Town of

Waitsfield

Stormwater Infrastructure Mapping Project

October 2009

VTDEC – ECOSYSTEM RESTORATION SECTION
WATERSHED MANAGEMENT DIVISION

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See reverse for Overview and Project Summary

Project Summary

The main goal of this project was to develop up to date municipal drainage maps. These drainage maps were created showing the paths that stormwater runoff travels from where it falls on impervious surfaces such as parking lots, roads, and rooftops, to the outfall points in streams or other receiving waters. These maps show the stormwater infrastructure including pipes, manholes, catchbasins, and swales within a municipality. Data sources included data collected from field work, a mapping grade Trimble GPS unit, available state permit plans, record drawings, town plans, and the input and guidance of knowledgeable members from the municipalities.

A second goal of this project was to establish potential locations for Best Management Practice (BMP) stormwater retrofit sites. These are sites where stormwater treatment structures could be added and where they would be most cost effective and efficient for sediment and phosphorus removal. In order to develop a retrofit site list, drainage area subwatersheds were delineated around the drainage networks. Determining the "connectivity" of the stormwater system was necessary to determine subwatershed drainage areas within the town (Sutherland, 1995).

Delineating the drainage areas was done using the stormwater infrastructure maps, along with satellite imagery, Digital Elevation Models (DEMs), and topographic maps. These data sources were used to approximate where the land area within the municipality was draining to; as well as where the high points were that divided the sub-drainage areas. The completed maps show the drainage coverage for essentially the entire municipality, but with a focus on areas with more impervious cover. Combining the drainage polygons with the connectivity rating of the stormwater systems was the first step in determining some potential locations for the best cost/benefit stormwater retrofits.

Impervious cover layers were created by digitizing satellite imagery in the mapping software. In the digitizing process impervious surfaces seen in the imagery are essentially traced into a project so they can be seen independently as a single layer, and are still in the correct geographic location. The impervious layer was used to calculate the percent of each delineated drainage area that would generate stormwater runoff. This percentage of impervious surface area for each subwatershed was then adjusted with the connectivity rating. This rating depended upon existing stormwater treatment practices for the area and how directly connected the area was to the outfall, for example whether it went directly into a pipe versus flowing over a grassy area where it would infiltrate.

Calculations were performed using data from the mapped drainage areas and the impervious cover percentages. The Simple Method Pollutant Loading Model (SIMPLE) (Schueler, 1987) was used to project the potential sediment and phosphorus loads for each drainage area. Water Quality Volume (WQv), or the amount of storage needed to treat stormwater from a 0.9inch storm, was calculated for each drainage area. Channel Protection Volume (CPv) was also calculated, and is the volume of storage that is needed to hold and slowly release stormwater for a 2.1inch rain event. This CPv calculation was only done when the receiving water was not a large water body and was therefore susceptible to channel erosion.

The drainage areas were then prioritized by the projected annual sediment and phosphorus loads they produced. Subwatersheds which had the highest sediment and phosphorus loads are a higher priority to retrofit and are termed Action List 1 drainage areas. There are also Action List 2 and 3 subwatersheds which are slightly lower on the priority ranking due to slightly lower sediment and phosphorus loads. Based on the projections retrofitting the Action List drainage areas will have the greatest benefit for water quality. A potential treatment structure/practice was suggested for each Action List subwatershed, the type of treatment varied depending on availability of potentially "open" land where a treatment structure could be put in place. Availability of "open" land was based solely upon ortho photos and does not indicate land ownership or actual availability.

References

Schueler, T. 1987. Technical Documentation of a Simple Method for Estimating Urban Storm Pollutant Export. Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMPs. Appendix A.

Sutherland, R. 1995. Methodology for Estimating the Effective Impervious Area of Urban Watersheds. Technical Note 58 – Previous Area Management. Watershed Protection Techniques. Vol. 2, No. 1

Tetra Tech Inc.,2007. BMP Cost Function in Vermont's BMDPSS. Memo from Tham Saravanapavan to VTDEC, October 30, 2007.

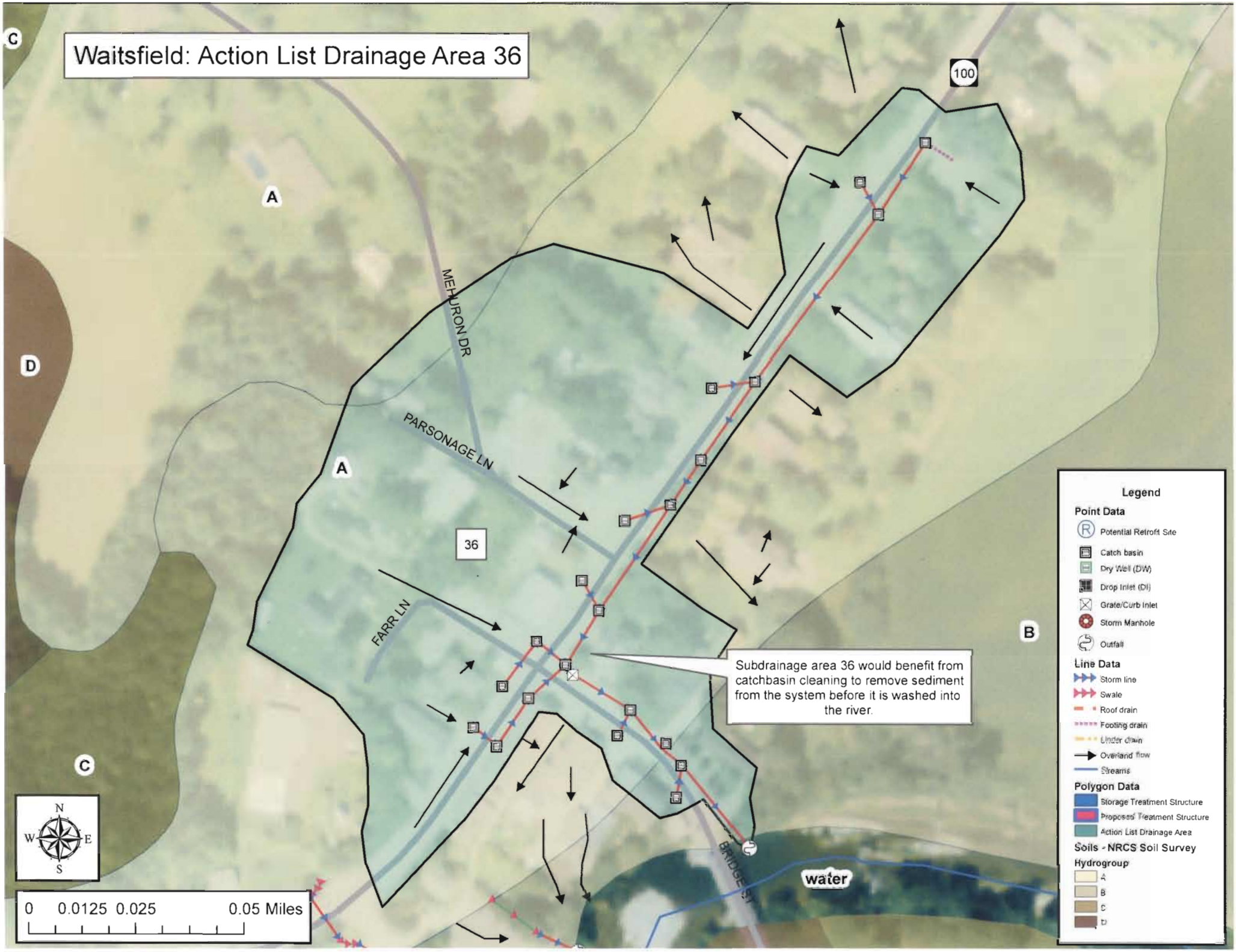
***All data was created in a ArcGIS 9.3 Geodatabase format and is available from VTDEC**

Stormwater Structures Key

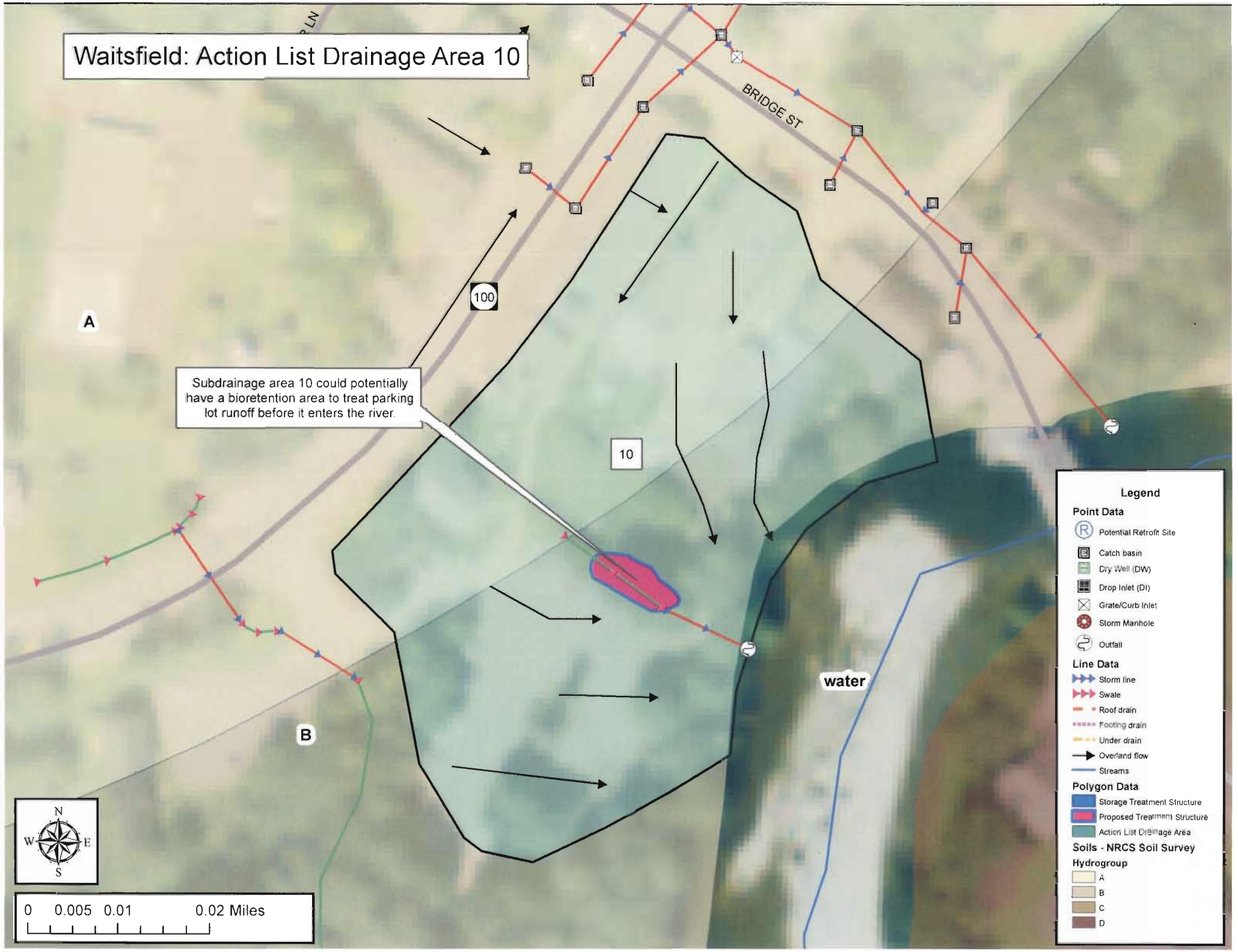
Code	StructureType
BB	Baffle Box
BFCB	Baffled Catchbasin
BR	Bioretention Area (aka Bioretention Filter)
BS	Buffer Strip (25' Min.)
CB	Catch Basin
CBI	Catch Basin Insert
CD	Check Dam
EDPMP	Ext.Det.Pond with Micropool (aka Micropool ED Pond)
GS	Grass Swale (aka Open Channel)
IB	Infiltration Basin
POP	Pocket Pond
PP	Perforated Pipe Attenuator
RDD	Roof Drain Disconnect
RR	Rock RipRap
RS	RipRap Swale
SB	Sediment Basin
SF	Sand Filter (aka Surface Sand Filter)
ST	Septic Tank
WL	Wetland (Constructed)
WP	Wet Pond (Retention)
WS	Wet Swale

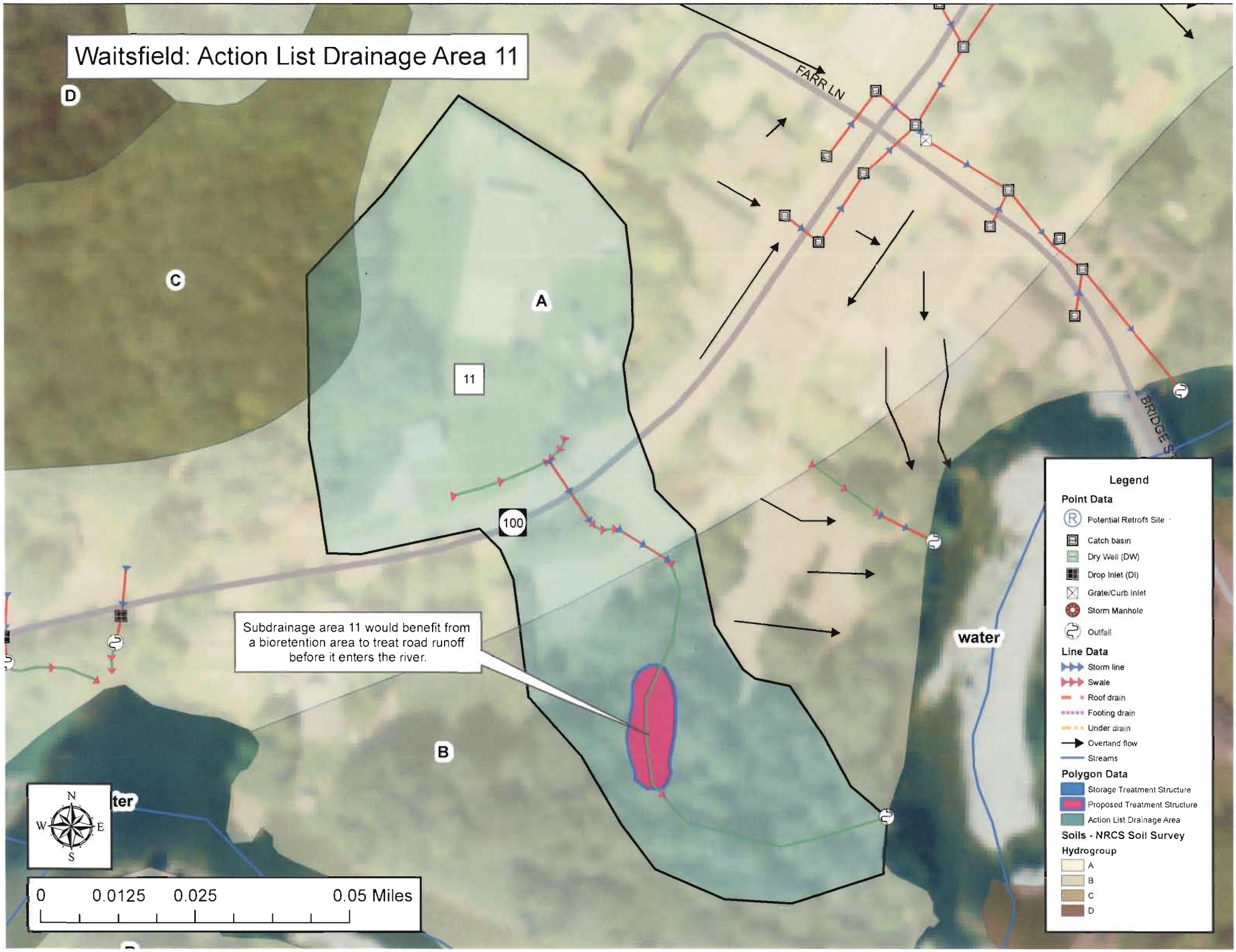
Waitsfield - Sediment and Phosphorus Loading Calculations

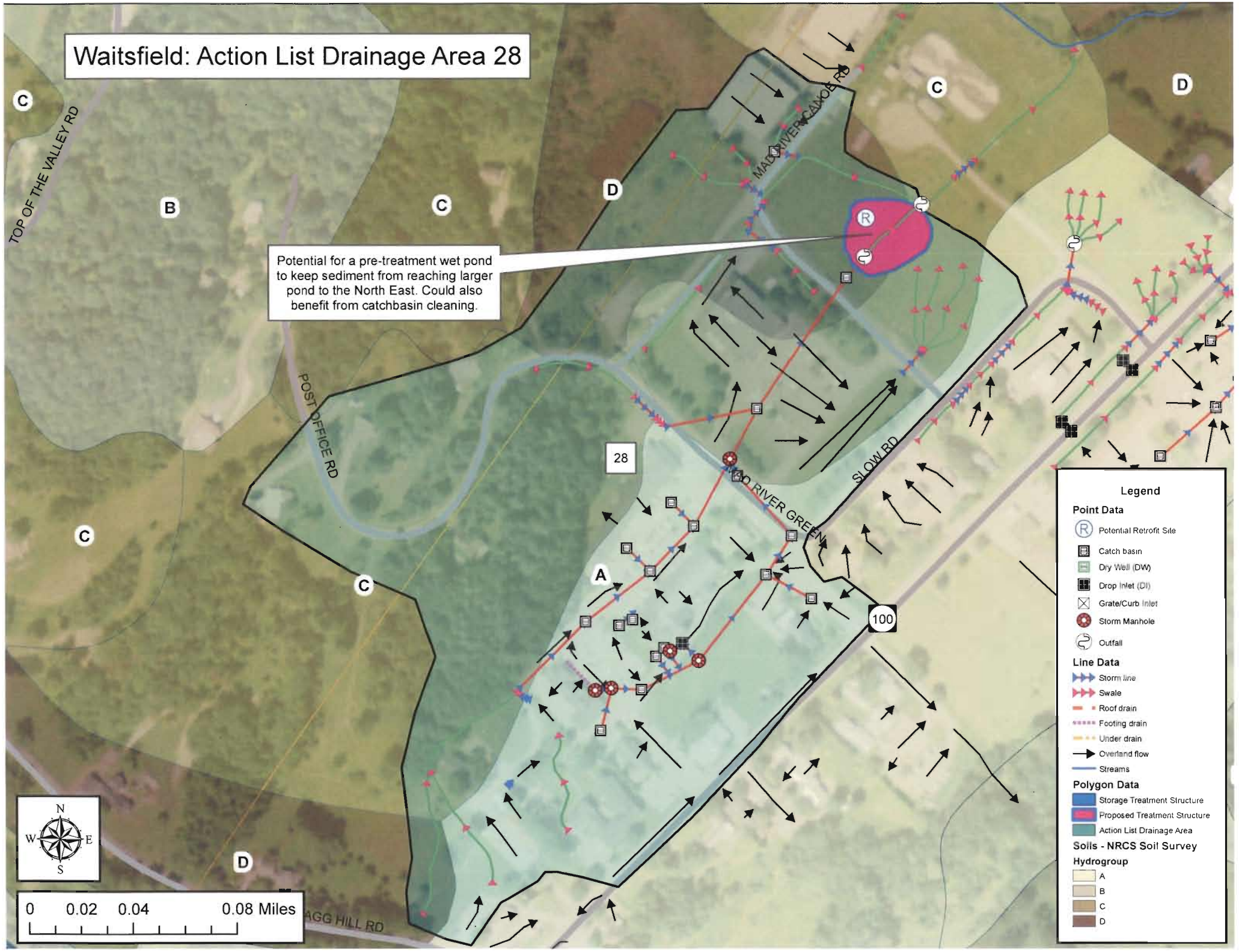
Watershed Number	Action List	Proposed or Existing Stormwater Treatment Practice	Permit Number	Watershed Area (Acres)	Percent Effective Impervious Area	Projected Sediment Load (lbs)	Current BMP Sediment Reduction Credit	Sediment Load with Current Reductions (lbs)	Priority Action Sediment Reduction Credit	Sediment Load with Priority Action (lbs)	Projected Phosphorus Load (lbs)	Current BMP Phosphorus Reduction Credit	Phosphorus Load with Current Reductions (lbs)	Priority Action Phosphorus Reduction Credit	Phosphorus Load with Priority Action (lbs)	Water Quality Volume (Acre-Feet)	Channel Protection (Acre-Feet)
28	3	Catchbasin cleaning/GS/WP (add sediment forebay?)		31.3	29	12,932	0%	12,932	10%	11,639	35.9	0%	35.9	5%	34.1	0.74	1.23
36	1	Catchbasin cleaning		8.8	39	4,698	0%	4,698	10%	4,228	13.0	0%	13.0	5%	12.4	0.27	0.44
30	2	Catchbasin cleaning/POP		6.2	50	4,131	0%	4,131	40%	2,478	11.5	0%	11.5	25%	8.6	0.24	0.39
25	3	Catchbasin cleaning/OF		5.5	47	3,471	0%	3,471	10%	3,123	9.6	0%	9.6	5%	9.2	0.20	0.32
33		GS/OF	4950-9015 (not built)	16.0	9	2,770	0%	2,770		2,770	7.7	0%	7.7		7.7	0.16	0.35
2	3	Catchbasin cleaning/OF		8.3	16	2,149	0%	2,149	10%	1,934	6.0	0%	6.0	5%	5.7	0.12	0.27
21		GS/OF/GS/WP	3391-9010	3.8	41	2,073	60%	829		829	5.8	40%	3.5		3.5	0.12	0.20
23		GS/WP		3.7	38	1,887	0%	1,887		1,887	5.2	0%	5.2		5.2	0.11	0.21
18		DW/GS/WP		10.3	9	1,784	0%	1,784		1,784	5.0	0%	5.0		5.0	0.10	0.34
7		GS		4.3	29	1,751	0%	1,751		1,751	4.9	0%	4.9		4.9	0.10	0.21
27		OF		2.9	43	1,687	0%	1,687		1,687	4.7	0%	4.7		4.7	0.10	0.18
8		SB/GS/OF	3037-9010	6.6	15	1,594	60%	637		637	4.4	40%	2.7		2.7	0.09	0.28
32		GS		4.2	25	1,526	0%	1,526		1,526	4.2	0%	4.2		4.2	0.09	0.18
22		GS/WP		1.4	80	1,467	0%	1,467		1,467	4.1	0%	4.1		4.1	0.08	0.14
29	2	GS/SB		2.4	36	1,161	0%	1,161	40%	697	3.2	0%	3.2	25%	2.4	0.07	0.13
31		GS		4.9	14	1,115	0%	1,115		1,115	3.1	0%	3.1		3.1	0.06	0.14
10	4	BR/GS		1.8	44	1,049	0%	1,049	80%	210	2.9	0%	2.9	60%	1.2	0.06	0.10
6		GS		1.6	43	936	0%	936		936	2.6	0%	2.6		2.6	0.05	0.10
17		OF		1.2	57	919	0%	919		919	2.6	0%	2.6		2.6	0.05	0.09
1	3	CB cleaning/OF		1.1	62	881	0%	881	10%	792	2.4	0%	2.4	5%	2.3	0.05	0.09
26		OF		2.8	19	825	0%	825		825	2.3	0%	2.3		2.3	0.05	0.10
3		OF		5.9	6	811	0%	811		811	2.3	0%	2.3		2.3	0.05	0.10
35		OF		1.4	42	764	0%	764		764	2.1	0%	2.1		2.1	0.04	0.07
11	4	BR/GS		3.4	13	735	0%	735	80%	147	2.0	0%	2.0	60%	0.8	0.04	0.09
34		GS/WP		1.8	27	684	0%	684		684	1.9	0%	1.9		1.9	0.04	0.08
19		GS/WP		1.4	28	549	0%	549		549	1.5	0%	1.5		1.5	0.03	0.06
15		OF		2.2	11	412	0%	412		412	1.1	0%	1.1		1.1	0.02	0.05
9		GS		2.5	8	402	0%	402		402	1.1	0%	1.1		1.1	0.02	0.05
12		OF		1.6	15	401	0%	401		401	1.1	0%	1.1		1.1	0.02	0.05
16		OF		0.4	81	378	0%	378		378	1.1	0%	1.1		1.1	0.02	0.04
5		DW(5)		0.6	37	318	0%	318		318	0.9	0%	0.9		0.9	0.02	0.04
4		OF		2.2	6	294	0%	294		294	0.8	0%	0.8		0.8	0.02	0.04
20		CB/OF/GS/WP	3391-9010	0.6	36	273	60%	109		109	0.8	40%	0.5		0.5	0.02	0.03
24		OF/GS/WP		0.4	46	271.02	0%	271.02		271.02	0.75	0%	0.75		0.75	0.02	0.03
14		OF		0.5	29	214.01	0%	214.01		214.01	0.59	0%	0.59		0.59	0.01	0.03
13		OF		0.3	37	160.99	0%	160.99		160.99	0.45	0%	0.45		0.45	0.01	0.02

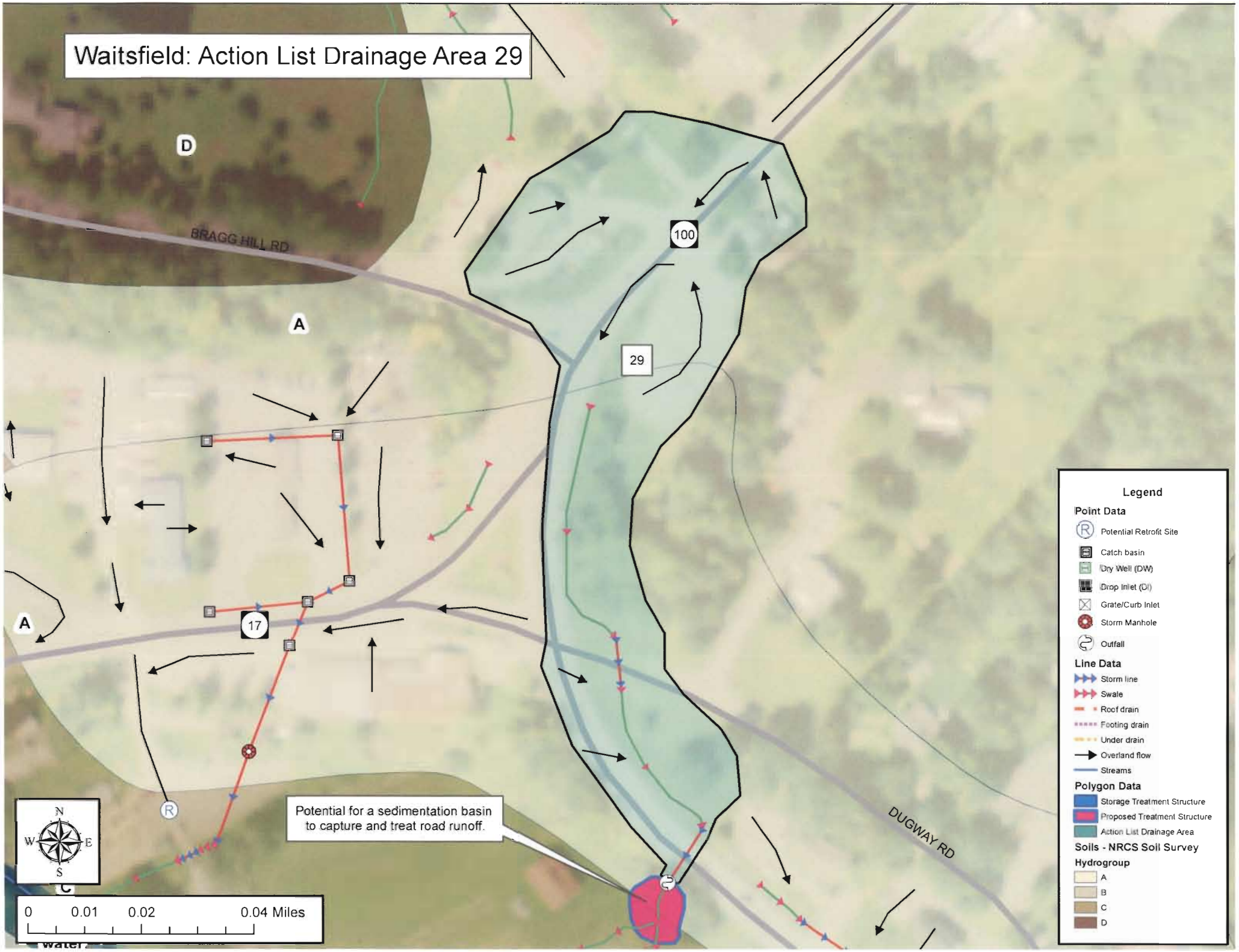


Waitsfield: Action List Drainage Area 36
100
A
A
C
C
D
B
MEHURON DR
PARSONAGE LN
FARR LN
36
BRIDGE ST
water
Subdrainage area 36 would benefit from catchbasin cleaning to remove sediment from the system before it is washed into the river.
N
W
E
S
0 0.0125 0.025 0.05 Miles
Legend
Point Data
Potential Retrofit Site
Catch basin
Dry Well (DW)
Drop Inlet (DI)
Grate/Curb Inlet
Storm Manhole
Outfall
Line Data
Storm line
Swale
Roof drain
Footing drain
Under drain
Overland flow
Streams
Polygon Data
Storage Treatment Structure
Proposed Treatment Structure
Action List Drainage Area
Soils - NRCS Soil Survey
Hydrogroup
A
B
C
D


Waitsfield: Action List Drainage Area 10
BRIDGE ST
100
A
B
10
Subdrainage area 10 could potentially have a bioretention area to treat parking lot runoff before it enters the river.
water
N
W
E
S
0 0.005 0.01 0.02 Miles
Legend
Point Data
Potential Retrofit Site
Catch basin
Dry Well (DW)
Drop Inlet (DI)
Grate/Curb Inlet
Storm Manhole
Outfall
Line Data
Storm line
Swale
Roof drain
Footing drain
Under drain
Overland flow
Streams
Polygon Data
Storage Treatment Structure
Proposed Treatment Structure
Action List Drainage Area
Soils - NRCS Soil Survey
Hydrogroup
A
B
C
D


Waitsfield: Action List Drainage Area 11
D
C
A
B
11
100
FARR LN
BRIDGE ST
water
ter
Subdrainage area 11 would benefit from a bioretention area to treat road runoff before it enters the river.
N
W
E
S
0
0.0125
0.025
0.05 Miles
Legend
Point Data
Potential Retrofit Site
Catch basin
Dry Well (DW)
Drop Inlet (DI)
Grate/Curb Inlet
Storm Manhole
Outfall
Line Data
Storm line
Swale
Roof drain
Footing drain
Under drain
Overland flow
Streams
Polygon Data
Storage Treatment Structure
Proposed Treatment Structure
Action List Drainage Area
Soils - NRCS Soil Survey
Hydrogroup
A
B
C
D


Waitsfield: Action List Drainage Area 28
Potential for a pre-treatment wet pond to keep sediment from reaching larger pond to the North East. Could also benefit from catchbasin cleaning.
TOP OF THE VALLEY RD
POST OFFICE RD
MAD RIVER CANOE RD
MAD RIVER GREEN
SLOW RD
HAGG HILL RD
28
100
A
B
C
D
N
S
E
W
0
0.02
0.04
0.08 Miles
Legend
Point Data
Potential Retrofit Site
Catch basin
Dry Well (DW)
Drop Inlet (DI)
Grate/Curb Inlet
Storm Manhole
Outfall
Line Data
Storm line
Swale
Roof drain
Footing drain
Under drain
Overland flow
Streams
Polygon Data
Storage Treatment Structure
Proposed Treatment Structure
Action List Drainage Area
Soils - NRCS Soil Survey
Hydrogroup
A
B
C
D


Waitsfield: Action List Drainage Area 29
D
BRAGG HILL RD
A
A
100
29
17
R
Potential for a sedimentation basin to capture and treat road runoff.
DUGWAY RD
N
W
E
S
0
0.01
0.02
0.04 Miles
Legend
Point Data
Potential Retrofit Site
Catch basin
Dry Well (DW)
Drop Inlet (DI)
Grate/Curb Inlet
Storm Manhole
Outfall
Line Data
Storm line
Swale
Roof drain
Footing drain
Under drain
Overland flow
Streams
Polygon Data
Storage Treatment Structure
Proposed Treatment Structure
Action List Drainage Area
Soils - NRCS Soil Survey
Hydrogroup
A
B
C
D

Have a spill control plan for accidental spills at municipal facilities and on municipal streets

These stormwater infrastructure maps show the connectivity of the stormwater system for the municipality as accurately as it could be determined with the collected and existing data. In the event of a spill this can be a valuable tool for controlling spills and in spill response.

Towns should be equipped with suitable equipment to contain and clean up spills of hazardous materials. Accidental spills of materials can be sources of runoff pollution if not addressed appropriately. If possible Towns should be prepared to address spills on municipal streets while at the same time contacting the state Waste Management Division. DPW managers should be aware of all applicable requirements and should contact regulatory authorities if requirements are not known.

All spills should be cleaned up immediately after they occur. For municipal facilities the creation of a site specific spill control and response plan in combination with spill response training for designated on-site personnel can be effective in dealing with accidental spills and preventing the contamination of soil, water, and runoff. Preparation of a spill containment, control, and countermeasures (SPCC) plan might be required to meet regulatory requirements (e.g., requirements regarding storage of specified chemicals above certain volume thresholds).

Even if a formal plan is not required, preparing one is a good idea. In general, an SPCC plan should include guidance to site personnel on the following:

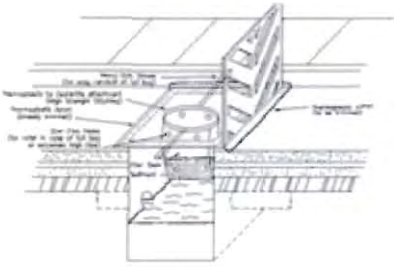
— Proper notification when a spill occurs;
— Site responsibility with respect to addressing the cleanup of a spill;
— Stopping the source of a spill;
— Cleaning up a spill;
— Proper disposal of materials contaminated by the spill;
— Location of spill response equipment programs; and
— Training for designated on-site personnel.

A periodic spill "fire drill" should be conducted to help prepare Town personnel in the event of a spill.

Spill Prevention and Response Measures

Catch Basin Inserts

Catch Basin Inserts (Drain Guards / Sediment Traps) protect our rivers and streams by capturing sediment, debris, oil and grease at storm water catch basins. Catch Basin Inserts are an economical and effective method to protect you from costly clean-up work.



The standard filter material is a non-woven geotextile with built-in overflow ports for cases of abnormally high water flow or over-filled filter bags. Catch Basin Inserts are available with a replaceable 5" x 15" oil absorbent boom that floats to absorb any oil, gas or diesel entering a storm water catch basin.

Urethane Drain Protector

Urethane Drain Protectors are positive sealing drain covers that ensure spills do not enter drains. Drain Protectors are environmentally safe and resistant to chemicals, solvents and hydrocarbons. After use, the Drain Protector can be washed and stored in its tube storage container.

Absorbent Socks

Absorbent socks are flexible tubes used to contain and clean-up spilled fluids. Socks are widely used in industrial applications and are ideal for Spill Kits. Fast spreading spills are quickly stopped with a sock.

Drums & Intermediate Bulk Containers (IBC's)

New and reconditioned steel drums are ideal for storing solid and liquid waste. Poly drums available for durable outdoor storage or for building your own spill kits. Steel and poly drums are available in both tight-head (TH) and full open-head styles (FOH).

Pads & Rolls

Absorbent pads and rolls made from polypropylene fibers are the most popular form of absorbents on the market. Various types of absorbent pads and rolls can be used for different liquids and site applications.

The most widely used absorbent pads and rolls are oil-only (white) and universal (grey). Pads and rolls are great for spills on water or land, easily absorbing 20 to 25 times their own weight in recovered liquid. Rolls can easily be cut to the exact size required.

Booms

Linkable Absorbent Booms
Absorbent booms are ideal for containing and cleaning up spills on water. Booms repel water and float even when completely saturated.

Absorbent booms are constructed with a strong mesh outer skin encasing non-linting and highly absorbent polypropylene filler. Linkable booms come complete with end rings and clips attached to nylon rope running the length of the boom.

Collection basins

Collection basins are permanent structures in which large spills or contaminated storm water is contained and stored before cleanup or treatment. Collection basins are designed to receive spills, leaks, etc., and to prevent pollutants from being released into the environment. Unlike containment dikes, collection basins can receive and contain materials from many locations across a facility.

Containment diking

Containment dikes are temporary or permanent earth or concrete berms or retaining walls that are designed to hold spills. Diking can be used at any industrial facility, but is most common for controlling large spills or releases from liquid storage and transfer areas. Diking can provide one of the best protective measures against the contamination of storm water because it surrounds the area of concern and keeps spilled materials separated from the storm water outside of the diked area.

Curbing

Similar to containment diking, a curb is a barrier that surrounds an area of concern. Unlike diking, curbing is unable to contain large spills and is usually implemented on a small-scale basis. However, curbing is common at many facilities and in small areas where liquids are handled and transferred.

Granular Absorbents

A variety of granular and powdered absorbents are available for the effective clean-up of spills on streets, construction sites and in repair shops. These products absorb spilled liquids of various kinds to greatly lower the viscosity, aiding in the clean-up of the spill.

Sorbents, Gels, and Foams

Sorbents are compounds that immobilize materials by surface absorption or adsorption in the sorbent bulk. Gelling agents interact with the spilled chemical(s) by concentrating and congealing to form a rigid or viscous material more conducive to a mechanical cleanup. Foams are mixtures of air and aqueous solutions of proteins and surfactant-based foaming agents. The primary purpose of foams is to reduce the vapor concentration above the spill surface, thereby controlling the rate of evaporation.

VERMONT HAZARDOUS WASTE MANAGEMENT REGULATIONS

§ **7-105** EMERGENCY AND CORRECTIVE ACTIONS

(a) Emergency actions

(1) In the event of a discharge of hazardous waste or a release of a hazardous material, the person in control of such waste or material shall:

(A) Take all appropriate immediate actions to protect human health and the environment including, but not limited to, emergency containment measures and notification as described below; and

(B) Take any further clean up actions as may be required and approved by federal, state, or local officials, or corrective actions as specified under **subsection (b)** of this section so that the discharged waste or released material and related contaminated materials no longer present a hazard to human health or the environment.

(2) Reporting

(A) All discharges and/or releases that meet any of the following criteria shall be immediately reported to the Secretary by the person or persons exercising control over such waste by calling the Waste Management Division at **(802) 241-3888**, Monday through Friday, 7:45 a.m. to 4:30 p.m. or the Department of Public Safety, Emergency Management Division at **(800) 641-5005**, 24 hours/day:

(i) A discharge of hazardous waste, or release of hazardous material that exceeds 2 gallons;

(ii) A discharge of hazardous waste, or release of hazardous material that is less than or equal to 2 gallons and poses a potential or actual threat to human health or the environment; or

(iii) A discharge of hazardous waste, or release of hazardous material that equals or exceeds its corresponding reportable quantity under CERCLA as specified under **40 CFR § 302.4.**

Note: Under the Federal Water Pollution Control Act, certain spills of "oil" and/or "hazardous substances" are prohibited and must be reported pursuant to the requirements of **40 CFR Part 110** / Discharge of Oil. Certain spills of hazardous substances must also be reported pursuant to CERCLA. In both

(B) A written report shall be submitted to the Secretary within ten (10) days following any discharge or release subject to **subsection (a)(1)** of this section. The report should be sent to: The Vermont Department of Environmental Conservation, Waste Management Division, 103 South Main Street, Waterbury, VT 05671-0404. The person responsible for submitting the written report may request that it not be submitted for small discharges and/or releases that were reported pursuant to subsection (a)(2)(A) of this section, and that have been entirely remediated within the ten (10) day period immediately following the discharge and/or release

(3) If the discharge or release occurred during transportation, the transporter shall, in addition to notifying the Secretary:

(A) Notify the National Response Center at (800) 424-8802 or (202) 426-2675, if required by **49 CFR § 171.15**; and

(B) Report in writing to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590, if required by **49 CFR § 171.16**; and

(C) A water (bulk shipment) transporter who has discharged hazardous wastes must give the same notice as required by **33 CFR § 153.203** for oil and hazardous substances.

(4) If a discharge or release occurs and the Secretary determines that immediate removal of the waste is necessary to protect human health or the environment, the Secretary may authorize its removal by unpermitted transporters without the preparation of a manifest. Such hazardous waste may be transported to a site authorized by the Secretary under the provisions of **§ 7-503** to temporarily accept hazardous waste generated during an emergency cleanup of a discharge or release.

(5) In the case of an explosives or munitions emergency response, if a Federal, State, Tribal or local official acting within the scope of his or her official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA identification numbers or hold Vermont hazardous waste transportation permits and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

(6) All clean up debris and residues that are hazardous waste must be transported ultimately to either:

(A) A designated facility;

(B) A person authorized by the Secretary to use such waste if the waste has been delisted pursuant to **§ 7-218**;

(C) Some other location specified and authorized by the Secretary to receive clean up debris and residues if the waste has been delisted pursuant to **§ 7-218**; or

(D) For hazardous waste not defined as hazardous in 40 CFR Part 261 (i.e., waste regulated as hazardous by Vermont), to a facility, that is not a designated facility, located in a state other than Vermont provided the facility can receive such waste under applicable state and local laws, regulations and ordinances.

(b) Corrective actions

(1) If a discharge of hazardous waste, or a release of hazardous material has not been adequately addressed under **subsection (a)(1)(A)** of this section the Secretary may require that the person or persons responsible pursuant to **10 V.S.A. § 6615** complete the following:

(A) Engage the services of an environmental consultant experienced in the investigation and remediation of hazardous waste-contaminated sites; and

(B) Within thirty (30) days from either the date of the discharge/release or the date that the release was discovered if the date of discharge/release is not known, or within a period of time established by an alternative schedule approved by the Secretary, submit for approval by the Secretary a work plan for an investigation of the contaminated site (i.e., site investigation) prepared by the environmental consultant. The site investigation shall define the nature, degree and extent of the contamination; and shall assess potential impacts to human health and the environment (refer to the document titled: "Site Investigation Procedure" which is available from the Secretary upon request); and

(C) Perform the site investigation within either ninety (90) days of receiving written approval of the work plan by the Secretary, or a period of time established by an alternative schedule approved by the Secretary. A report detailing the findings of the site investigation shall be sent to the Secretary for review; and

(D) Within either thirty (30) days from the date of final acceptance of the site investigation report by the Secretary, or a period of time established by an alternative schedule approved by the Secretary, submit a corrective action plan prepared by the environmental consultant (refer to the document titled: "Corrective Action Guidance" which is available from the Secretary upon request); and

(E) Implement the corrective action plan within either ninety (90) days of receiving
written approval of the plan by the Secretary, or a period of time established by an alternative schedule approved by the Secretary. The corrective action activity shall continue until the contamination is remediated to levels approved by the Secretary; and

(F) Submit to the Secretary all investigative, corrective action and monitoring reports, and all analytical results related to **subsections (b)(1)(C) through (E) of this section**, as they become available.

(2) A used or fired military munition is a waste and is potentially subject to corrective action authorities pursuant to **10 V.S.A. § 6615**, and the process described by **subsection (b)(1) of this section** if the munition lands off-range and is not promptly rendered safe or retrieved. Any imminent and substantial threats associated with any remaining material must be addressed. If remedial action is infeasible, the operator of the range must maintain a record of the event for as long as any threat remains. The record must include the type of munition and its location (to the extent the location is known).

§ 7-106 LAND DISPOSAL RESTRICTIONS

(a) Certain hazardous wastes shall not be disposed of in or on the land. **40 CFR Part 268**, which is hereby incorporated by reference, except for **40 CFR §§ 268.5, 268.6, and 268.42(b)**, identifies those wastes which shall not be land disposed and describes the limited circumstances under which an otherwise prohibited waste may continue to be land disposed. The authority for implementing the CFR sections not incorporated by reference remains with the EPA.

Note: A copy of 40 CFR Part 268 (the Land Disposal Restrictions rule), as incorporated by these regulations, is available from the Secretary upon request.

(b) In addition to the prohibitions of **40 CFR Part 268**, the Secretary may restrict the land disposal of any hazardous waste in the State of Vermont:

(1) Which may present an undue risk to human health or the environment, immediately or over a period of time; or

(2) Which would be incompatible with the **groundwater protection rule and strategy** of chapter 12 of the environmental protection rules.

(c) Dilution of hazardous waste subject to the land disposal restrictions of **40 CFR Part 268** is prohibited pursuant to **40 CFR § 268.3.**

§ 7-107 ENFORCEMENT

(a) Information that the generation, transportation, treatment, storage or disposal of hazardous waste may present an actual or potential threat to human health or the environment, or is a violation of the 10 V.S.A. chapter 159, or these regulations, or any term or condition of certification, order, or assurance, may serve as grounds for an enforcement action by the Secretary, including, but not limited to:

(1) After notice and opportunity for hearing, issuing an order directing any person to take such steps as are necessary to:

(A) Immediately cease and desist any operation or practice;

(B) Correct or prevent environmental damage likely to result from any deficiency in operation or practice;

(C) Suspend or revoke any certification and require temporary or permanent cessation of the operation of such facility;

(2) A request that the Attorney General or appropriate State's Attorney commence an action for injunctive relief, the imposition of penalties and fines provided in **10 V.S.A. § 6612** and other relief as may be appropriate.

(3) An order for reimbursement to any agency of federal, state, or local government from any person whose act caused governmental expenditures under **10 V.S.A § 1283**.

(4) All other powers of enforcement available to the Secretary through **10 V.S.A., chapter 201**.

(b) The hearing by the Secretary identified under **subsection (a)(1)** of this section shall be conducted as a contested case. Pursuant to **10 V.S.A. § 6610(b)**, the Secretary may issue an emergency order without a prior hearing when an ongoing violation presents an immediate threat of substantial harm to the environment or an immediate threat to public health. An emergency order shall be effective upon actual notice to the person against whom the order is issued. Any person to whom an emergency order is issued shall be given the opportunity for a hearing within five (5) business days of the date the order is issued.

(c) Inspections, investigations, and property access (**10 V.S.A. § 8005**)

(1) Inspections and investigations

(A) An investigator may perform routine inspections to determine compliance.

(B) An investigator may investigate upon receipt or discovery of information that an activity is being or has been conducted that may constitute or cause a violation.

(C) An investigator, upon presentation of credentials, may seek permission to inspect or investigate any portion of the property, fixtures, or other appurtenances belonging to or used by a person whose activity is required to be in compliance. The investigator shall state the purpose of the inspection or investigation. An inspection or investigation may include monitoring, sampling, testing, and copying of any records, reports, or other documents relating to the purposes to be served by compliance.

(D) If permission for an inspection or investigation is refused, the investigator may seek an access order from the district or superior court in whose jurisdiction the property is located enabling the investigator to perform the inspection or investigation.

(2) Access orders

(A) If access has been refused, an access order may be sought pursuant to either **10 V.S.A. § 8**005 or **10 V.S.A. § 6609**.

(B) Issuance of an access order shall not negate the Secretary's authority to initiate criminal proceedings in the same matter by referring the matter to the office of the attorney general or a state's attorney.

(d) In an action to enforce these regulations, anyone raising a claim that a certain material is not a hazardous waste, or is exempt from regulation as hazardous waste, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. Appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation, must be provided. Owners and operators of facilities claiming that they are actually recycling materials must show that they have the necessary equipment to do so.