

**From:** Fred Saar <[fasaar@outlook.com](mailto:fasaar@outlook.com)>  
**Sent:** Sunday, April 22, 2018 2:45 PM  
**To:** Maxine Grad; Marcia Martel  
**Subject:** Comments on S.197

I applaud the Legislature's strengthening the statutes addressing the release of toxic substances.

I would suggest there be strict liability for a property owner who allows potentially toxic material to accumulate on their property if it is subsequently discharged.

We had an instance in Waterford several years ago where a resident created a very large junk pile on his property. The junk pile contained fiberglass insulation, and old boat, appliances, old building material and similar items.

The junk pile was set on fire one Saturday and the plume of white smoke was visible for miles. The Waterford Fire Department had to stop fighting the fire several times due to wind shifts.

The Town of Waterford took the property owner to Small Claims Court to attempt to recover the cost for the Fire Department's response.

Because we could not prove who lit the fire we were unable to recover any costs. More important, we were not able to establish any responsibility for the release of the toxic material from the fire.

The Town has its ordinance to create<sup>3</sup> strict liability for the property owner who allows the material to collect, regardless of who actually started the fire.

I appreciate your consideration.

Fred Saar  
Waterford Selectboard