

11/10/72

TOWN OF PITTSTON
RADIOACTIVE WASTE ORDINANCE

SECTION 1. TITLE.

This Ordinance may be cited as "An Ordinance relating to siting, storage and disposal of low-level and high-level radioactive waste within the Town of Pittston" and shall be referred to herein as the "Ordinance."

SECTION 2. PURPOSE.

The purpose of this Ordinance is to protect the health, safety and welfare of the citizens of Pittston; enhance and maintain the quality of the environment; conserve natural resources; prevent ground water, surface water and air pollution; and preserve property values and the tax base within the Town of Pittston.

SECTION 3. AUTHORITY.

A. This Ordinance is adopted pursuant to Municipal Home Rule authority as set forth in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

B. The Planning Board of the Town of Pittston shall administer this Ordinance.

SECTION 4. PROHIBITIONS.

A. Any dumping, discharge, deposit, transfer, disposal, storage, handling or placement of high-level radioactive waste or low-level radioactive waste, as defined in Title 38 M.R.S.A. Section 1451, subsections 6 and 11, and Title 38 M.R.S.A. Section 1503, subsection 5 is prohibited within the boundaries of the Town of Pittston.

B. Any testing, digging, drilling, geologic research or other site assessment, investigation or characterization activities undertaken in preparation for the dumping, discharge, deposit, transfer, disposal, storage, handling or placement of high-level radioactive waste or low-level radioactive waste within the boundaries of the Town of Pittston is prohibited without a permit approved pursuant to Section 5 of this Ordinance.

SECTION 5. PERMIT FOR SITE ASSESSMENT. *See attached amendment*

A. Any application for a permit to conduct any site assessment, investigation or characterization, exploratory testing, drilling, geologic research or other testing in preparation for the dumping, discharge, deposit, transfer, disposal, storage, handling or placement of high-level radioactive waste or low-level radioactive waste within Pittston shall be in accordance with the following:

1. The permit application shall be filed in triplicate with the Planning Board for review and accompanied by a fee of \$100.00 for processing the application. Within 30 days of the filing of an application, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a

complete application has been filed, it shall notify the applicant in writing and begin its review of the proposed activity.

2. The permit application shall contain the following information:

- a. A detailed description of the testing, exploratory or other site assessment activity to be conducted;
- b. A topographic map designating the specific location of the proposed testing, exploratory or other site assessment activity;
- c. A diagram depicting the proposed testing, exploratory or other site assessment activity;
- d. The estimated length of time that each of the testing, exploratory or other site assessment activity will continue;
- e. The persons who will be conducting the testing, exploratory or other site assessment activity, and the credentials and experience of those conducting the activity;
- f. The records that will be maintained of the testing, exploratory or other site assessment activity;
- g. An analysis of whether the testing, exploratory or other site assessment activity is consistent with the purposes of this Ordinance;
- h. A list of all siting or other methodology, guidelines, rules, regulations or laws the applicant will be following in conducting the proposed testing, exploratory or other site assessment activity;
- i. A description of any environmental impacts from the testing, exploratory or other site assessment activity, any plans to mitigate the environmental impacts, and the long-term effects of those impacts;
- j. A description of the compatibility with, and potential adverse impacts on, neighboring land uses from the testing, exploratory or other site assessment activity;
- k. A description of any impacts on property values within Pittston or on the municipal tax base from the testing, exploratory or other site assessment activity;
- l. The purpose of the proposed testing, exploratory or other site assessment activity;
- m. Documentation of the express written consent of all owners of property on which the testing, exploratory or other site assessment activity is to be conducted, including landowners across whose property equipment and personnel are transported for the purpose of conducting the proposed activity; and
- n. Any other relevant information.

3. The Planning Board shall hold a public hearing within 60 days of the date the application is deemed completed. The Planning Board shall

publish the time, date and place of the hearing at least twice. The affected landowners, including abutting landowners, shall be notified of the hearing by Certified Mail.

4. Within 60 days of the public hearing, the Planning Board shall either approve, approve with conditions, or disapprove the application. The Planning Board may not approve a permit unless it affirmatively finds that each of the following requirements will be met:

a. The proposed testing, exploratory or other site assessment activity will not result in environmental degradation either in the short or long term and will not result in negative impacts on property values or the municipal tax base;

b. The proposed testing, exploratory or other site assessment activity will be conducted according to a methodical, consistent, open and dependable process;

c. The proposed testing, exploratory or other site assessment activity will be open to inspection by representatives of the municipality;

d. The results of the proposed testing, exploratory or other site assessment activity will be made available to the public in a timely manner; and

e. The proposed testing, exploratory or other site assessment, or the purpose of such activity, is consistent with the purposes of this Ordinance.

B. Any person aggrieved by a decision of the Planning Board either granting or failing to approve a permit under this Ordinance, may appeal the final decision to Superior Court within thirty (30) days.

C. The permit may be revoked by the Planning Board, after hearing, for falsehoods, misrepresentations or omissions in the permit application, failure to conduct the permitted activity as represented in the application or for failure to comply with any permit terms or conditions.

SECTION 6. MUNICIPAL SITE ASSESSMENT ACTIVITIES.

A. Notwithstanding any other provision of this Ordinance, the Town of Pittston may on behalf of its citizens undertake site-specific testing, exploratory or other assessment, investigation and characterization activities when:

1. A state or federal agency, authority or other governmental entity, its contractors or agents, or other person or entity has designated land in the Town of Pittston as a possible site for the dumping, discharge, deposit, transfer, disposal, storage, handling or placement of high-level radioactive waste or low-level radioactive waste;

2. All landowners whose land would be affected by the testing, exploratory or other assessment activity have provided express written consent; and

3. By majority vote, the voters of the Town of Pittston have approved the testing, exploratory or other assessment activity.

SECTION 7. AMENDMENTS.

This Ordinance may be amended by a majority vote of the voters of Pittston. Amendments shall be initiated by the Planning Board or by petition of 10 percent of the voters casting ballots in the last gubernatorial election in Pittston. The Planning Board shall conduct a public hearing on the proposed amendment.

SECTION 8. ENFORCEMENT.

A. Any violation of this Ordinance shall be deemed a Public Nuisance.

B. The Code Enforcement Officer of Pittston shall enforce this Ordinance. Whenever the Code Enforcement Officer determines that there has been a violation of this Ordinance, he/she shall give written notice to the person(s) responsible for such violation by personal service or registered mail, return receipt requested.

1. The notice shall indicate the nature of the violation and the action(s) necessary to correct it.

2. A copy of such notice shall be submitted to the Planning Board and the Selectboard of the Town of Pittston.

C. The Selectboard, after consultation with the Planning Board, is directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctive relief and fines, necessary to enforce the provisions of this Ordinance in the name of the Town of Pittston. The Selectboard, after consultation with the Planning Board, is authorized to enter into administrative consent agreements for the purpose of correcting and halting violations of this Ordinance, and for the purpose of recovering fines without court action.

D. Any person(s) who violates any provision of this Ordinance shall be subject to the fines and penalties and provisions of Title 30-A M.R.S.A. Section 4452.

SECTION 9. SEVERABILITY.

Severability is intended within and throughout the provisions of this Ordinance. Should any provisions, including interalia, any parts, sections, subsections, sentences, clauses, phrases or terms or the application thereof, to any person or circumstance be held invalid, the application of other provisions of this Ordinance shall not be affected thereby and the validity of this Ordinance in any and all other respects shall not be adversely affected.

SECTION 10. ADOPTION.

This Ordinance was submitted to the voters of the municipality and adopted at Pittston on 4/13/92 and shall be effective that date.

Draft Amendments
Town of Pittston
Radioactive Waste Ordinance

SECTION 5. PERMIT FOR SITE ASSESSMENT (in part).

A. Any application for a permit to conduct any site assessment, investigation or characterization, exploratory testing, drilling, geologic research or other testing in preparation for the dumping, discharge, deposit, transfer, disposal, storage, handling or placement of high-level radioactive waste or low-level radioactive waste within Pittston shall be in accordance with the following:

1. Seven (7) copies of the permit application shall be filed in triplicate with the Planning Board for review and accompanied by a fee of \$100.00 for processing the application. In addition, the applicant shall deposit the sum of \$4000.00 into a special account designated for that application, to be used by the Planning Board for additional permit processing expenses, if necessary. Any balance in the account remaining after a decision on the final application by the Planning board shall be returned to the applicant.

a. Within 30 days of the filing of an application, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been filed, it shall notify the applicant in writing and begin its review of the proposed activity.

b. Within seven (7) days of the Planning Board's determination that a complete application has been filed, the applicant shall furnish an additional fifteen (15) copies of the final application to the Planning Board. In addition, the applicant shall provide a complete copy of the final application to any person who is a registered voter or listed on the property tax rolls of the Town of Pittston and requests such within fourteen (14) days of the Planning Board's determination that a complete application has been filed. Such copies shall be provided to those that request them at least fourteen (14) days prior to the public hearing specified in paragraph 3, below. The Planning Board shall make available three (3) copies of the final application for public review at the Pittston Town Office during normal business hours.

WARRANT FOR SPECIAL TOWN MEETING

TOWN OF PITTSTON

Kennebec ss
Town of Pittston
State of Maine

To Lloyd Carey, resident of the Town of Pittston:

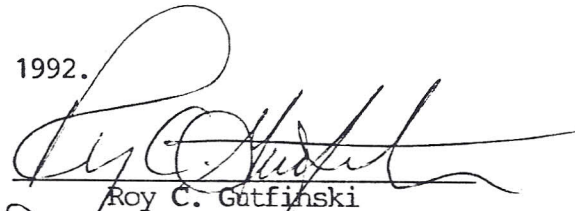
You are hereby required in the name of the State of Maine to notify the voters of Pittston qualified to vote in Town affairs to meet at the Pittston Central Fire Station in the town of Pittston on Wednesday June 17, 1992 at 7:30 P.M. in the evening, and there act on the following articles:

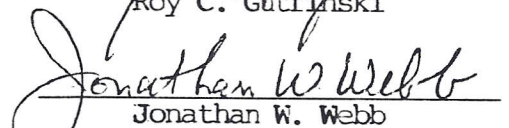
Article 1. To choose a Moderator to preside over said meeting.

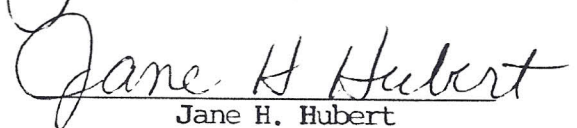
Article 2. Shall the Town vote to adopt an amendment to the Radioactive Waste Ordinance that was accepted at a special town meeting held on April 13, 1992.

The registrar of Voters will hold regular office hours for the purpose of voter registration or to correct any errors in or change in names or addresses on the Voting lists. Anyone who is 18 years of age may register to vote and anyone who is not registered may not vote in any election.

Given under our hands the 3rd day of June, 1992.

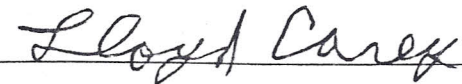

Roy C. Gutfinski


Jonathan W. Webb


Jane H. Hubert

Selectboard of the
Town of Pittston

Pursuant to the Within Warrant to me directed, I have this day warned and notified the inhabitants of the Town of Pittston to assemble at the time and place therein mentioned by posting four true and attested copies; one at the Pittston Town Office, one at Troop's Variety, one at the Village General Store, and one at Verhille's Hardware Store; being public and conspicuous places in said Town of Pittston

Signed  Date June 5 - 1992
Lloyd Carey
Resident of Town of Pittston