

## Chapter 13.06

### DRINKING WATER SOURCE PROTECTION

#### Sections:

- 13.06.100 Title.
- 13.06.101 Applicability.
- 13.06.102 Authority.
- 13.06.103 Purpose and intent.
- 13.06.104 Definitions.
- 13.06.105 Abrogation and greater restrictions.
- 13.06.106 Review of the ordinance.
- 13.06.107 Administration.
- 13.06.200 Drinking water source protection zone map.
- 13.06.201 Designation of recharge areas and protection zones.
- 13.06.202 Review of recharge area protection zone map.
- 13.06.203 Permitted uses, conditional uses, and prohibitions within recharge areas and protection zones.
- 13.06.301 Toxic, hazardous, and other materials handling regulations.
- 13.06.302 Storage containers.
- 13.06.303 Secondary containment.
- 13.06.304 Regulated substances emergency management plan.
- 13.06.305 Reporting of spills.
- 13.06.306 Best management practices.
- 13.06.307 Underground storage tanks.
- 13.06.308 Septic tank systems.
- 13.06.309 Sewage collection, transmission and disposal.
- 13.06.310 General stormwater management.
- 13.06.311 Deicing salt storage and application.
- 13.06.312 Landfills.
- 13.06.313 Environmental quality monitoring.
- 13.06.400 Exclusions and exemptions.
- 13.06.401 Exclusions.
- 13.06.402 Continuous transit.
- 13.06.403 Vehicular and lawn maintenance fuel and lubricant use.
- 13.06.500 Inspections.
- 13.06.501 Notice of violations.
- 13.06.502 Appeals.
- 13.06.503 Disputes.
- 13.06.504 Liability

#### **13.06.100 Title.**

This ordinance shall be known as the Drinking Water Source Protection Ordinance. The provisions of this Ordinance shall be effective within the areas which affect the aquifers as shown on the maps attached hereto as Exhibit A (Well No. 1) B (Well No. 3, C (Well No. 4) and D (all springs) and shall set prohibitions and restrictions to prevent contamination of the public drinking water supply in the City as a result of

hazardous and toxic substances entering the groundwater. This ordinance shall be liberally construed to effect the purposes set forth herein.

**13.06.101 Applicability.**

It shall be the responsibility of any person owning real property and/or owning or operating a business within the jurisdiction of the City to conform and comply with the applicable provisions contained in this Ordinance. Ignorance of this provision shall not excuse any violations of the provisions of this Ordinance.

**13.06.102 Authority.**

Hyrum City has the authority to adopt this Ordinance to facilitate compliance with drinking water source protection regulations pursuant to Section 10-8-15, Utah Code Annotated, 1953, as amended; the Land Use and Development Act, Subsection 10-9-102, Utah Code Annotated, 1953, as amended; the Utah Administrative Code, Section R 309-113; and other such authorities and provisions as in the statutory and common law of the State of Utah.

**13.06.103 Purpose and intent.**

- A. The purpose of this Ordinance is to protect, preserve, and maintain existing and potential public drinking water sources in order to safeguard the public health, safety and welfare of City residents and visitors. The intent of this Ordinance is to establish and designate drinking water source protection zones and groundwater recharge areas for all sources of public drinking water within City boundaries and jurisdiction which affect the aquifers as shown on Exhibits A through D. This Ordinance establishes criteria for regulating the storage, handling, use or production of hazardous or toxic substances within identified areas where groundwater is, or could be, affected by the potential contaminant source. This shall be accomplished by the designation and regulation of property uses and conditions that may be maintained within such zones or areas. Unless otherwise specified, the provisions of this ordinance apply to new development and/or improvements to existing facilities, and or/ the handling, movement, and storage of potentially hazardous materials.
- B. The degree of protection afforded by this Ordinance is considered adequate for regulatory purposes. This Ordinance does not ensure that public drinking water sources will not be subject to accidental or intentional contamination, nor does it create liability on the part of the City, or an officer or employee thereof, for any damages to the public water supplies from reliance on this Ordinance or any administrative order lawfully made thereunto.
- C. A notice to cease or an exemption issued under this

Ordinance shall not relieve the owner of the obligation to comply with any other applicable federal, state, regional or local regulations, rule, ordinance or requirement, nor shall said notice or exemption relieve any owner of any liability for violation of such regulations, rules, ordinances, or requirements.

#### **13.06.104 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be defined as follows:

- A. **"Abandoned Well"** shall mean a well the use of which has been permanently discontinued or is in such a state of disrepair that it cannot be used for its intended purpose or for observation purposes.
- B. **"Best Management Practices (BMPS)"** shall mean a practice or combination of practices determined to be the most effective practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution to a level compatible with water, soil, and air quality goals.
- C. **"CRF"** shall mean Code of Federal Regulations.
- D. **"Closure"** shall mean the cessation of operation of a facility, or any portion thereof, and the act of securing such facility or portion thereof to ensure protection of groundwater in accordance with the appropriate state, federal, and local regulations applicable to the specific facility and with the provisions of this Ordinance.
- E. **"Code"** shall mean the Hyrum City Municipal Code.
- F. **"Code Inspector"** shall mean any authorized agent or employee of the City whose duty is to assure code compliance.
- G. **"Collection Area"** shall mean the area surrounding a groundwater source which is underlain with collection pipes or well casement.
- H. **"Continuous Transit"** shall mean the nonstop movement of a mobile vehicle except for stops required by traffic laws.
- I. **"Council"** shall mean the City Council of Hyrum, Utah.
- J. **"Department"** shall mean the public agency, division, or department designated by the City to enforce the provisions of this ordinance. For Hyrum City, the Department includes the Mayor, City Council, Planning Commission, City Administrator, City Engineer, Zoning Administrator, Public Works Director, Public Works Department, and Bear River Health Department.
- K. **"Discharge"** shall mean and include, but not be limited to, spilling, leaking, seeping, pouring, injecting, emitting, emptying, disposing, releasing, or dumping regulated substances to the

soils, air, groundwaters, or surface waters of the City. Release does not include the use of a regulated substance in accordance with the appropriate use intended or specified by the manufacturer of the substances, provided that such use is not prohibited by federal, state, or local regulations. Release shall not include releases specifically authorized by federal or state permits.

- L. **"Drinking Water Source Protection Review Committee"** shall be the Mayor, City Administrator, Public Works Director, City Engineer, Assistant Public Works Director, Water Dept. Superintendent, or other employees or appointed officials of the City. The purpose of the committee is to make determinations regarding delineation of protection areas and zones.
- M. **"Drinking Water Source Protection Zone"** shall mean an area within which certain practices are mandated to protect groundwater flowing to public drinking water wells and/or springs.
- N. **"Drinking Water Supply Spring"** shall mean a drinking water spring to supply water which has been permitted or intended for consumptive use.
- O. **"Drinking Water Supply Well"** shall mean a drinking water spring to supply water which has been permitted or intended for consumptive use.
- P. **"DWSP"** shall mean Drinking Water Source Protection.
- Q. **"EPA"** shall mean the U.S. Environmental Protection Agency.
- R. **"Groundwater"** shall mean any water which may be drawn from the ground.
- S. **"Groundwater Discharge Area"** shall mean an area where the direction of groundwater movement is upward from the principal aquifer to the shallow unconfined aquifer. Discharge areas, determined by the United State Geological Survey (USGS), are shown on Exhibits A through D of this Ordinance.
- T. **"Groundwater Divide"** shall mean a ridge in the water table or potentiometric surface from which groundwater moves away in both directions.
- U. **"Groundwater TOT"** shall mean time of travel of groundwater.
- V. **"Handle"** shall mean to use, generate, process, produce, package, treat, store, or transport a regulated substance in any fashion.
- W. **"Hazardous Waste"** shall mean a hazardous waste as defined by the US EPA, the State of Utah, or Hyrum City because of its quantity, concentration or physical, chemical or infectious characteristics to:
  - 1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

2. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- X. **"Land Management Strategies"** shall mean zoning and non-zoning controls, which include, but are not limited to, the following: zoning and subdivision ordinances; site plan review; design and operating standards; development rights; public education programs; groundwater monitoring; household hazardous waste collection programs; water conservation programs; memoranda of understanding; written contracts and agreements; etc.
- Y. **"Nonresidential Activity"** shall mean all activity that is not designated as residential.
- Z. **"Operating Permit"** shall mean a permit to operate a facility handling substances regulated by this ordinance. This permit will be issued by the City Council.
- AA. **"PCS"** shall mean potential contaminant source.
- BB. **"Person"** shall mean an individual, firm, partnership, corporation, association, joint venture, governmental entity or other legal entity, and shall include the plural as well as singular.
- CC. **"Pesticide"** means either a pesticide used for the control of insects or a herbicide used for the control of plant growth.
- DD. **"Petroleum Product"** shall include fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils (new and used), hydraulic fluids, and other similar petroleum based products.
- EE. **"Point source"** means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, animal feeding operation with more than ten animal units, landfill, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.
- FF. **"Pollution source"** means point source discharges of contaminants to ground water or potential discharges of liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in the federal Super Fund Amendment and Reauthorization Act ("SARA"), Title III, found in 40 CFR 300-302. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells (as defined in R317-7-3.5 of the

Utah Administrative Code), landfills open dumps, land filling of sludge and septage, manure piles, salt piles, pit privies, industrial waste and animal feeding operations with more than ten animal units. The following definitions are part of this Ordinance and clarify the definition of pollution sources:

1. "Animal feeding operation", for the purposes of this ordinance, means a lot or facility where the following conditions are met:
    - a. Animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period,
    - b. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
    - c. Two or more animal feeding operations under common ownership are considered a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.
  2. "Animal unit" for the purposes of this ordinance (not to be confused with animal units allowed for family food production under Exhibit 17.04.390(B) of Title 17 of the Hyrum City Municipal Code) means a unit of measurement for any animal feeding operation calculated by adding the following numbers:
    - a. The number of slaughter and feeder cattle multiplied by 1.0,
    - b. Plus the number of mature dairy cattle multiplied by 1.4,
    - c. Plus the number of swine weighing over 55 pounds multiplied by 0.4,
    - d. Plus the number of sheep multiplied by 0.1,
    - e. Plus the number of horses multiplied by 2.0.
  3. "Extremely hazardous substances" means those substances defined in Sec. 302 (EHS) column of the "Title III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III" (EPA 560/4-91-011).
- GG. **"Potential Contamination Source"** shall mean an facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential

- contamination source.
- HH. **"Protection Zone"** shall mean the delineation zones of the Drinking Water Source Protection Zone, as shown on Exhibits A through D to this Ordinance.
- II. **"PWS"** shall mean Public Water System.
- JJ. **"Regulated Substances"** shall mean substances (including degradation and interaction products) which because of quantity, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), infectious characteristics, radiomutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature, or any other characteristics relevant to a particular material that may cause significant harm to human health or and environment (including surface and groundwater, plants, and animals).
- KK. **"Residential Activity"** shall mean any building or structure or portion thereof that is designed for or used for residential purposes and any activity involving the use of occupancy of a lot for residential purposes. Residential activity shall include those customary and accessory residential activities associated with the principal permitted use of a lot for residential purposes as set out in the Zoning Ordinance of the City.
- LL. **"Sanitary Landfill"** shall mean a disposal site where solid wastes, including putrescible wastes, or non-hazardous wastes, are disposed on land by placing earth cover thereon.
- MM. **"SARA Title III"** shall mean the Superfund Amendment and Reauthorization Act section found in 40 CFR 300-302, pertaining to emergency response and right-to-know.
- NN. **"Secondary Containment"** shall mean any system that is used to provide release detection and release prevention, such as trays under containers, floor curbing or other systems designed to hold materials or liquids that may discharge from containers holding regulated substances. Examples include a double-walled tank, a double-walled integral piping system, or a single-walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.
- OO. **"Secondary Recharge Area"** shall mean the areas shown on Exhibits A through D of this Ordinance.
- PP. **"Septic Holding Tank"** shall mean a water-tight receptacle, used to contain septic waste, the contents of which are extilated and disposed of at a waste disposal facility.
- QQ. **"Septic Tank System"** shall mean a generally water-tight receptacle connected to a drain field that allows liquid from the tank to enter the soil. The system is constructed to promote separation of solid and liquid components of domestic wastewater,

to provide decomposition of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

- RR. **"Sludge, or Biosolids"** shall mean the solids separated from wastewater during the wastewater treatment process.
- SS. **"Solid Waste Disposal Facility"** shall mean any solid waste management facility which is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating solid waste.
- TT. **"Solid Waste Transfer Facility"** shall mean a site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility. It does not include green boxes, compactor units, permanent dumpsters, and other containers from which such wastes are transported to a landfill or other solid waste management facility.
- UU. **"Spring"** shall mean the ground surface outlet of a natural underground spring, including spring collection and control boxes, valves, piping, and other attachments.
- VV. **"Travel Time Contour"** shall mean the locus of points that form a line of any configuration in space from which groundwater particles on that line theoretically take an equal amount of time to reach a given destination, such as a well or a wellfield, or spring.
- WW. **"UAC"** shall mean the Utah Administrative Code.
- XX. **"USGS"** shall mean the United States Geological Survey.
- YY. **"Well"** shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater.
- ZZ. **"Well field"** shall mean an area of land which contains one or more drinking water supply wells.

#### **13.06.105 Abrogation and greater restrictions.**

This Ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

However, where this Ordinance and other restrictions, including land use codes or development regulations conflict or overlap, whichever imposes the most stringent restrictions shall prevail.

#### **13.06.106 Review of the ordinance.**

The Drinking Water Source Protection Review Committee shall review the provisions of this Ordinance at least once every five (5) years, or more frequently if deemed necessary by the City Council, to determine its applicability and may recommend changes as deemed appropriate.



### **13.06.107 Administration.**

The policies and procedures for administration of any Protection Zone established under this Ordinance, including without limitation those applicable to nonconforming uses, exceptions, enforcement, and penalties, shall be the same as provided in any existing zoning ordinance in the City, as the same is presently enacted or may from time to time be amended.

### **13.06.200 Drinking water source protection zone map.**

The extent of the recharge areas and the protection zones may be seen on the "Drinking Water Source Protection Zone Map", Exhibits A through D. The "Drinking Water Source Protection Zone Map", Exhibits A through D, is incorporated herein as a part of this Ordinance, copies of which shall be on file with the City for public review. Any amendments, additions, or deletions to this map and exhibits shall be made by the City council following a public hearing and review by the Drinking Water Source Protection Review Committee. Notice of the hearing shall be published twice in a newspaper of general circulation with the last publication being at least fifteen (15) days prior to the hearing.

### **13.06.201 Designation of recharge areas and protection zones.**

The following protection zones are hereby designated by the City:

- A. Primary Recharge, as determined by the City (see Exhibits A through D).
- B. Secondary Recharge, as determined by the City (see Exhibits A through D).
- C. Protection Zone 1 shall be the area within a 100-foot radius from the well or spring or outside margins of the collection area.
- D. Protection Zone 2 shall be area within a 250-day groundwater TOT to the margins of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source (well or spring), or the groundwater divide, whichever is closer.
- E. Protection Zone 3 shall be the area within a 3-year TOT to the margins of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
- F. Protection Zone 4 shall be the area within a 15-year TOT to the margins of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

In determining the location of properties and facilities within the areas and zones depicted on the Drinking Water Source Protection Map, Exhibits A through D, the following rules shall apply:

- A. Property located wholly or partially in a recharge area or a protection zone on the map shall be

governed by the restrictions applicable to that recharge area or protection zone.

- B. Properties located within more than one recharge area or protection zone as shown on the map shall be governed by the restrictions applicable to the most restrictive protection zone.

#### **13.06.202 Review of recharge area protection zone map.**

The "Drinking Water Source Protection Zone Map", Exhibits A through D, shall be reviewed at least once every 5 years, or more frequently if determined appropriate by the City. Failure to conduct this review shall not affect the validity of the existing approved map. The basis for updating the map may include, but is not limited to, the following:

- A. Changes in technical or scientific knowledge in the areas of geohydrology, hydraulics, and geology.
- B. Changes in wellfield configuration.
- C. Changes in pumping rates for the wellfield.
- D. Development of new wells, wellfields, and/or springs.
- E. Changes in water quality.

#### **13.06.203 Permitted uses, conditional uses, and prohibitions within recharge areas and protection zones.**

Zoning and land use restrictions within recharge areas and protection zones inside City limits are governed by Title 17 of the Hyrum City Municipal Code. Those provisions are incorporated herein by this reference.

#### **13.06.301 Toxic, hazardous, and other materials handling regulations.**

The general classes of substances to be regulated under this Ordinance shall be those set forth in the Generic Regulated Substances List which is presented as Exhibit H of this Ordinance. The Regulated Substances shall include those set forth in the most current lists, as amended from time to time, entitled Identification and Listing of Hazardous Materials (40 CFR Part 26 1, Subpart D) and List of Extremely Hazardous Substances (40 CFR Part 355, Appendix E and F) and which are in a form that they are, all or in part, capable of entering the groundwater.

The use and storage of regulated substances in designated protection zones and recharge areas shall be allowed, provided that the quantities of these substances do not exceed the "Reportable Quantity" for each Regulated Substance, as designated in 40 CFR 302 (pursuant to Section 31 1 of the Clean Water Act). An applicant may be exempted from the provisions of this Section provided that he or she demonstrates to the Department and to the Utah Division of Drinking Water Quality that the regulated substances pose no hazard to groundwater.

#### **13.06.302 Storage containers.**

All regulated substances shall be stored in suitable containers to reduce the chance for the substances to be

accidentally introduced into the environment. These storage containers shall be product-tight and, except where provided elsewhere in the Ordinance, shall be provided with a means to control spillage (primary containment) and to contain or drain off spillage and fire-protection water discharged in the storage area (secondary containment).

Storage containers which are stored outside must be covered or mounted to prevent the accumulation of rain or other water on the top of the container, or the degradation of the top, sides or bottom of the container, in a manner that would lead to the reduction of the integrity of the container. Defective storage containers shall be removed from service for repair or disposal in accordance with local, state, and federal standards.

### **13.06.303 Secondary containment.**

Where secondary containment is required, it shall be constructed of a material of sufficient structural integrity and composition to contain the required capacity of liquids and not be structurally weakened as a result of contact with the discharge of the regulated substance to be contained. The material shall be free of cracks, joints, gaps, or other imperfections which would allow leakage through the containment material.

The secondary containment system shall have sufficient capacity to contain:

- A. 10 percent of the volume of all containers and 100 percent of the volume of the largest single container, whichever is greater; plus
- B. The design flow rate of the automatic fire extinguishing system (for 20 minutes) for the area or room in which the storage is located.

If the storage area and/or containment area are open to rainfall, the secondary containment system must also accommodate the volume of a 24-hour rainfall as determined by a 25-year storm frequency. Liquid that accumulates in the secondary containment system shall be removed in as timely a manner as necessary to prevent overflow of the system. Nonhazardous liquids may be drained in accordance with applicable local regulations. If the collected material is a hazardous waste under Title 40 Part 261 of the Code of Federal Regulations, it must be managed as a hazardous waste in accordance with all applicable requirements of Parts 262 through 266 of that regulation.

Vacuum suction devices, absorbent scavenger materials or other devices approved by the Department, shall be present on-site or available to facilitate the removal or further containment of spilled regulated substances. Devices or materials shall be available in sufficient magnitude so as to at least control and collect the total quantity of regulated substances that the containment system is designed to contain. Emergency containers shall be present and of such capacity as to hold the total quantity of regulated substances plus absorbent material.

#### **13.06.304 Regulated substances emergency management plan.**

An emergency plan shall be prepared and filed with the Department, the Fire Department, the Police Department, and the PWS indicating the procedures that will be followed in the event of the release of a regulated substance so as to control and collect all such spilled material in such a manner as to prevent it from discharging into any storm or sanitary drains or the ground. Facilities which have had, or appear to have had, unauthorized discharges to soil or groundwater shall be required by the Department to submit a Regulated Substances Management Plan for the facility. The written Plan will be used to demonstrate to the Department that the facility owner or operator understands the procedures and has the proper equipment to handle regulated substances within the guidelines of this Ordinance. The Plan should not be implemented without the approval of the Department.

#### **13.06.305 Reporting of spills.**

Any spill of a regulated substance in excess of the nonaggregate quantity thresholds established by the List of Hazardous Waste (40 CFR Part 261), Subpart D), 40 CFR Appendix VIII-Hazardous Constituents and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances under CERCLA (40CFR302, effective July 3, 1986), shall be reported by telephone to the City and designated water utility within one hour of discovery of the spill. Cleanup shall commence immediately upon discovery of the spill. A full written report shall be submitted to the City within 15 days of discovery of the spill.

#### **13.06.306 Best management practices.**

Under the provisions of this Ordinance, all potential contamination sources within the City's boundaries, shall incorporate and utilize Best Management Practices (BMPS) in their operations. BMPs that reduce the potential for spills and leaks at a site to occur and enter groundwater shall be construed within the context of this Ordinance to include, but not be limited to, structural and nonstructural practices, conservation practices, and operation and maintenance procedures as specified by the Utah Department of Drinking Water Quality and the U.S. Environmental Protection Agency.

#### **13.06.307 Underground storage tanks.**

Installation of any new underground storage tanks used to store regulated substances for either residential or nonresidential activities in recharge areas and protection zones designated under Sections 4.2 and 5 of this Ordinance, shall require a secondary containment system for the tank and associated underground piping, and an automatic leak detection system.

A permit from "Division of Environmental Remediation and Response" shall be required for the removal or closure of underground storage tanks. The permit shall require that leaking tanks be pumped dry and removed from the ground by a state-licensed company. If removal of the underground storage

tank is not feasible, the lines shall be disconnected and capped and the tank shall be filled with an inert substance such as washed sand. Best Management Practices implementation is required for all underground storage tanks.

**13.06.308 Septic tank systems.**

No person shall place, maintain, or operate onsite sewage disposal from a septic tank within Zone 1, Zone 2, or within 300 feet of any public street in which a public sewer is laid. Septic systems in Zones 3 and 4 shall comply with the Utah State Department of Health Care of Waste Disposal Regulations, Part IV and Part V. Non residential activities shall connect to an approved gravity sanitary sewer system.

**13.06.309 Sewage collection, transmission and disposal.**

No person shall discharge treated or untreated sewage in any area not specifically designated for that purpose by the Department. The owner or operators of any wastewater treatment plant, sanitary sewer, force main, gravity sewer, or lateral shall notify the Department within 24 hours of discovering a break that may or does result in the leakage of sewage. Emergency telephone numbers will be prominently displayed on all sewage lift stations within Zones 1, 2, 3, and 4, and the primary recharging area.

All leaking sewage collection and transmission pipes shall be repaired or replaced. New sewage collection and transmission pipes shall be installed according to acceptable construction standards and shall have routine inspections during and after construction.

No person shall place, maintain, or operate a wastewater treatment plant within Zones I or 2.

**13.06.310 General stormwater management.**

All future stormwater management systems to be constructed and implemented for facilities within the protection zones and recharge areas shall be permitted in accordance with applicable local, state, and federal laws and regulations.

The discharge of stormwater into drainage wells or open sinkholes shall be prohibited without some form of treatment.

This treatment shall be applied to at least the first 0.5-inch of runoff from the area tributary to the well or open sinkhole.

The Clean Water and Stormwater Regulations require municipalities and industries to identify, monitor, and limit urban runoff that may enter rivers, thus potentially affecting groundwater quality.

**13.06.311 Deicing salt storage and application.**

De-icing salt shall be stored on an impermeable pad and shall be covered. Deicing salt application shall use Best Management Practices and shall evaluate substitute products and technologies.

**13.06.312 Landfills.**

Expansion or creation of new landfills is prohibited in Zone I and Zone 2. Existing landfills in Protection Zone I shall be required to comply with the provisions of UAC R315-301-1 through 301-5. Landfills shall develop and implement a landfill monitoring program. The monitoring shall include the vadose zone and groundwater. If the monitoring detects contamination, the following corrective measures may be required:

- A. Cover the landfill with suitable low-permeability materials and minimize the application of supplemental water to reduce infiltration of moisture.
- B. Install groundwater containment and treatment actions, additional monitoring, and erosion controls as required.

#### **13.06.313 Environmental quality monitoring.**

Facilities which have had, or ~appearto have had, unauthorized releases to soil or groundwater shall be required by the Department to monitor soil and groundwater in and adjacent to the facility. At the request of the Department, the facility will submit a monitoring plan for Department review. The plan shall be implemented with the approval of the Department. Facilities that undergo closure may be required to monitor Code or soil and groundwater in and adjacent to the facility subject to closure. All costs associated with the closing and monitoring of the site will be paid for by the operator of the facility.

#### **13.06.400 Exclusions and exemptions.**

The exclusions and exemptions provided in this Section shall not pertain to Zones I and II within one hundred feet (100') from the well field in the recharge areas.

#### **13.06.401 Exclusions.**

The following substances are not subject to the provisions of this Ordinance provided that these substances are handled, stored, and disposed of in a manner that does not result in an unauthorized release or cause contamination of the groundwater.

- A. Required substances stored at residences that do not exceed 10 pounds or 5 gallons and used for personal, family, or household purposes.
- B. Commercial products limited to use at the site solely for office or janitorial purposes when stored in total quantities of less than 20 pounds, or 10 gallons.
- C. Prepackaged consumer products available through retail sale to individuals for personal, family, or household use, that are properly stored.
- D. Water-based latex paint.
- E. Fertilizers and treated seed (except as noted in the Ordinance).
- F. Pesticide products and materials intended for use in weed abatement, pest control, erosion control,

soil amendment or similar applications when applied in accordance with manufacturer's instructions, label directions, and nationally recognized standards.

- G. Compressed gases
- H. Substances or mixtures which may pose a hazard but are labeled pursuant to the Federal Food, Drug, and Cosmetic Act.

**13.06.402 Continuous transit.**

The transportation of any Regulated Substance(s) through any protection zone or recharge area shall be allowed provided that the transporting vehicle is in continuous transit.

**13.06.403 Vehicular and lawn maintenance fuel and lubricant.**

The use of any petroleum product solely as an operational fuel in the vehicle or lawn maintenance fuel tank or as a lubricant in such a vehicle shall be exempt from the provisions of the Ordinance. These spent products shall be properly disposed of in compliance with applicable federal, state, and local regulations.

**13.06.500 Inspections.**

The Department shall be granted the right, under this Ordinance, to enforce the provisions of this Ordinance for the City of Layton. An authorized officer of the City of Layton or the PWS has the right to conduct inspections of facilities to determine compliance with the Ordinance. The authorized officer or the PWS shall inform the Department and other City entities, as deemed appropriate, of the results of the inspection and whether violations were noted. The authorized officer of the City of Layton shall enforce the provisions of this ordinance without regard to whether the wells within the City of Layton boundaries are owned by the City of Layton. Noncompliance with the provisions of the Ordinance is a violation. If the facility is not complying with the requirements of the Ordinance, penalties (e.g., citations of noncompliance, orders to cease operations or administrative penalties) may be assessed. The Ordinance regulates businesses within the Protection Zones and Primary and Secondary Recharge Areas within the City.

**13.06.501 Notice of violations.**

Whenever it is determined that there is a violation of this Ordinance or the regulations promulgated pursuant hereto, the Notice of Violation shall:

- A. Be in writing;
- B. Be dated and signed by the authorized City agent that made the inspection or determined the violation;
- C. Specify the violation or violations;
- D. Provide a specific date that the violations will be corrected by;
- E. State that if the violation is not corrected by a specific date a hearing may be requested before the

Department.

If a Potential Contaminant Source (PCS) is out of compliance with the provisions of the Ordinance, but does not pose an immediate threat to public health, then a written warning of violation may be issued within 30 days. The Person has the opportunity to show a good faith effort to correct an unintentional violation within a reasonable amount of time. A cease and desist order shall be issued by the Department if the PCS is found not to employ BMPs and there is an immediate threat to public health and safety or if the violation is not corrected within the time frame specified in a written warning previously issued to the PCS. In the event that the PCS fails to comply with a cease and desist order within the specified time period, the Department has the authority to file a request for the Department to initiate proceedings for issuance of penalties and other relief as necessary.

Any PCS or person found in violation of any provisions of the Ordinance will be served with a written notice stating the nature of the violation and providing a reasonable time frame for compliance. Violations of the provisions of the Ordinance constitute a misdemeanor, punishable as provided by law. In the event of a spill, leak or discharge of a regulated substance, the Department if he/she deems the activity to pose a real and present danger of contaminating surface or groundwater which would normally enter the public water supply, the Department has the authority under this Ordinance to cause cessation of said activity or use of regulated substance, require administrative controls to mitigate said danger and/or cause the provision of pollution control and abatement activities. A facility is in violation of the Ordinance, if use of regulated substances in a Protection Zone exceeds 20 gallons or 160 pounds at any time. The total use of regulated substances may not exceed 50 gallons or 400 pounds in any 12-month period.

### **13.06.502 Appeals.**

Persons cited under the enforcement provisions of Sections 13.06.500 13.06.501 shall be afforded a process for appealing the ruling of the Department. If the appeal pertains to a written warning of violation requesting the PCS to correct an unintentional violation in a reasonable amount of time, the PCS can submit to the Department a written statement demonstrating compliance or explaining a process for coming into compliance. This written response if required no later than 30 days from the date of issuance of the warning.

If the appeal pertains to a cease and desist order issued by the Department, the PCS can submit a written appeal response no later than 10 days from the date of issuance of the order. The written appeal shall contain:

- A. Documentation of compliance, or
- B. Response to specific violations cited in the cease and desist order and the remedial actions planned to bring the facility into compliance, and



### C. Schedule for compliance

Upon receipt of the written appeal, the Department shall be required to review the appeal within 10 days of its receipt and respond to the PCS. If the Department determines that the written response from the PCS is adequate and noncompliance issues are addressed, the PCS will be notified by mail and no further action is required. If the Department determines that the appeals response is inadequate, the PCS may request a hearing before the Department. This hearing shall be held within 30 days of receiving the cease and desist order and shall remain in effect until the hearing is conducted.

#### **13.06.503 Disputes.**

Disputes arising from the delineation of ~DWSP Zones shall be directed to the Drinking Water Source Protection Review Committee to review specific detailed delineation maps showing the boundaries. The boundaries have been defined, for ease of implementation of the Ordinance, according to major City streets.

#### **13.06.504 Liability.**

Any person subject to regulation under this Ordinance shall be liable with respect to regulated substances emanating on or from the Person's property for all cost of removal or remedial action incurred by the City or the PWS and for damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction, or loss from the release or threatened release of a regulated substance as defined by this Ordinance.

Such removal or remedial action by the City or the PWS may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and cleanup or disposal of regulated substances resulting from spilling, leaking, pumping, pouring, emitting, or dumping of any regulated substance or material which creates an emergency hazardous, or is expected to create, an emergency hazardous situation.

## **EXHIBITS A -D Drinking Water Protection Plan**

### **EXHIBIT E**

#### Generic Regulated Substance List

Acid and basic cleaning solutions  
Antifreeze and coolants  
Animal dips  
Arsenic and arsenic compounds  
Battery acids  
Bleaches and peroxide

Brake and transmission fluid  
Brine solution  
Casting and foundry chemicals  
Caulking agents and sealants  
Cleaning solvents  
Corrosion and rust preventatives  
Cutting fluids  
Degreasing solvents  
Disinfectants  
Dyes  
Electroplating solutions  
Engraving and etching solutions  
Explosives  
Fertilizers  
Fire extinguishing chemicals  
Food processing wasters  
Formaldehyde  
Fuels and additives  
Glues, adhesives and resins  
Greases  
Hydraulic fluid  
Indicators  
Industrial and commercial janitorial supplies  
Industrial sludges and stillbottoms  
Inks, printing, and photocopying chemicals  
Laboratory chemicals  
Liquid storage batteries  
Medical, pharmaceutical, dental, veterinary, and hospital solutions  
Mercury and mercury compounds  
Metal finishing solutions  
Oils  
Paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compound  
Painting solvents  
Pesticides and herbicides  
Photo development chemicals  
Plastic resins, plasticizers and catalysts  
Poisons  
Polishes  
Polychlorinated biphenyls (PCBS)  
Pool chemicals  
Processed dust and particulates  
Radioactive sources  
Reagents and standards  
Refrigerants  
Roofing chemicals and sealers  
Sanitizers, disinfectants, bactericides, and algaecides  
Soaps, detergents and surfactants  
Solders and fluxes  
Stripping compounds  
Tanning industry chemicals  
Transformer and capacitor oils and fluids

Wastewater

Water and wastewater treatment chemicals