

## CHAPTER 5. DRINKING WATER SOURCE PROTECTION.

### 9-5-1. Short Title and Purpose.

### 9-5-2. Definitions.

### 9-5-3. Establishment of Drinking Water Source Protection Zones.

### 9-5-4. Permitted Uses.

### 9-5-5. Prohibited Uses.

### 9-5-6. Drinking Water Source Protection Requirements.

### 9-5-7. Administration.

#### 9-5-1. Short Title and Purpose.

(1) This ordinance shall be known as the "Drinking Water Source Protection Ordinance."

(2) The purpose of this ordinance is to ensure the provision of a safe and sanitary drinking water supply to the residents of Tooele City who receive water for culinary and domestic use from the City by the establishment of drinking water source protection zones surrounding the wellheads and springs for all wells and springs used by the City and by the designation and regulation of property uses and conditions that may be maintained within such zones.

(Ord. 2000-12, 08-02-2000)

#### 9-5-2. Definitions

(1) When used in this ordinance the following words and phrases shall have the meanings given in this Section:

(a) "Design Standard" means a control that is implemented by a potential contamination source to prevent discharges to the groundwater. Spill protection is an example of a design standard.

(b) "Drinking Water Source Protection (DWSP) Zone" means the surface and subsurface area surrounding a groundwater source of drinking water supplying a public water system through which contaminants are reasonably likely to move toward and reach such groundwater source.

(c) "Groundwater Source" means any well, spring, tunnel, adit, or other underground opening from or through which groundwater flows or is pumped from subsurface water-bearing formations.

(d) "Pollution source" means point source discharges of contaminants to groundwater or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. 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, landfills, open dumps,

land filling of sludge and septage, manure piles, salt piles, pit privies, drain lines, and animal feeding operations with more than ten animal units.

(i) The following definitions clarify the meaning of "pollution source:"

(A) "Animal feeding operation" means a lot or facility where the following conditions are met: 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, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be 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.

(B) "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(C) "Extremely hazardous substances" means those substances which are identified in the 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). A copy of this document may be obtained from: Section 313 Document Distribution Center, P.O. Box 12505. Cincinnati, OH 45212.

(e) "Potential contamination source" means any facility or site which employs an activity or procedure which may potentially contaminate groundwater. A pollution source is also a potential contamination source.

(f) "Public water system" means a system, either publicly or privately owned, providing water for human consumption and other domestic uses, which:

(i) Has at least 15 service connections, or

(ii) Serves an average of at least 25 individuals daily at least 60 days out of the year.

Such term includes collection, treatment, storage and distribution facilities under control of the operator and used primarily in connection with the system. Additionally, the term includes collection, pretreatment or storage facilities used primarily in connection with the system but not under such control.

(g) "Sanitary Landfill" means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

(h) "Sanitary sewer line" means a pipeline

that connects a residence or other building with a sanitary sewer.

(i) "Septic tank/drain-field system" means a system which is comprised of a septic tank and a drain field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain field system discharges cannot be controlled with design standards.

(j) "Spring" means the ground surface outlet of a natural underground spring including Spring collection and control boxes, valves, piping and other attachments.

(k) "Storm water infiltration structure" means a structure that is intended to discharge storm water so that it infiltrates groundwater.

(l) "Underground storage tanks" means underground tanks used for the storage of gas, oil, or other hazardous substances.

(m) "Wellhead" means the physical structure, facility, or device at the land surface from or through which groundwater flows or is pumped from subsurface, water-bearing formations.

(Ord. 2000-12, 08-02-2000)

### **9-5-3. Establishment of Drinking Water Source Protection Zones.**

(1) There is hereby established the following four use districts to be known as drinking water source protection zones one, two, three, and four:

(a) "Zone one" is the area within a 100-foot radius from the wellhead or margin of the collection area.

(b) "Zone two" is the area within a 250-day groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(c) "Zone three" is the area within a 3-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(d) "Zone four" is the area within a 15-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(Ord. 2000-12, 08-02-2000)

### **9-5-4. Permitted Uses.**

(1) In Zones One, Two, Three, and Four, each use established before the effective date of this Ordinance, and uses incidental and accessory to such use, may be continued in the same manner thereafter, provided that such use is not determined by any court of competent jurisdiction to be a nuisance under the provisions of

federal, state, and/or local laws or regulations.

(2) In addition to the uses permitted under 9-5-4(1) herein, the following uses, including uses incidental and accessory to that use, shall be allowed within the respective drinking water source protection zones:

(1) Zone One.

(a) No uses in addition to that allowed under 9-5-4(1) herein are allowed in Zone One.

(2) Zone Two.

(a) Use of single or multiple-family residential dwellings, commercial, or institutional uses established on or after the effective date of this Ordinance, provided that such uses are connected to a sanitary sewer system.

(3) Zone Three.

(a) Use of single or multiple-family residential dwellings, commercial, or institutional uses established on or after the effective date of this Ordinance.

(4) Zone Four.

(a) Use of single or multiple-family residential dwellings, commercial, or institutional uses established on or after the effective date of this Ordinance.

(b) The tilling of the soil and the raising of crops, provided that the use of fertilizers and pesticides is accomplished within applicable federal, state, and/or local requirements.

(c) The pasturing of livestock, provided all forage is raised on the pastured area.

(d) In addition to the permitted uses specified in 9-5-4(1) and (2) herein, certain of the uses prohibited in Zones Two, Three, and Four pursuant to 9-5-5 herein may be allowed in Zones Two, Three, and Four, respectively, if design standards are implemented for the specific use that will prevent contaminated discharges to groundwater.

(Ord. 2000-12, 08-02-2000)

### **9-5-5. Prohibited Uses.**

(1) Subject to 9-5-4(d) herein, the following uses are prohibited within the following drinking water source protection zones:

(a) Zone One. All uses that fall within the definition in this Ordinance of "pollution source" or "potential contamination source," including the following, are prohibited in Zone One:

(i) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).

(ii) Sanitary landfills.

(iii) Hazardous waste or material disposal

sites.

- (iv) Septic tanks/drain field systems
- (v) Sanitary sewer lines within 150 feet of a wellhead or spring collection area.
- (vi) Underground storage tanks.
- (vii) Storm water infiltration structures.
- (viii) Any pollution source as defined

herein or in Rule 309-113-101, as amended, of the Division of Drinking Water's drinking water source protection regulations.

(ix) Agriculture industries including but not limited to intensive feeding operations such as feed lots, dairies, fur breeding operations, poultry farms, etc.

(b) Zone Two.

(i) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).

- (ii) Sanitary landfills.
- (iii) Hazardous waste or material disposal sites.
- (iv) Septic tanks/drain field systems
- (v) Sanitary sewer lines within 150 feet of a wellhead or spring collection area.
- (vi) Underground storage tanks.
- (vii) Storm water infiltration structures.
- (viii) Any pollution source as defined

herein or in Rule 309-113-101, as amended, of the Division of Drinking Water's drinking water source protection regulations.

(ix) Agriculture industries including but not limited to intensive feeding operations such as feed lots, dairies, fur breeding operations, poultry farms, etc.

(c) Zone Three.

(i) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).

- (ii) Sanitary landfills.
- (iii) Hazardous waste or material disposal sites.

(iv) Agriculture industries including but not limited to intensive feeding operations such as feed lots, dairies, fur breeding operations, poultry farms, etc.

(d) Zone Four.

- (i) Surface use, storage, or dumping

of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).

- (ii) Sanitary landfills.
- (iii) Hazardous waste or material disposal

sites.

(Ord. 2000-12, 08-02-2000)

**9-5-6. Drinking Water Source Protection Requirements**

Following the effective date of this Ordinance, no building permit or other form of approval from the City to develop or use real property within the City shall be issued until the applicant establishes that its proposed development or use of real property complies with the requirements of this Ordinance.

(Ord. 2000-12, 08-02-2000)

**9-5-7. Administration**

The policies and procedures or administration of any drinking water source protection zone established under this ordinance, including without limitation those applicable to nonconforming uses, variances and exceptions, and enforcement and penalties, shall be the same as provided in the existing zoning ordinance for Tooele City, Utah, as the same is presently enacted or may from time to time be amended.

(Ord. 2000-12, 08-02-2000)