

Consecutive Ordinance No. 31
Ordinance Year No. 2018

WELLHEAD PROTECTION ORDINANCE

AN ORDINANCE ESTABLISHING WELLHEAD PROTECTION ZONES FOR THE CITY OF ARNOLDSVILLE, GEORGIA; TO REGULATE ACTIVITIES THAT THREATEN THE QUALITY OF THE CITY'S GROUNDWATER SUPPLY; TO ESTABLISH AUTHORITY FOR THE ENFORCEMENT OF PROTECTIVE RULES AND REGULATIONS; AND FOR OTHER PURPOSES.

SECTION ONE

1.1 FINDINGS

1.1.1 WHEREAS, the Federal Safe Drinking Water Act (SDWA) requires each State to develop and implement a Wellhead Protection Plan (WHP) for every well, well field or spring that is used as a source for a community public water supply; and

1.1.2 WHEREAS, the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources, has submitted and received approval from the Environmental Protection Agency (EPA) of its WHP plan for the State of Georgia; and

1.1.3 WHEREAS, EPD has promulgated compliance criteria "Rules for Safe Drinking Water" for the State of Georgia, under authority conferred by Chapter 5 of Title 12 of the Official Code of Georgia Annotated (O.C.G.A. § 12-5-170 et. seq., as amended); and

1.1.4 WHEREAS, the Rules provide safeguards against the permitting of landfills, hazardous waste dumps and other undesirable uses and facilities regulated by the EPD, within management zones defined in an approved WHP Plan; and

1.1.5 WHEREAS, the City of ARNOLDSVILLE intends to regulate activities that threaten the quality of its water supply and intends to establish rules and authority to investigate, inspect and administer fines and penalties for noncompliance with such rules; and

1.1.6 WHEREAS, it is deemed in the public interest that the quality of the City's groundwater supply be protected from contamination by harmful chemicals and other pollutants.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLDSVILLE, GEORGIA AS FOLLOWS:

2. DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

2.1 CFR means the Code of Federal Regulations. The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

2.2 Clean Water Act means the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq.).

2.3 Contaminant means any physical, chemical, radiological or biological substance or matter in water.

2.4 Department means the City of ARNOLDSVILLE Department of Planning and Zoning. This Department is responsible for all the wellhead protection activities and implementation of this ordinance.

2.5 Drinking Water means water supplied for domestic use or human consumption from a public water system meeting the maximum contaminant levels set forth by the “Rules for Safe Drinking Water” (O.C.G.A. § 12-5-170 et. seq., as amended).

2.6 Ground Water means water obtained from wells and/or springs used as a source of water supply for a public water system.

2.7 Hazardous Waste or Material means any chemical, substance or material that is classified as hazardous by the U.S. Environmental Protection Agency (CFR 40, part 261).

2.8 Illicit Discharge means a discharge of substances prohibited by this article within the city wellhead protection zone.

2.9 Maximum Contaminant Level (MCL) means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system.

2.10 Pollution means the contamination or other alteration of any water’s physical, chemical, radiological or biological properties.

2.11 Raw Water means water from a source of water supply or a proposed source of water supply that has not received any type of treatment to change the physical, chemical, radiological or biological quality of the water.

2.12 Recharge Area means the pervious surface areas that allow surface water to percolate and accumulate in aquifers connected to a public water system well.

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

2.14 Water Quality means those characteristics of groundwater that relate to the physical, chemical, biological or radiological integrity of water.

2.15 Well means any excavation that is cored, bored drilled, jetted, dug or otherwise constructed for the purpose of locating, testing or withdrawing ground water.

2.16 Wellhead means the upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

2.17 Wellhead Protection Control Zone means an area of potential ground water recharge around a well that should be protected from surface and subsurface sources of man-made pollution in order to protect the quality of drinking water supplies. This area has a radius of 15 feet from the center of each wellhead and in accords with Attachment A and Attachment B.

2.18 Wellhead Protection Inner-Management Zone means an area of potential ground water recharge around a well that should be protected from surface and subsurface sources of man-made pollution in order to protect the quality of drinking water supplies. This area varies for individual wells and has a radius in accords with Attachment A and Attachment B from the center of each wellhead.

2.19 Wellhead Protection Outer-Management Zone means an area of potential ground water recharge around a well that should be protected from surface and subsurface sources of man-made pollution in order to protect the quality of drinking water supplies. This area varies for individual wells and has a radius in accords with Attachment A and Attachment B from the center of each wellhead.

3. Penalty for Violation

Upon determination that a violation of this article has occurred, the Director of the Department shall issue to the person responsible for the illicit discharge a written notice of the violation and the time in which to take steps to prevent a recurrence of the illicit discharge.

Any person who violates any provision of this article shall be subject to a fine not to exceed

\$500.00 or imprisonment for not more than sixty (60) days, or both such fine and imprisonment. Every day that a violation continues shall constitute a new and separate offense.

The City Attorney may institute injunctive, mandamus or other appropriate action or proceedings at law or equity for the enforcement of this article or to correct violations of this article.

The City Attorney may institute proceedings to abate a nuisance for violations of this article that constitute a nuisance as defined in the City Code of Ordinances.

4. Applicability

No person shall undertake or permit to be undertaken, uses and actions that are not in compliance with the requirements of this article.

5. Power of the Department

The Department shall have the power to administer and enforce all regulations and procedures adopted to implement this article.

The Department shall develop and update periodically, a Wellhead Protection Plan for the city.

In addition, the Department has the authority to inspect private facilities that are potential pollution sources to enforce compliance with the requirements of this article.

6. Establishment of Wellhead Protection Zones

6.1 There is hereby established a use district to be known as a Wellhead Protection Control Zone, identified and described as all the area within a circle the center of which is the center of any existing or proposed City of ARNOLDSVILLE water supply well. This area has a radius of 15 feet from the center of each wellhead and in accords with Attachment A and Attachment B.

6.2 There is hereby established a use district to be known as a Wellhead Protection Inner-Management Zone, identified and described as all the area within a circle from the center of any existing or proposed City of ARNOLDSVILLE water supply well. The radius of this zone varies for individual wells and it is based on the geology of the well site and water yield to be obtained from the well. Current wellheads within this zone have a radius in accords with Attachment A and Attachment B from the center of each wellhead.

6.3 There is hereby established a use district to be known as a Wellhead Protection Outer Management Zone, identified and described as all the area within a circle from the center of any existing or proposed City of ARNOLDSVILLE water supply well. The radius of this zone varies for individual wells and it is based on the geology of the well site and water yield to be obtained from the well. Current wellheads within this zone have a radius in accords with Attachment A

and Attachment B from the center of each wellhead.

6.4 All The Wellhead Inner and Outer-Management Protection Zones are established according to the geology and are shown on the Wellhead Protection Management Zones Map. This map (Attachment B) is part of this ordinance.

7. Prohibited Uses Within Wellhead Protection Control Zone

The following uses or conditions shall be and are hereby prohibited within wellhead protection zone, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Section 6 of this Ordinance:

7.1 Storage of Chemicals other than those required for water treatment

7.2 Storage of vehicles or fuel.

7.3 Surface use or storage of hazardous materials, expressly including commercial use of agricultural pesticides.

7.4 Septic tanks or drain fields appurtenant thereto.

7.5 Impervious surfaces other than roofs of buildings, and streets, driveways and walks serving buildings.

7.6 Municipal Solid Waste, Industrial Waste or Construction/Demolition Waste Landfills.

7.7 Hazardous Waste disposal sites.

7.8 Stormwater infiltration basins.

7.9 Underground Storage Tanks (UST).

7.10 Sewage Treatment Plants.

7.11 Use of septic system cleaners containing 1,1,1-trichloroethane.

7.12 Sanitary sewer lines.

7.13 Land application of Bio-solids;

7.14 Water wells active or abandoned that do not conform to the requirements of the Water Well Standards Act of 1985 (O.C.G.A. § 12-5-120, et. seq.).

8. Prohibited Uses Within Wellhead Protection Inner-Management Zone and Wellhead Protection Outer-Management Zone

The following uses or conditions shall be and are hereby prohibited within wellhead protection management zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Section 6 of this Ordinance:

8.1 Surface use of hazardous materials, expressly including commercial use of agricultural pesticides.

8.2 Municipal Solid Waste, Industrial Waste or Construction/Demolition Waste Landfills.

8.3 Hazardous Waste disposal sites.

8.4 Use of septic system cleaners containing 1,1,1-trichloroethane.

8.5 Land application of Bio-solids;

8.6 Water wells active or abandoned that do not conform to the requirements of the Water Well Standards Act of 1985 (O.C.G.A. § 12-5-120, et. seq.).

9. Discharge of Illicit Substances in Wellhead Protection Zones

In the event of accidental or willful discharge of regulated substances within the City's Wellhead Protection Zone, copies of all immediate and subsequent reporting required for compliance with federal and state regulations must also be submitted to the City of ARNOLDSVILLE, Department of Public Works on the same schedule.

10. Administrative and Judicial Appeal

10.1 Every person who disagrees with a decision of the Director of Planning and Zoning or his designee may appeal this decision by filing a written notice of appeal with the Director within seven (7) working days of the issuance of such decision by the Director.

10.2 The Director can then reverse his, or his designee's, decision or affirm the decision by forwarding the written notice of appeal to the City of ARNOLDSVILLE Zoning Board of Appeals. A notice of appeal shall state the specific reasons why the decision is alleged to be in error, and the Director shall prepare and send to the Zoning Board of Appeals and the appellant a written response to such notice of appeal within thirty (30) working days of receipt of the notice of appeal.

10.3 All appeals shall be heard by the Zoning Board of Appeals in accord with their normal course of business procedure. The hearing shall be within forty-five (45) working days after receipt of the written response to such notice of appeal. The Planning and Zoning Department shall certify the decision by the Zoning Board of Appeals within thirty (30) days after the

decision is made by the Zoning Board of Appeals.

10.4 The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Director.

10.5 Any party who is dissatisfied with the decision of the Zoning Board of Appeals may appeal to any court of competent jurisdiction within thirty (30) days of the date the decision is certified in writing to the Department by the Zoning Board of Appeals.

10.6 Waiver requests of the requirements of these regulations shall be submitted on an application form as prescribed by the Director, along with such fees as shall be established by the Mayor and Council of the City of ARNOLDSVILLE from time to time. The Director shall coordinate the review of each waiver request by all other affected city departments and shall summarize such comments and recommendations as may be received to the Mayor and Council of the City of ARNOLDSVILLE for final action in their normal course of business.

10.7 Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provisions of these regulations shall be guilty of violating the duly adopted ordinance of the City of ARNOLDSVILLE and shall be punished either by a fine not to exceed \$500.00 per day of violation or by imprisonment not to exceed sixty (60) days, or both. The owner of any lands or parts thereof, where anything in violation of these regulations shall be placed or shall exist, and each responsible party or other persons assisting in the commission of such violation, shall be guilty of a separate offense.

10.8 The Court shall have the power and authority to place any person found guilty of violation of these regulations on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the Court may require payment of restitution or impose other punishment allowed by law.

10.9 In any case in which any land is or is proposed to be, used or activities are undertaken in violation of these regulations, or any amendment thereto adopted by the Mayor and Council of the City of ARNOLDSVILLE, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding to a court of competent jurisdiction.

11. Administration

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

12. Miscellaneous Provisions

12.1 Conflict With Other Laws

Whenever the provisions of this article impose more restrictive standards than are required in or under any other article, the requirements herein contained shall prevail. Whenever the provisions of any other article require more restrictive standards than are required herein, the requirements of such shall prevail.

12.2 Severability

If any term, requirement or provision of this article or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this article or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this article shall be valid and be enforced to the fullest extent permitted by law.

12.3 Liability

Compliance with the provisions of this article shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law neither shall it impose any liability upon the city for damage to any person or property.

13.1. Effective date

The effective date of this ordinance shall be immediate upon the final passage hereof.

14.1. Conflict with other ordinances

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Date proposed to City Council of Arnoldsville. SEPTEMBER 20, 2018

Date of first reading of Ordinance SEPTEMBER 20, 2018

Date of second reading of Ordinance and date approved by City Council of Arnoldsville OCTOBER 18, 2018