

## ARTICLE 26

### “WFP” WELL FIELD PROTECTION OVERLAY DISTRICT

#### SECTION 2601 STATEMENT OF INTENT

It is the intent of the Well Field Protection Overlay District (sometimes referred to as the WP District or Overlay District or WFP Overlay District) to safeguard the health, safety and welfare of the customers of protected public water supplies and to protect the community’s potable water supply against contamination by regulating land use and the storage, handling, use and/or production of regulated substances as defined below. The land within the overlay district is that land within German Township that lies within a five (5) year travel time contour adjacent to existing and proposed public wells of a protected public water supply.

#### SECTION 2602 DEFINITIONS (As used in this Chapter):

- A. “Aquifer” means a geologic formation, group of geologic formations, or part of a geologic formation that contains enough saturated permeable material to yield significant quantities of water.
- B. “Direct Recharge Area” means that portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.
- C. “Non-Routine Maintenance” means activities necessary not more frequently than every twenty-four months to keep structures and equipment in good repair.
- D. “Five Year Capture Area” means the area around protected public water supply well fields delineated by the five-year travel time contour.
- E. “Overlay District” means a district described on the zoning map within which, through superimposition of a special designation, certain regulations and requirements apply, in addition to those of the underlying zoning district.
- F. “Potable Water” means water that is satisfactory for drinking, culinary and domestic purposes, meeting current drinking water standards.
- G. “Protected Public Water Supply” means a public water system which services at least fifteen (15) service connections used by year-round residents, or regularly serves at least twenty-five (25) year-round residents, and having a one-year capture area defined through appropriate hydrologic studies.
- H. “Regulated Substances” means chemicals and mixtures of chemicals that are health hazards. Materials packaged for personal or household use as food or drink for man or other animals are not Regulated Substances. Regulated Substances include:
  - 1. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins,

neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes or mucous membranes.

2. Mixtures of chemicals that have been tested as a whole and have been determined to be a health hazard.
  3. Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises one (1.0) percent or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one tenth of one percent (0.1) or greater of the composition on a weight per unit weight basis.
  4. Ingredients of mixtures prepared within the Well Field Protection Overlay District in cases where such ingredients are health hazards but comprise less than one-tenth of one percent (0.1) of the mixture on a weight per unit weight basis if carcinogenic, or less than one percent (1.0) of the mixture on a weight per unit weight basis if non-carcinogenic.
  5. Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).
- I. "Travel Time Contour" means a locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.
- J. "Underground Storage Tank" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of Regulated Substances and the volume of which (including the volume of underground pipes connected thereto) is ten (10) percent or more beneath the surface of the ground. Flow-through process tanks and septic tanks approved by the County Health Department or State Environmental Protection Agency, as applicable, are excluded from the definition of underground storage tanks.
- K. "Well Field" means a tract of land that contains a number of wells for supplying water.

#### **2603 DETERMINATION OF APPLICABILITY**

- A. The provisions of this chapter shall apply to:
1. New construction.
  2. Alteration in use, storage, handling or processing of regulated substances.
  3. Conversion or use changes resulting in a new use involving the storage, handling or processing of regulated substances.
  4. Building expansion and/or additions.
- B. It is the responsibility of any person owning real property and/or operating a business within German Township to make a determination as to the applicability of this section. Failure to make such determination will not excuse any violations.

## 2604 PERMITTED PRINCIPAL USES

The permitted principal and accessory uses within the Well Field Protection Overlay District shall be limited to those of the underlying district, except as those uses may be restricted by this section.

## 2605 CONDITIONAL USES

The requirements of this paragraph shall be in addition to any applicable regulations found elsewhere within the Zoning Resolution.

- A. Conditional uses within the Well Field Protection Overlay District shall be those of the underlying zoning district, except as those uses may be restricted by this section.
- B. When listed as a permitted or conditional use within the underlying zoning district, the excavation, extraction, mining, or processing of sand, gravel, clay, shale, dolomite and limestone from the earth for resale shall be a conditional use in the Well Field Protection Overlay District subject to Board of Zoning Appeals approval of an excavation and facilities plan that includes, but is not limited to:
  - 1. An existing site plan with topographic detail at two (2) foot contour intervals, all planimetric information, depth to groundwater, and flood plain characteristics where applicable.
  - 2. The proposed extent and depth of excavations.
  - 3. Slope angle of excavation walls (any final slopes shall be at the angle of repose for the remaining material).
  - 4. Use and disposition of the spoil and/or overburden materials from the excavations, including a landscaping and vegetation plan to stabilize any disturbed materials.
  - 5. Surface drainage plan:
    - a. Drainage into on-site excavations from proximate off-site transportation facilities such as roadways and roadbeds and off-site watercourses is prohibited unless the applicant provides a plan which otherwise protects the excavations from off-site waterborne regulated substances.
    - b. The final on-site grading shall minimize all surface drainage into the excavations.
  - 6. A post-excavation and operation land use plan.
  - 7. A security plan (unauthorized access shall be strictly prohibited as long as any excavations remain on-site).

- A. The provisions of this Section 2606 shall be applicable to all lands shown as being located within the boundaries of the “WP” Well Field Protection Overlay District on the German Township Zoning Map and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of this section are in conflict with the regulations of the underlying district, the more restrictive regulations shall apply.
- B. The principal, conditional, and accessory permitted uses within the “WP” Well Field Protection Overlay District shall be those of the underlying zoning district with the exception of the following uses which shall be prohibited:
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. The outside storage of herbicides, pesticides, fertilizers or fungicides;
  5. Dry cleaning and commercial laundry establishments;
  6. Industrial uses which discharge processes waters onsite;
  7. Chemical bacteriological laboratories;
  8. Metal polishing, finishing, and plating establishments, which includes auto body repair establishments;
  9. Commercial wood finishing, preserving, painting and furniture stripping establishments;
  10. Commercial printing, photo copying and photographic processing establishments;
  11. 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 affect 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;
  12. Trucking and bus terminals;
  13. Machine shops or foundries;
  14. Leather tanning and finishing;
  15. Electrical component manufacturing or assembly;
  16. New installation of underground storage tanks of liquid petroleum and/or chemical products of any kind;
  17. Storage of liquid petroleum products of any kind in excess of 15 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);
  18. Storage of petroleum and/or any other regulated substances in underground storage tanks; and

Any other use which involves, as principle activity, the manufacture, storage, use, transportation, or disposal of toxic or hazardous material.

## 2607 DESIGN STANDARDS

The following design standards shall apply to all new and converted uses in the Well Field Protection Overlay District:

- A. Underground storage tank (UST) system installation, use, operation, closure and record keeping shall be in accordance with requirements for USTs located in sensitive areas as set forth in Bureau of Underground Storage Tank Regulations, 1301:7-9-10.
- B. Dry wells or floor drains to dry wells are not permitted in the WFP Overlay District.
- C. Secondary containment for above ground areas where regulated substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released material.
- D. General purpose floor drains located in building areas where regulated substances may be used, stored or generated shall only be allowed if they are approved by German Township for connection to a public sewer system or an on-site closed holding tank.
- E. Building floor drains are prohibited in any areas of a structure where regulated substances or wastes are present including but not limited to storage, process, assembly or service areas.
- F. Local, state and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous and/or regulated substances shall be met. No discharges to groundwater, including direct or indirect discharges, shall be allowed without required permits and approvals.
- G. Connection to public sanitary sewers, if reasonably available, is required. A connection shall be considered reasonably available if sanitary sewer lies within an easement that abuts the property.

## 2608 PLAN REVIEW

No new or converted use shall be permitted within the WFP Overlay District without a site plan being submitted to and approved by German Township. The application for any new or converted use, other than residential or agricultural shall include the following:

- A. A general description of the proposed use identifying the products produced, the materials used in the production process and the types of wastes generated along with the waste handling and disposal methods for solid and hazardous wastes and sewage and non-sewage waste water discharges.
- B. A site and building plan showing all hazardous material loading, storage, handling and

process areas that identifies floor drains, process vents, sewage disposal and waste storage or disposal areas.

- C. A complete list of the types and volumes of all regulated substances and/or hazardous materials and fuels used, stored, processed, handled or disposed of as required to be supplied to the Montgomery/Greene County Local Emergency Response Committee.
- D. A storm water management plan for the site to assure that water infiltrating into the aquifer is not contaminated.

#### 2609 HAZARDOUS SUBSTANCE MANAGEMENT PLAN

The operator of any new or expanded commercial or industrial facility involving the use, handling, storage or processing of hazardous materials or waste shall prepare a Hazardous Substances Management Plan for review by German Township. The plan must demonstrate that Best Management Practices shall be used by the applicant to minimize any potential threat to groundwater quality. The plan will also be submitted to the Montgomery/Greene County Local Emergency Response Committee for review and comment and shall contain the following information:

- A. A facility layout and description.
- B. Procedures for safe handling.
- C. A description of disposal methods for process wastes.
- D. Procedures to be employed to prevent leaks and spills of hazardous or regulated substances.
- E. An Emergency Spill Plan that covers the following:
  - 1. Emergency procedures.
  - 2. Notification of officials.
  - 3. Spill containment procedures.
  - 4. Clean up.
  - 5. Disposal.
  - 6. Reporting.

This plan must be reviewed by German Township every five (5) years from date of approval and whenever there is a change in procedures, technology or materials used, stored, processed or waste generated.

## 2610 Spills, Leaks, or Discharges

- A. Any person with direct knowledge of a spill, leak or discharge of a regulated substance within the “WP” Well Field Protection Overlay District shall, if such spill, leak or discharge escapes containment or contacts a non-impervious ground surface and is not immediately and completely remedied, give notice to the Zoning Compliance Officer, and Emergency services (911), the location of the incident, name and telephone number, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, state, and federal reporting obligations as required by law.
  
- B. The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc., used in routine agricultural operations, including plant nutrients and crop protection materials, applied under Best Management Practices as indicated by soil tests, agricultural experts, or label directions approved by the United States EPA or the Ohio Department of Agriculture, shall not be considered a spill, leak, or discharge subject to the reporting provisions of this paragraph.
  
- C. Any entity or person who spills, leaks or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by German Township in response to such an incident, in addition to the amount of any fines imposed on account thereof under state and federal law.

## 2611 Penalties for Violations

A violation of the provision of this section shall constitute a violation of this Resolution subject to penalties and/or fines set forth by the Ohio Revised Code.