

CHAPTER 1335
Wellhead Protection Plan

| | |
|---|---|
| <p>1335.01 Application.</p> <p>1335.02 Purpose.</p> <p>1335.03 Definitions.</p> <p>1335.04 Creation of Wellhead Protection Zone 1 (WHPZ1) and Wellhead Protection Zone 2 (WHPZ2).</p> <p>1335.05 Land use within Zone 1 (WHPZ1).</p> | <p>1335.06 Land use within Wellhead Protection Zone 2 (WHPZ2).</p> <p>1335.07 Enforcement of the Wellhead Protection Plan.</p> <p>1335.08 Record keeping.</p> <p>1335.09 Notice of violation.</p> <p>1335.10 Inspections.</p> <p>1335.99 Penalty.</p> |
|---|---|

1335.01 APPLICATION.

The ordinances set forth in this plan, duly made and adapted in accordance with the provisions set forth by the Ohio Environmental Protection Agency, by their accordance with the Amendment to the Safe Drinking Water Act of 1986, shall apply to any present and/or future wells and wellfields which comprise the source of the public water supply for the City of Lancaster. (Ord. 61-97. Passed 10-13-97.)

1335.02 PURPOSE.

The purpose of this chapter is to safeguard the health, safety, and general welfare of the residents of the City of Lancaster, and all those who receive, or will receive, the benefits of the municipal water system by establishing a Wellhead Protection Plan which includes standards for land use within designated wellhead protection zones. (Ord. 61-97. Passed 10-13-97.)

1335.03 DEFINITIONS.

As used in this chapter:

- (a) "Above storage tank" means any tank, pipe or other vessel, used singularly or in combination, at least ninety percent (90%) of which is above the surface of the ground and used for materials holding, storage or containment.
- (b) "Aquifer" means a consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store or transmit water to wells or springs.

- (c) “Bulk storage” means the holding or containment of dry, semi-dry or liquid materials in large quantities, either packaged or loose, usually dispensed in smaller quantities for sale, use or consumption. Large quantities is defined as “quantities greater than those associated with normal household use”. Normal household use is the amount of regulated substance a prudent person would have available in their home (or office) for performing routine cleaning, insect control, or use at a place of residence.
- (d) “City” means the municipal corporation of the City of Lancaster, Fairfield County, Ohio.

- (e) “Contaminant” means any substance which, if introduced into ground water, would degrade the quality of said water.
- (f) “Five year time-of-travel zone” means the area around the public water supply wellfield delineated by the five year time-of-travel contour.
- (g) “Ground water” means any water below the surface of the earth in a zone of saturation.
- (h) “Hazardous wastes” means wastes that are listed specifically as hazardous and/or exhibits one or more characteristics of hazardous wastes as defined by OAC 3745-51.
- (i) “One year time-of-travel zone” means the area around the public water supply wellfields delineated by the one year time-of-travel contour.
- (j) “Potable water” means water which is satisfactory for drinking, culinary and domestic purposes.
- (k) “Time-of-travel contour” means a series of points when connected together form a boundary from which water takes an equal amount of time to reach a given destination such as a well or wellfield.
- (l) “UST” means one or any combination of tanks, including underground pipes connected thereto, that are used to contain an accumulation of regulated substances, the volume of which, including the volume of underground pipes connected thereto, is ten percent (10%) or more beneath the surface of the ground, as defined in OAC 1301:7-9-02.
- (m) “Well” means any excavation, regardless of design or method of construction, used for the purpose of removing ground water from an aquifer, or for the purpose of determining the quality, quantity or level of ground water on a continuing basis.
- (n) “Wellfield” means track of land that contains a number of wells for supplying water.
- (o) “Wellhead Protection Zones Map” means an official map adopted by the City, and delineated to indicate the area(s) of the City which lie inside the wellhead protection zones.
- (p) “Ground water professional” means any person certified by the American Institute of Professional Geologists to conduct hydrogeologic studies.
- (q) “Nonconforming facility or use” means any facility or land use which, if new, would not be allowed under the provisions of Ordinance 40-94, passed November 28, 1994, or this chapter. It includes structures and land uses which became located within WHPZ1 and WHPZ2 because of a change in the zone boundaries or by the adoption

of this chapter.

- (r) “Wellhead Protection Zone 1 (WHPZ1)” means at a minimum, the area within the one year time-of-travel contour. The boundary can be changed to add areas outside the one year time-of-travel contour to ease its definition (i.e. use of street boundaries).
- (s) “Wellhead Protection Zone 2 (WHPZ2)” means at a minimum, the area within or inside the five year time-of-travel contour, and outside the one year time-of-travel contour. The boundary can be changed to add area outside the five year time-of-travel contour to ease its definition (i.e. use of street boundaries).
- (t) “Regulated substances” shall include but not be limited to the following:
 - (1) Every substance, material or waste found listed in 40CFR Part 261 or 40CFR Part 302;
 - (2) All materials which exhibit the characteristics of hazardous waste (ignitability, corrosivity, reactivity and toxicity) as identified in 40CFR Part 261;

- (3) Petroleum products, including fuels and waste oils; and
- (4) Any solid or semi-solid material which, if left to stand or if exposed to water will leach out or wholly or partially dissolve forming hazardous materials as defined in subsections (1), (2) or (3).
(Ord. 61-97. Passed 10-13-97.)

1335.04 CREATION OF WELLHEAD PROTECTION ZONE 1 (WHPZ1) AND WELLHEAD PROTECTION ZONE 2 (WHPZ2).

(a) Zone WHPZ1 is the area within the one year time-of-travel contour as depicted on the Wellhead Protection Zone Map.

(b) Zone WHPZ2 is the area within the five year time-of-travel contour, and outside the one year time-of-travel contour as depicted on the Wellhead Protection Zone Map.

- (1) Changes will occur with the increase or decrease of pumping at the water plant. The Wellhead Protection Zone Map will be updated when the total pumpage from the wellfield has increased by fifteen percent (15%) or every two years (whichever comes first) by the Water Department using the MODFLOW ground water model provided to the City during the development of the Wellhead Protection Plan.
(Ord. 61-97. Passed 10-13-97.)

1335.05 LAND USE WITHIN ZONE 1 (WHPZ1).

Zone WHPZ1 contains the City Wellfield, and in order to protect the wellfield, contains the most restrictive land use practices.

- (a) Prohibited Uses. The following uses are prohibited in the Wellhead Protection Zone 1.
 - (1) Disposal of solid waste.
 - (2) Disposal of hazardous waste.
 - (3) Storage of road salt or other deicing chemicals and the dumping of snow containing deicing chemicals.
 - (4) Animal feed lots.
 - (5) The outside storage of herbicides, pesticides, fertilizers or fungicides.
 - (6) Dry cleaning and commercial laundry establishments.
 - (7) Industrial uses which discharge processed waters onsite.
 - (8) Chemical and bacteriological laboratories.
 - (9) Metal polishing, finishing and plating establishments which includes auto body repair establishments.
 - (10) Commercial wood finishing, preserving, painting and furniture stripping establishments. (Ord. 61-97. Passed 10-13-97.)
 - (11) Commercial printing establishments.
(Ord. 10-03. Passed 4-14-03.)

- (12) Motor vehicle service and repair shops, junkyards, motor vehicle junkyards, motor vehicle salvage operations, car washes as well as any similar use which might potentially effect ground water quality. Motor vehicle service and repair establishments include auto body repair and painting, quick lube stations, any establishment which performs mechanical repairs such as transmission, drive train, engine, brakes, or mufflers. These restrictions also apply to commercial/industrial equipment, earth moving equipment, tractors, motorcycles, and airplanes.
- (13) Trucking and bus terminals.
- (14) Machine shops or foundries.
- (15) Leather tanning and finishing.

- (16) Electrical component manufacturing or assembly.
- (17) New installation of underground storage tanks of liquid petroleum and/or chemical products of any kind.
- (18) Storage of liquid petroleum products of any kind in excess of fifteen gallons except for storage in a free standing container within a building, or fuel for heating of that building. (Fuel tanks of parked vehicles are not included in this section.)
- (19) Storage of petroleum, and/or any other regulated substances in underground storage tanks.
- (20) Any other use which involves, as principal activity, the manufacture, storage, use, transportation or disposal of toxic or hazardous material.

(b) Exceptions and Guidelines for WHPZ1. Any business, facility or structure within WHPZ1 which is established prior to the date in which Ordinance 40-94 was established (11-28-94) shall be identified in this chapter as a nonconforming facility. Nonconforming facilities are allowed to conduct business, but are to be regulated by the City, and follow these guidelines.

- (1) All nonconforming facilities must register with the Lancaster Division of Water.
- (2) The registration shall be submitted by the owner or operator of the facility on forms provided by the Division of Water or Environmental Specialist on a bi-annual (every two years) basis, or when the ownership of the facility changes, if the ownership change occurs within the two year reporting period, and shall contain at a minimum, the following information:
 - A. Name of the facility;
 - B. Street and mailing address of facility;
 - C. The designated individual to contact at the facility;
 - D. A complete list of all chemicals, pesticides, fuels and other regulated substances as defined in Section 1335.03 to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect such materials from vandalism, corrosion and leakage, and

- to provide for control of spills;
 - E. A complete list of potential toxic or hazardous wastes to be generated, indicating storage and disposal methods; and
 - F. For underground storage of regulated substances, the BUSTR identification number will be provided.
- (3) Monitoring wells shall be established for all industrial and commercial facilities utilizing or storing hazardous or toxic materials; the number, construction and location of the wells shall be determined by the City Water Department and/or Environmental Specialist. Once constructed, the wells shall be analyzed for volatile organic compounds (VOC's) semi-volatile organic compounds (SVOC's) and metals to determine background levels for the location. After initial testing, wells will be analyzed for VOC's and any other compounds detected in the background analysis which may pose a threat to the wellfield. The Environmental Specialist shall determine the sampling schedule for each site on an individual basis.
- (4) When a nonconforming facility closes for a period of time greater than six months, it will lose its nonconforming zoning exception. No new or similar nonconforming facility may open at the site.

- (5) If a nonconforming facility or business wishes to upgrade and/or expand its operation, it may be granted a variance by the Division of Water and/or Environmental Specialist if said facility or business can demonstrate an overall reduction of risk to the aquifer and/or wellfield, through a pollution prevention program instituted by the facility.
 - (6) All facilities with USTs:
 - A. Shall have upgraded USTs by December 22, 1998 in accordance with the Bureau of Underground Storage Tank Registration, OAC 1301:7-9-06;
 - B. Shall have monitoring systems installed by December 22, 1998 in accordance with the Bureau of Underground Storage Tank Registration, OAC 1301:7-9-07; and
 - C. Are still governed by the C-3 zone laws.
 - (7) All facilities which through the generation, transportation, disposal or storage of hazardous substances file reports to the EPA under the guidelines of the Resources Conservation and Recovery Act must also present the City Water Department with a copy of the report.
- (c) Land Uses Allowed in WHPZ1.
- (1) All ordinary and customary uses associated with maintenance and upkeep of buildings and grounds.
 - (2) Necessary public utilities and/or facilities designed so as to prevent contamination of ground water;
 - (3) Agricultural uses: pasture, light grazing, hay making, gardening, nursery and any activities designed for conservation of soil, water, plants and wild life;
 - (4) Industrial or commercial uses which do not handle hazardous or toxic wastes or substances; and
 - (5) Residential uses. (Ord. 61-97. Passed 10-13-97.)

1335.06 LAND USE WITHIN WELLHEAD PROTECTION ZONE 2 (WHPZ2).

Zone WHPZ2 surrounds WHPZ1, and is needed as added protection to the City Wellfield.

- (a) The following uses are prohibited in WHPZ2:
 - (1) Disposal of solid waste;
 - (2) Disposal of hazardous waste;
 - (3) The outside storage of herbicide, pesticide fertilizer and fungicide; and
 - (4) Any other use which involves, as principal activity, the manufacturing, storage, use, transportation or disposal of toxic or hazardous material.
- (b) Regulated Land Uses in WHPZ2.
 - (1) All practices, and facilities prohibited in WHPZ1 but not prohibited in WHPZ2 will follow the guidelines of nonconforming facilities located in WHPZ1 and WHPZ2 described in those sections to include registration with the Division of Water, and if required by the Division of Water, installation

of monitoring wells.

- (2) Any petition to install new underground storage tanks for liquid petroleum and/or chemical products of any kind must first be reviewed by Fire Prevention and the Division of Water to determine its relative position to the wellfield and its potential impact on the aquifer. The length of the review period shall be determined by Fire Prevention and the Division of Water.

- (3) Any facility which closes for more than six months must be reviewed and approved by the Division of Water and Council before it may reopen. If approval is not granted, only practices listed in subsection (d) hereof will be permitted at the location.
 - (4) Any regulated facilities or establishments wishing to open must have the approval of the Division of Water and Council.
 - (5) Any business or facility who wishes to operate within the City must first contact the City Engineer's Office and follow proper planning and zoning procedures.
- (c) Exemptions and Guidelines for WHPZ2. Any business facility or structure within WHPZ2, which is established prior to the effective date of Ordinance 40-94, established November 28, 1994, shall be identified as nonconforming facilities, and are allowed to continue to conduct business under the following guidelines:
- (1) All nonconforming facilities in WHPZ2 shall follow the same guidelines given for nonconforming facilities in WHPZ1.
- (d) Allowed Land Uses In WHPZ2.
- (1) All practices allowed in WHPZ1 are also allowed within WHPZ2.
- (Ord. 61-97. Passed 10-13-97.)

1335.07 ENFORCEMENT OF THE WELLHEAD PROTECTION PLAN.

The Division of Water and/or Environmental Specialist is hereby appointed to administer the Wellhead Protection Plan described in this chapter.
(Ord. 61-97. Passed 10-13-97.)

1335.08 RECORD KEEPING.

A copy of the records pertaining to registration under this chapter shall be retained for not less than seven years, and shall be made available for public review by the Division of Water Office upon written request. All such copies of the records shall be transferred to any owner or operator of an establishment that is sold, leased, transferred to, or received by a new owner or operator. The transfer of copies of the records shall in no way eliminate or prevent the necessity of the new owner or operator to register with the Division of Water Office as required by the chapter. (Ord. 61-97. Passed 10-13-97.)

1335.09 NOTICE OF VIOLATION.

(a) Any person found in violation of any provision of this chapter, any order, requirement, rule or regulation issued under the authority of such sections will be served with a written notice stating the nature of the violation, and providing reasonable time for compliance. If the Division of Water and/or Environmental Specialist has previously issued a schedule of compliance or issued an order addressing the same type of or a similar violation and the time for compliance has passed, the Division of Water may dispense with establishing another time period for compliance.

(b) The notice shall be served in the manner provided by law for the service of civil process. Where the address of the violator is unknown, service may be made upon the owner of the property involved at the tax-mailing address of the owner as shown on the County tax record. (Ord. 61-97. Passed 10-13-97.)

1335.10 INSPECTIONS.

Subject to applicable provisions of law, the Division of Water, or authorized designee bearing proper identification, shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling and records examination pertaining to the requirements of this chapter to ensure that activities are in accordance with the provisions of this chapter. Upon request of the entity which is the subject of the inspection and if permitted by the Ohio Public Records Law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the Division of Water for the above stated purposes, the Division of Water may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.

(Ord. 61-97. Passed 10-13-97.)

1335.99 PENALTY.

Any person, firm, corporation, or business entity who violates any provision of this chapter beyond the first time limit for compliance set forth in writing by the Division of Water shall result in a one hundred dollar (\$100.00) fine per day. Any person, firm, corporation, or business entity who continues to violate any provisions of this chapter beyond the time limit for compliance set forth by the Division of Water shall be guilty of a misdemeanor of the first degree. Each day a violation continues, after notification, shall constitute a separate offense.

(Ord. 61-97. Passed 10-13-97.)

APPENDIX A**Definition of 1-year T-O-T Boundaries.**

The 1-year Time-of-Travel zone shall be defined as that area enclosed by the centerlines of the following streets and is shown in Figure 1.

Starting from the intersection of Fair Avenue and Memorial Drive:

- East on Fair Avenue to Columbus Street;
- South on Columbus Street to Arnold Avenue;
- West on Arnold Avenue to Broad Street;
- South on Broad Street to Chestnut Street;
- West on Chestnut Street to Memorial Drive;
- A straight line from the above intersection to the bridge over the Hocking River on Lincoln Avenue;
- Southwest on Lincoln Avenue to Zane Avenue;
- North on Zane Avenue to Main Street;
- West on Main Street to Harrison Avenue,
- North on Harrison Avenue to 7th Avenue;
- East on 7th Avenue to Goodwin Avenue;
- North on Goodwin Avenue to Fair Avenue;
- East on Fair Avenue to Slocum Street;
- A straight line from the above intersection to the Memorial Drive - Reber Avenue Intersection ;
- South on Memorial Drive to Fair Avenue.

APPENDIX B

Definition of 5-year T-O-T Boundaries.

The 5-year Time-of-Travel zone shall be defined as that area enclosed by the centerlines of the following streets and the lines connecting the points as shown in Figure 1.

Starting from the intersection of Pierce Avenue and Memorial Drive:

- A straight line from the above intersection east to the Columbus Street and Arlington Ave intersection ;
- Southeast on Columbus Street to Marks Avenue;
- West on Marks Avenue to Broad Street;
- A straight line from the above intersection to the intersection of High Street and Stringtown Road;
- A straight line from the above intersection to the Maple Street and Fair Avenue;
- South on Maple Street to Allen Street;
- East on Allen Street to Pleasant Avenue;
- South on Pleasant to 5th Avenue;
- West on 5th Avenue to Maple Street;
- South on Maple to Main Street;
- West on Maple to Tennant Street;
- South on Tennant Street to Walnut Street;
- West on Walnut Street to Sycamore Street;
- South on Sycamore Street to Lawrence Street;
- A straight line from the above intersection to intersection Fourth Street and Memorial Drive;
- South on Fourth to Eyman Avenue;
- West on Eyman to Broad Street;
- North on Broad to Cleveland Avenue;
- West on Cleveland to Dead End;
- A straight line from the above intersection north to the intersection of Eagle Avenue and Hubert;
- North on Eagle to Reese Avenue;
- West on Reese Avenue to Boving Road;
- A straight line from the above intersection southeast to the end of Ridgemire Way;
- A straight line from the above intersection to the west end of Gay Street;
- Follow Gay northwest to Cedar Hill Road;
- East on Cedar Hill Road to Ohio Avenue;
- North on Ohio Avenue to Mulberry Street;
- West on Mulberry Street to Mohawk Drive;
- North on Mohawk to Shoshone Drive;
- North on Shoshone Drive to Grove Avenue;

A straight line from the above intersection to the intersection of Fair Avenue and Van Buren;
West on Fair Avenue to Green Avenue;
A straight line from the above intersection due north to the Hocking River;
A straight line from the above intersection to the intersection of Memorial Drive and Pierce Avenue.

