

15-08-05 **Drinking Water Source Protection Ordinance**

A. Title, Applicability and Authority:

1. Title. This ordinance shall be known as the Drinking Water Source Protection Ordinance. The provisions of this Ordinance shall be effective within the boundaries of Sandy City, 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, including wells not owned by the City. This ordinance shall be liberally construed to effect the purposes set forth herein.
2. 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.
3. Authority. Sandy City has the authority to adopt this Ordinance to facilitate compliance with drinking water source protection regulations pursuant to the Land Use and Development Act, Subsection 10-9-102, the Utah Administrative Code, Section R309-113, and other such authorities and provisions as in the statutory and common law of the State of Utah.

- B. Purpose And Intent.** 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. 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 handling, movement, and storage of potentially hazardous materials.

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 nor any administrative order lawfully made thereunder.

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.

C. Extent And Designation of Recharge Areas And Protection Zones

1. Recharge Area and Protection Zone Map. The extent of the recharge areas and the protection zones may be seen on the "Recharge Area and Protection Zone Map," Exhibit 2. The "Recharge Area and Protection Zone Map" was completed April 7, 1998, and is incorporated and made a part of this ordinance. The recharge area boundary lines have been located along streets and or section lines for convenience of assessing which prohibition and restrictions apply to a specific property. This map shall be on file with Sandy City, and shall be maintained by the City and Public Water Systems whose groundwater resources lay within Sandy City boundaries and jurisdiction. Any amendments, additions, or deletions to this map shall be by the City and following written notice after approval by the Drinking Water Source Protection Review Committee. Notice shall be published at least 30 days prior to consideration by the committee.

2. Designation of Recharge Areas and Protection Zones. The following recharge areas and protection zones are hereby designated within Sandy City:
 - a. Primary Recharge Area, as determined by the USGS (see Exhibit 2).
 - b. Secondary Recharge, as determined by the USGS (see Exhibit 2).
 - c. Protection Zone 1 shall be the area within a 100-foot radius from the well or margin of the collection area.
 - d. Protection Zone 2 shall be area within a 250-day groundwater TOT to the 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.
 - e. Protection Zone 3 shall be the area within a 3-year TOT to the 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.
 - f. Protection Zone 4 shall be the area within a 15-year TOT to the 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.
3. In determining the location of properties and facilities within the areas and zones depicted on the Drinking Water Source Protection Overlay Map, the following rules shall apply.
 - a. Property located wholly or partially in a recharge area or a protection zone on the overlay 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 overlay map shall be governed by the restrictions applicable to the most restrictive protection zone.
4. Review of Recharge Area Protection Zone Map. The "Recharge Area and Protection Zone Map" shall be reviewed at least one time every 5 years or more frequently if determined appropriate by Sandy 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.

D. Permitted Uses, Conditional Uses, And Prohibitions Within Recharge Areas And Protection Zones

1. Releases. No person shall discharge, or permit the discharge of any regulated substances or petroleum products, whether treated or untreated, to soils, air, groundwater, or surface water in any recharge area or protection zone, that may have a deleterious effect upon the groundwater in Sandy City, unless the release is in compliance with federal, state, and local regulations.

2. Prohibitions and Restrictions. Table 1 is a summary matrix of Potential Contamination Sources and their prohibited, permitted, or if permitted, conditional use in the protection zones referenced in Section 15-08-05(F) of this Chapter.
3. Review of Development Plans. All development plans that lie within the primary recharge area shall be reviewed by a registered geologist who has demonstrated expertise in the assessment of recharge rates. Any development that will result in a loss of the beneficial use of groundwater or that may have an adverse or negative effect upon local groundwater quality shall be rejected. Plans that are rejected may be revised by the developer and resubmitted to Sandy City for subsequent review by a registered geologist. Developments that do not lie within either the primary or secondary recharge area may proceed with the development plan processing requirements of Sandy City.

E. Management Strategies And Performance Standards.

1. 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 1 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 261, Subpart D) and List of Extremely Hazardous Substances (40 CFR Part 355, Appendix A and B) 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 311 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.

2. 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.

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.

1. Regulated Substances Emergency Management Plan. An emergency plan shall be prepared and filed with the Department, the Fire Department, the Police Department and the Public Utilities Department 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.
2. 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 (40 CFR 302, effective July 3, 1986), shall be reported by telephone to the City and designated water utility within 1 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.
3. 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.
4. 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 USTs. The permit shall require that leaking tanks be pumped dry and removed from the ground by a state-licensed company. If removal of the UST(s) 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.

8. Septic Tank Systems. No person shall place, maintain, or operate onsite sewage disposal from a septic tank within the primary recharge area, 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 which have septic tank systems shall have installed a 4-inch-diameter vertical pipe with a locked cap or locked top in the top of the septic tank. This monitoring pipe shall be located in a manner which will permit ready access by Department personnel to extract representative samples to check for improper/unauthorized disposal of regulated substances.

A septic holding tank that does not discharge into the soil would be preferred. The contents of a septic holding tank are removed, and can be treated or disposed of at an appropriate facility.

9. 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 1 or 2.

10. 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.

11. Deicing Salt Storage and Application. Deicing 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.
12. Landfills. Expansion or creation of new landfills is prohibited in the primary recharge area and Zone 1 and Zone 2. Existing landfills in the Primary Recharge Area or in Protection Zone 1 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. Environmental Quality Monitoring. Facilities which have had, or appear to 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 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.

F. **Table - Land Use Matrix for Potential Contamination Sources.**

1. The following table identifies uses which have varying potentials to contaminate groundwater sources. These uses have been classified according to the risk of contamination in each protection zone as follows:

Permitted Uses (P)—The risk of contamination is considered relatively low in the specified zone if regulatory requirements and Best Management Practices are implemented and, therefore, the use is permitted.

Conditional Uses (C)—The risk of contamination is moderate in the specified zone. The use may be permitted only after Conditional Use review and approval by the Planning Commission. Approval is subject to implementation of Best Management Practices and compliance with other reasonable conditions as may be established by the Planning Commission. The Utah Division of Drinking Water Quality shall review all conditional use requests.

Prohibited Uses (X)—The risk of contamination is very high in the specified zone. The use is not permitted.

Stormwater: R-317-8-3.8(1)(a) Pretreatment: Contact Local Municipal Wastewater Plant
R-317-8-3.8(b)(c)+(d)

A. Table of Uses

Potential Contamination Source	Protection Zone					Related Regulations	Best Management Practice(s)
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 and 4		
Abandoned wells	X	X	X	X	X	State Rule R655-4, 12.1 to 1.2 for requirements to abandon wells.	
Agricultural pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	C	C	X	C	C	FIFRA – 40 CFR 152-156, 157/RCRA Subtitle C/ Utah Pesticide Control Act	BMP – Department of Agriculture

Potential Contamination Source	Protection Zone					Related Regulations	Best Management Practice(s)
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 and 4		
Airport maintenance and fueling sites	C	C	X	C	C	Stormwater UST	
Appliance repair	P	P	X	P	P	RCRA Subtitle C	
Auto operations and fleet vehicle maintenance facilities (commercial):							BMP-SL Co. Health
▪ Dealership maintenance departments						RCRA-C/UST/ Pretreatment	
▪ Tire							
▪ Auto body	C	C	X	C	C		
▪ Engine repair							
▪ Rust proofing							
▪ Oil and lube shops						Used Oil UAC R315-5	
▪ Vehicle rental with maintenance							
Beauty salons	C	P	X	C	P		
Boat building and refinishing	C	P	X	C	C	RCRA Subtitle C	
Car washes	C	C	X	C	C	Pretreatment	Contact Local Planning Department
Cemeteries, golf courses, parks, and plant nurseries	C	C	X	C	C	FIFRA	
Chemical reclamation facilities	C	C	X	C	C	RCRA Subtitle G	
Chemigation wells	C	C	X	X	C	UIC	
Concrete, asphalt, and tar companies	C	C	X	C	C		
Dairy farms and animal feed lots (more than 10 animal units)	C	P	X	X	P	UPDES, R-317-8	
Dry Cleaners (with onsite chemicals)	C	C	X	X	P	RCRA Subtitle C, Pretreatment/ SLCo. BMP	
Dry Cleaners (without onsite chemicals)	P	P	X	P	P		
Embalming Services	C	C	X	C	C	Pretreatment	
Farm Operations							
▪ Dump sites	X	C	X	C	C	Used Oil R315-15, Solid & Hazardous – RCRA Subtitle C	
▪ Maintenance garages	C	C	X	C	C	Used Oil, RCRA Subtitle C	
▪ Manure piles (< ____ cubic feet)	C	C	X	C	P	UPDES, R-317-8, GW R-317-6	
Food processing, meat packing, and slaughter houses	C	C	X	X	P	UPDES, R-317-8, Pretreatment	

Potential Contamination Source	Protection Zone					Related Regulations	Best Management Practice(s)
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 and 4		
Fuel, oil, and heating oil distribution and storage facilities	X	C	X	C	C	Section 6.1 through 6.1.4 of this ordinance	
Furniture stripping, painting, and finishing businesses	C	C	X	C	C	RCRA, Subtitle C	
Gasoline service stations (including underground storage tanks)	C	C	X	C	C	Local zoning and land use regulations; UST guidelines	
Hospitals and medical, dental, and veterinary offices	C	C	X	C	C	Solid & Hazardous	
Industrial manufacturers of: chemicals, pesticides, herbicides, paper products, leather products, textiles, rubber, plastic, fiberglass, silicone, glass, pharmaceuticals, and electrical equipment, etc.	X	C	X	C	C	Sections 6.1 through 6.1.4 and Section 6.3 of this ordinance FIFRA + RCRA Subtitle C	
Industrial waste disposal/impoundment areas	X	C	X	C	C	GWR-317-6, RCRA Subtitle C	
Junk and salvage yards	X	C	X	C	C		SL Co. BMP
Landfills and transfer stations	X	C	X	C	P	UDSW, Solid Waste Rules R315-301-320; Section 6.8 of this ordinance; RCRA Subtitle D	
Laundromats	C	P	X	P	P	Pretreatment	
Machine shops, metal plating, heat treating, smelting, annealing, and descaling facilities	X	C	X	C	C	Pretreatment, RCRA Subtitle C	
Mining Operations							
• Radiological	C	C	X	P	P	UAC GW R317-6, UAC R313-25	
• Sand and gravel excavation and processing	C	P	X	P	P	Const UAC R317-1	
Municipal wastewater treatment plants	C	C	X	X	P	UDWQ, Design Requirements for Wastewater Collection, Treatment, and Disposal Systems,	
Photo processing and print shops	C	C	X	C	C	Pretreatment	
Railroad yards	C	P	X	P	P	Used Oil	
Residential pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	C	P	X	C	C		Follow manufacturer's directions for use and storage
Residential underground storage tanks	X	C	X	C	P	UAC R311-203, 205, 206	
RV waste disposal stations	C	C	X	X	P	UAC R392	

Potential Contamination Source	Protection Zone					Related Regulations	Best Management Practice(s)
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 and 4		
Salt and salt-sand piles	C	C	X	C	C	Section 6.7 of this ordinance	DEQ/UDOT BMP
Septic tank drain field systems	X	C	X	X	C	UDWQ, Individual Wastewater Disposal Systems, UAC, R317-501 through R317-513, State Department of Health, Code of Waste Disposal Regulations, Part IV and Part V	
Stormwater detention basin and snow storage sites	C	C	X	C	P		
Toxic chemical storage and oil pipelines	X	X	X	X	X	Section 6.1 through 6.1.4 of this ordinance	
Wood preservative treatment facilities	X	C	X	C	C		
UAC: Utah Administrative Code UDDWQ: Utah Division of Drinking Water Quality UDOGM: Utah Division of Oil, Gas, and Mining UDSW: Utah Division of Solid Waste RCRA: Resource Conservation and Recovery Act							

G. Exclusions and Exemptions. Exclusions and exemptions shall not pertain to Zones 1 and 2 within 100 feet from the wellfield in the recharge areas.

1. 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.
2. 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.
 3. Vehicular and Lawn Maintenance Fuel and Lubricant Use. 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.

H. Enforcement, Violation and Penalties

1. Inspections. The Department shall be granted the right, under this Ordinance, to enforce the provisions of this Ordinance for Sandy City. An authorized officer of Sandy City or the Salt Lake City-County Department of Health has the right to conduct inspections of facilities to determine compliance with the Ordinance. The authorized officer or the Salt Lake City-County Department of health 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 Sandy City and/or the Salt Lake City-County Department of health shall enforce the provisions of this ordinance without regard to whether the wells within Sandy City boundaries are owned by Sandy City. 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.
2. 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 or Primary or Secondary Recharge Area 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.

3. Appeals. Persons cited under the enforcement provisions of sub-sections A and B above 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.

I. **Other.**

1. 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.

2. Disputes. Disputes arising from the delineation of DWSP Zones and Primary and Secondary Recharge Areas 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.
 3. Review of the Ordinance. The City, the Drinking Water Source Protection Review Committee, and all water utilities whose wells and/or springs lay within the City boundaries shall review the provisions of this Ordinance at least once every 5 years, or more frequently if determined appropriate by the City, to determine its applicability and may incorporate changes as deemed appropriate.
- J. **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 and/or Salt Lake City-County Department of Health and for damages for injury to, destruction of, or less 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 and/or Salt Lake City-County Department of Health 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.
- K. **Administration**. The policies and procedures for administration of any Protection Zone or Primary and Secondary Recharge Area 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.

L. **Exhibit 1. 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 compounds
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

M. Exhibit 2. (Map of Primary and Secondary Recharge Areas). Full-sized, detailed map on file with the Public Utilities Department.

