to the (Principal Elected Offical) as to whether the Chemical Substance Storage Permit should be revoked.

d) At any hearing held pursuant to this Article, testimony taken must be under oath and recorded stenographically or by tape recording. The transcript of said

hearing shall be made available to any member of the public or any party to the hearing upon payment of the usual copying charges therefor. The hearing shall be an informal hearing and the rules of evidence applicable in courts of law shall not be applicable.

e) After the (Principal Elected Offical) has reviewed the evidence, the (Principal Elected Offical) may issue an order to the offending person responsible for the violation of this Article directing either: that the Chemical Substance Storage Permit be revoked; or that following a specified time, the Chemical Substance Storage Permit shall be revoked, unless adequate progress towards compliance is accomplished; or direct the offending person to remove the Chemical Substances from the premises within a specified period of time; or that such other action as deemed necessary by the (Principal Elected Offical) to abate the improper Chemical Substance storage. Further orders and directives as are necessary may be issued.

f) Notwithstanding any other provision of this Article, the (Program Manager) shall have the authority, after informal notice to the offending person, to immediately and effectively halt or prevent any release of Chemical Substances that reasonably appears to present an imminent danger to the area's potable water supply or to the health, safety or welfare of the public. When the (Program Manager) determines that such an emergency situation exists, he shall issue a verbal order (followed as soon thereafter as is reasonably possible by a written order) to the person responsible for creating the dangerous situation, stating the reason for the order and the actions which must be taken to eliminate the reason for the emergency situation. Methods of informal notice shall include, but not be limited to, any of the following: personal conversation between the responsible person and the (Program Manager) telephone calls, letters, hand-delivered messages or notices posted at the responsible person's premises.

g) Any person who has their Chemical Substance Storage Permit revoked pursuant to this Section 15-0 shall have the right to request to make a presentation to the (Government Entity Board), at which time the person shall be given the opportunity to explain why their permit should not be revoked. Following the presentation, the (Government Entity Board), may request that the (Government Entity Board), reconsider the decision to revoke the Chemical Substance Storage Permit.

Sec. 16-0 False Information or Statements.

It shall be unlawful for any person to knowingly make any false statement or certification in any application, record, report, plan or other document required to be filed with the (Government Entity Name) under this Article, including, but not limited to, the application for a Chemical Substance Storage Permit or in any document filed with the (Government Entity Name) or required to be maintained pursuant to this Article.

Sec. 17-0. Penalties and Liability for Costs.

Any person who is found to have violated any provision of this Article, shall upon conviction be fined not less than Two Hundred Fifty ($250.00) dollars or more than One Thousand ($1,000.00) dollars for each violation. Each day that violation of this Article

continues shall constitute a separate violation. A separate violation shall be considered to have occurred for each Chemical Substance that is improperly stored or is released during any day. In addition to the penalties provided for in this Section and any other applicable penalty or sanction, the (Government Entity Name) may recover the reasonable attorney's fees, court costs, court reporter fees and any other litigation expenses it may incur in enforcing the provisions of this Article against any person who is found to have violated the provisions of this Article. (Ord. No. 05-06, Sec. 1, 3-17-05)

An updated list is found at http://yosemite.epa.gov/oswer/lol.nsf/homepage (Look under column "D"; if a chemical has a numerical number listed, it is considered an Extremely Hazardous substance.)

Definitions:

Potable Water: Water that is fit for human consumption.

Title 3 SARA: is the Federal Law governing hazardous materials. SARA stands for the Superfund Amendments and. Reauthorization Act of 1985.