

**Final Recommendations to the Mayor and City Council**  
**Blue Ribbon Commission on the Soil Ordinance and Soil Disposal Options**  
**April 1, 2013**

1. Develop a segregation program in the Soil Ordinance that EPA and UDEQ can support.
  - The segregation program should address segregating hazardous from non-hazardous contaminated soils as well as segregating clean soil from contaminated soil.
  - The Soil Ordinance should be changed to allow the export of clean soil for reuse outside the Soil Ordinance Boundary.
  - Segregating hazardous soil from non-hazardous soil will mitigate the costs of disposing of hazardous soils.
  - Segregating contaminated soil from clean soil and allowing the export of clean soil from the Soil Ordinance Boundary will allow more options for managing contaminated soil safely within the Soil Ordinance Boundary rather than paying for costly off-site disposal.
  - This may be the most important of the recommended revisions to the Soil Ordinance.
  
2. Rename the Soil Ordinance to better reflect the nature and purpose of the ordinance.
  - “Park City Landscaping and Maintenance of Soil Cover” does not adequately describe the ordinance.
  - Renaming the ordinance can help inform and educate property owners, potential buyers and real estate professionals.
  - Possibly use the term “mine” or “mining” in the name.
  - The new name should not instill fear or panic.
  
3. Revisit the Soil Ordinance Boundary.
  - The City should conduct an analysis similar to a Phase I Environmental Site Assessment, including but not limited to, historical records, historical photographs, visual observation, and drainage patterns.
  - The priority for any expansion should be residential areas and areas ripe for future development.
  - Inclusion of open space in the boundary may not be necessary.
  - Consideration should be given to allow management of contaminated soils within the boundary in certain cases.
  - The boundary should be revisited from time to time.
  
4. Do not change the clean cover lead (Pb) standard for occupied property of 200 parts per million at this time.
  - The current Soil Ordinance standard is more protective than EPA’s current standard.
  - The City should monitor Centers for Disease Control (CDC) and EPA revisions of the lead (Pb) standard and consider modifying the lead standard in the City’s ordinance.

5. The City should consider permitting and operating a temporary staging facility or transfer station for the consolidation of contaminated soil from small residential projects.
6. The Soil Ordinance should be enforceable and include appropriate permitting requirements for the spectrum of projects involving soil management in the Soil Ordinance Boundary.
  - Education of landowners and contractors and compliance assistance are the most important goals of a new permitting program.
  - Small projects, such as planting a tree, should be exempt from permitting.
  - Large projects should involve certification or the requirement to use an environmental engineer.
  - There should be a duty to apply for a Certificate of Compliance in the ordinance.
7. When considering disposal options after implementing and evaluating changes to the Soil Ordinance, especially the segregation program, the City may consider a qualitative study on the feasibility of siting, permitting, operating and closing a landfill for the non-hazardous contaminated soil.
  - Siting, permitting, operating and closing a landfill under the Resource Conservation and Recovery Act (RCRA) is expected to be very costly and politically challenging.
  - Without implementing a segregation program, the City will not have the information needed to understand the needed capacity of a landfill, and therefore will not know the size, design, and costs associated with a landfill.
  - A landfill will not address the disposal challenges associated with hazardous contaminated soil; it will still need to be disposed at Clean Harbors or another hazardous waste disposal facility.
8. The current Topsoil Assistance Grant Program should remain in place, especially if the Soil Ordinance Boundary is expanded.
  - There is no need, at this time, to expand the program to subsidize the costs of disposal.
9. Communication, education and outreach on the Soil Ordinance and related issues should be a top priority.
  - Opportunities for an effective and comprehensive education and community-outreach program need to be explored and implemented by the City.
  - Ongoing, productive communication among EPA, the City, United Park City Mines Company and other stakeholders is important.
10. The recommendations of the Blue Ribbon Commission on the Soil Ordinance and Soil Disposal Options should be shared with EPA and other partners at an appropriate point in the City's process.
11. The Blue Ribbon Commission on the Soil Ordinance and Soil Disposal Options ought to remain in place for the foreseeable future to meet from time to time as requested by the Mayor and City Council.

