

Town of Canterbury Contaminated Materials Regulation

I. Statutory Authority:

Pursuant to the authority conferred by RSA 147:1, the Town of Canterbury Board of Selectmen approve this Contaminated Materials Regulation to promote the health, safety, and general welfare of the Town of Canterbury and its residents.

II. Purpose:

The purpose of this Regulation is to protect, preserve, and maintain existing and potential groundwater sources and groundwater recharge areas. The purpose of this Regulation is also to protect, preserve, and maintain surface water quality, soil quality, and the general health and safety of the public from the potential adverse impacts associated with storing, stockpiling, releasing, spreading, or otherwise discharging any contaminated materials, including but not limited to septage sludge, within the Town.

This Regulation's objectives include: (1) protecting natural areas; (2) maintaining ecological balance; (3) protecting potential and existing water supplies; (4) preventing soil contamination; (5) protecting property values; (6) preventing unnecessary or excessive municipal costs that may arise from contaminated materials in the Town.

III. Scope:

This Regulation is a supplement to and not intended to preempt any other local, state, or federal laws, regulations, or ordinances that may apply to the creation, handling, storage, and disposal of contaminated materials.

IV. Definitions:

Contaminated Materials: any waste that because of quantity or concentration of any physical, chemical, or infectious characteristics may, if not properly treated, stored, or disposed of: (1) cause or contribute to an increase in mortality or illness; or (2) pose a present or potential threat to human health or the environment. "Contaminated materials" includes but is not limited to: septage sludge and thermally treated contaminated soils.

V. Prohibition on Contaminated Materials:

No person shall store, stockpile, spread, release, or otherwise discharge any contaminated materials within the boundaries of the Town of Canterbury.

VI. Violation and Penalties:

Pursuant to RSA 147:1, III, a person who violates the provisions of this Regulation and who fails to fully remediate and abate the violation within a reasonable time after notice to do so shall be fined \$50-\$275 per day from the date the Town first notified the person of the violation.

In addition, each violation of this Regulation shall also constitute a “violation” under the New Hampshire Criminal Code and be prosecutable and punishable under RSA 625:9 up to the maximum fine allowed for a violation under New Hampshire law.

For any violation that requires remediation or abatement, including but not limited to remediation or abatement conducted by the Town, the owner or occupant of the property shall be responsible for all costs as directed in RSA 147:7 and RSA 147:7-b.