

**SMUGGLER MOUNTAIN SUPERFUND SITE SOIL REMOVAL PERMIT**

Building Permit Number: \_\_\_\_\_

No person shall undertake or conduct any activities or development within the Smuggler Mountain Superfund Site (Site) involving the excavation or disturbance of more than one (1) cubic yard of soil without first obtaining a permit from the Director of the Aspen Environmental Health Department.

Contaminated soils from the Site may only be taken to a duly licensed and authorized receiving facility, usually the Pitkin County landfill. Homeowners in the Smuggler Site, when developing their primary residence, are provided a reduced fee for up to 450 cubic yards of contaminated soil. Please contact the Pitkin County landfill at 923-3487 to arrange for this discount if you qualify.

Property Street address: \_\_\_\_\_

Name of property owner(s): \_\_\_\_\_

Mailing address(es): \_\_\_\_\_

Phone number(s): \_\_\_\_\_

Name of applicant: \_\_\_\_\_

Relation to property owner(s): \_\_\_\_\_

Applicant's address: \_\_\_\_\_

Applicant's phone number: \_\_\_\_\_

Name of Excavation Contractor: \_\_\_\_\_

Describe activity that will take place and whether in clean, contaminated, or remediated area (attach map): \_\_\_\_\_  
\_\_\_\_\_

Depth of excavation: \_\_\_\_\_ Surface area disturbed (sq. ft): \_\_\_\_\_

Cubic yards of material to be excavated: \_\_\_\_\_

Cubic yards of excavated material to be retained on site (how): \_\_\_\_\_

Cubic yards of material to be disposed of off site: \_\_\_\_\_

Location where material will be disposed:

Contaminated material: \_\_\_\_\_

Uncontaminated material: \_\_\_\_\_

How long will excavated material be exposed on surface? \_\_\_\_\_

How will applicant identify and segregate clean fill material from contaminated fill material (soil with lead content of  $\geq 1,000$  ppm) during the excavation or development period? \_\_\_\_\_

\_\_\_\_\_

How does applicant plan to backfill, cover, and revegetate contaminated soil or other contaminated material left on-site? \_\_\_\_\_

\_\_\_\_\_

**VEHICLES HAULING SOIL TO THE PITKIN COUNTY LANDFILL MUST COVER THE SOIL TO EFFECTIVELY PREVENT IT FROM BLOWING OUT OF THE VEHICLE.**

**VEHICLES TAKING SOIL TO THE LANDFILL MUST TELL THE GATEKEEPER THE EXACT STREET ADDRESS OF THE JOB, AND WHETHER THE SOIL IS CONTAMINATED OR CLEAN. PLEASE KEEP COPIES OF ALL DUMP TICKETS YOU RECEIVE!**

*Applicant agrees to comply with the Institutional Controls adopted by the City of Aspen:*

Signature of Applicant or Applicant's Authorized Representative: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_

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**OFFICIAL APPROVAL/DENIAL AND ADDITIONAL CONDITIONS**

**City of Aspen Environmental Health Director:**

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_

Additional Conditions (if any): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## **Applicant Information**

### **Smuggler Mountain Superfund Site (the Site)**

#### **Definitions**

1. "Activity" means any action occurring on, above, or below the surface of the ground within the boundaries of the Site which results, or may result in disturbance of 1 cubic yard of soil within the Site.
2. "Contaminated soil or other contaminated material" means soil or other material containing lead concentrations of  $\geq 1,000$  parts per million (ppm).
3. "Development" means any construction or man-made change in the use or character of land including, but not limited to, building, grading, excavating, digging, paving, drilling, planting, or landscaping.
4. "EPA" means the U.S. Environmental Protection Agency.
5. "Hard surface cover" means a non-permeable or semi-permeable barrier overlaying the ground surface, such as paving, asphalt, concrete, stone or wood, and including buildings and other permanent structures.
6. "Institutional Controls" means the special regulations pertaining to development or other activities within the Site. The Institutional Controls are available online at: <http://www.aspenpitkin.com/pdfs/depts/44/cc.ord.025-94.pdf> (City of Aspen).
7. "Landfill" means the Pitkin County Landfill.
8. "Vegetative cover" means plant life, including but not limited to grass, trees, shrubs, vines and sod, planted or installed in such a manner as to prevent or minimize the exposure of ground soil.

#### **Permitting Requirements and Process**

9. Applicants must complete a Smuggler Mountain Superfund Site Soil Removal Permit application for any development or other activity, including landscaping projects, involving the excavation or exposure of more than 1 cubic yard of soil. Applications are available at the Aspen Environmental Health Department (Aspen EHD) and at [http://www.aspenpitkin.com/pdfs/depts/44/SMUGGLER\\_dirt.pdf](http://www.aspenpitkin.com/pdfs/depts/44/SMUGGLER_dirt.pdf)
10. Please keep a copy of the permit with you to take to the Landfill with the first truckload of contaminated soil or other contaminated material. Please keep copies of all dump tickets, receipts, or other records, as we may ask for them prior to approving your certificate of occupancy.
11. The Gatekeeper at the Landfill tracks the amount of contaminated soil or other contaminated material brought into the Landfill and verifies it with the volume state on your Soil Removal Permit. Applicants should contact the Landfill for fees associated with disposal of contaminated soil or other contaminated material.

#### **Performance Standards; Site Maintenance**

- **Excavation and construction.** Any disturbed soil or other material that is, or may be contaminated, and that is to be stored above ground shall be securely contained on and covered with a durable non-permeable tarp or other protective barrier approved by Aspen EHD so as to prevent the leaching of contaminated material onto or into the surface soil. Sufficient measures must be taken to prevent soil from being tracked off-site.

- **Removal of contaminated material.** No contaminated soil or other contaminated material shall be removed, placed, stored, transported or disposed of outside the boundaries of the Site without having first obtained any and all necessary state and/or federal transportation and disposal permits. Contaminated soil or other contaminated material need not be taken to the Landfill if Aspen EHD finds that there exists a satisfactory method of disposal at the excavation site, or if the material is being taken to another duly licensed and authorized receiving facility. The City and County may require soil testing to determine lead content of any soil or other material on the Site.
  - **Dust suppression.** All development and other activities shall be accompanied by dust suppression measures to minimize the creation and release of dust and other particulates into the air.
  - **Vegetable and flower gardening or cultivation.** No vegetables or flowers shall be planted or cultivated within the boundaries of the Site except in garden beds consisting of not less than 12" of uncontaminated soil.
12. **Surface coverage.** All areas of the Site must be maintained with a permanent vegetative or hard surface cover. Except as allowed pursuant to a duly obtained permit, no person may alter any part of a permanent vegetative or hard surface cover absent prior notice to the Aspen EHD. To obtain a "clean letter," a minimum of 12" of uncontaminated soil must be placed over contaminated soil or other contaminated material, and the area revegetated after a construction or landscaping project has taken place. It is also acceptable to cover contaminated soil or other contaminated material with 12" of gravel, or pave it with concrete or asphalt.
  13. **No erosion.** All areas within the Site must be maintained in a manner to minimize erosion, including adequate provision for drainage and surface water run-off so as to prevent the formation of standing pools, ditches or gullies.

### Inspections

14. All areas within the Site are subject to inspection by the Aspen EHD in order to enforce the Institutional Controls. On-site inspections are done with the consent of the property owner or occupant. If consent is denied, a court order can be sought.

### "Clean Letters"

15. Property owners within the Site who have correctly remediated their property are supposed to receive a "clean letter" from EPA, stating that the property requires no further remediation.
16. After a property has been fully remediated, Pitkin County EH/NR sends a letter to the EPA identifying the property owner(s) and the property, and requesting that a "clean letter" be sent. The EPA sends "clean letters" directly to property owners. Pitkin County does not receive a copy. The County's only record of properties that have been cleaned is the notification letter sent to the EPA.

### Violations/Enforcement

17. If the Aspen EHD or Pitkin County EH/NR determines that a violation of the Institutional Controls has occurred during a monthly inspection, or at any other time, the following actions may be taken:
  - Verbal warning, followed by written notice to the property owner(s) of the violation and corrective action required. Violations must be corrected immediately and will be evaluated at the next monthly inspection.

- Citation and Court Summons (if necessary) – The City of Aspen and/or Pitkin County will issue a citation, or take other enforcement action (e.g., a Stop Work Order) if the violation is not timely corrected. A court summons may be issued to the property owner(s) and/or developer in violation.

## **AFFIDAVIT**

The undersigned, (please print) \_\_\_\_\_, states as follows:

1. I am the legal owner or owner's representative of a certain parcel of real estate, known as (Street address) \_\_\_\_\_

\_\_\_\_\_, Aspen, Colorado, which property is located within the Smuggler Mountain Superfund Site as designated by the United States Environmental Protection Agency.

2. Sampling data show that soil on my property contains lead levels greater than 1000 ppm. I am aware that this concentration of lead in my soil has caused EPA and the County to place certain restrictions, including Institutional Controls, on the movement and disposal of this contaminated soil. I certify that I have complied with those restrictions during the course of the construction project undertaken on my property. I confirm that \_\_\_\_\_ cubic yards of excavated materials were removed from my property and were delivered to \_\_\_\_\_. I confirm that \_\_\_\_\_ cubic yards of excavated materials were retained on site and used for \_\_\_\_\_. I confirm that no contaminated soils were taken to any site other than the approved facility listed above.

3. All excavated materials were handled in accordance with the requirements of the Institutional Controls.

\_\_\_\_\_  
Owner or owner's representative

Date \_\_\_\_\_, 200\_\_\_\_.