

ARTICLE 13

WO,WP WELL FIELD PROTECTION DISTRICTS

13.01

INTENT

It is the intent of the WO Wellhead Operation District and the WP Well Field Protection Overlay District to safeguard the public health, safety and welfare of the customers of the 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 in Section 13.02 of this Article of the Zoning Code. These districts will be shown on the City of Bellbrook Zoning Map at the location of any existing or proposed public wells and their capture areas.

13.02

DEFINITIONS

"Aquifer" means a glacial formation, group of glacial formations, or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.

"Deminimis Quantity" means a specified amount Regulated Substances, expressed in gallons and/or pounds, that is excluded from the provisions of the WO Wellhead Operation District and the WP Well Field Protection Overlay District regulations. Any use of Regulated Substances in excess of the deminimis quantities and not explicitly subject to exclusion is considered non-conforming.

"Direct Recharge Area" means that portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

"Non-Routine Maintenance" means activities necessary not more frequently than every twenty-four (24) months to keep structures and equipment in good repair.

"One Year Capture Area" means the area around protected public water supply well fields delineated by the one-year travel time contour.

"Overlay District" means a district described on the zoning map within which, through super-imposition of a special designation, certain regulations and requirements apply, in addition to those of the underlying zoning districts to which such designation is added.

"Potable Water" means water that is satisfactory for

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drinking, culinary and domestic purposes, meeting current drinking water standards.

"Protected Public Water Supply" means a public water system which services as 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.

"Recharge Lagoon" means a body of water designed and maintained by man to add water to the groundwater at a rate greater than that occurring naturally.

"Regulated Substances" means chemicals and mixtures of chemicals which 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, hepatoxins, nephrotoxins, neurotoxins, agents which act on the hemotopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

(2) Mixtures of chemicals which 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 percent (1%) or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include carcinogen if the concentration of the carcinogen in the mixture is one tenth of one percent (.1) or greater of the composition on a weight per unit weight basis.

(4) Ingredients of mixtures prepared within the WP 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%) of the mixture on a weight per unit weight basis if non-carcinogenic.

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- (5) Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

"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.

"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 percent (10%) or more beneath the surface of the ground. Flow-through process tanks and septic tanks approved by the Health department or State Environmental Protection Agency, as applicable, are excluded from the definition of underground storage tanks.

"Well Field" means a tract of land that contains a number of wells for supplying water.

"Zone of Influence" means a zone delineated by iso-travel time contours around well fields. The zone is calculated, based on the rate of movement of groundwater in the vicinity of well with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.

13.03

DETERMINATION OF APPLICABILITY

(1) Responsibility

It shall be the responsibility of any person owning real property and/or owning or operating a business within the City of Bellbrook to make a determination of the applicability of this Article as it pertains to the property and/or business and failure to do so shall not excuse any violations of this Article.

(2) Applicability Based on Regulated Substances

Applicability based on de minimis quantities and/or limited exclusions pertaining to Regulated Substances as set forth in this Article shall be determined separately for each use, as defined in Article 3, Section 3.02, Paragraph 107, associated with the property.

13.04

WO WELLHEAD OPERATION DISTRICT

(1) Permitted Principal Uses:

(a) Municipal water supply, treatment, and operations facilities in accordance with the City of Bellbrook's plan(s) for water supply and treatment.

(b) Public parks, playgrounds and community centers.

(2) Conditional Uses:

(a) Public utility uses including electric and telephone substations; gas regulator and meter station buildings; and electric and communications transmission towers and structures.

(b) Existing single family detached residences.

(3) Groundwater Protection Standards:

(a) Use of Regulated Substances in conjunction with public water supply and treatment activities shall not be restricted by this paragraph.

(b) Use of Regulated Substances in conjunction with public parks, playgrounds and community centers shall be in accordance with the City of Bellbrook's management plan for Maintenance of Sensitive Areas.

(c) Use of Regulated Substances in conjunction with conditional uses in this district shall be limited to:

(1) The aggregate of Regulated Substances in use may not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time.

(2) The total use of Regulated Substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.

(d) A limited exclusion from the provisions of Section 13.04, Paragraph (3)(c) is authorized for non-routine maintenance or repair of property or equipment. The use of Regulated Substances under this exclusion shall be limited to:

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(1) The aggregate of Regulated Substances in use may not exceed fifty (50) gallons or four hundred (400) pounds at any time.

(2) The total use of Regulated Substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.

(e) Storage of regulated Substances in conjunction with public water supply and treatment activities shall not be restricted by this paragraph.

(f) Underground storage of fuel and lubricants for vehicle operations in conjunction with permitted and conditional uses in this district shall be in tanks placed above the floor surface of a below grade vault. Said vault shall allow access for physical inspection of the tank for leakage and the interior of the vault shall be continuously monitored and alarmed to provide for automatic and immediate detection of any release from the tank.

(g) Notwithstanding other provisions of this Article, nonconforming uses in this district presently utilizing underground storage tanks for fuel and lubricants for vehicle operations shall be permitted to replace existing tanks with those constructed as per the specifications of Section 13.04, Paragraph (3)(f) and not exceeding the capacity of existing tanks. Replacement of underground tanks for Regulated Substances other than fuel and lubricants for vehicle operations is not permitted.

(h) Storage of Regulated Substances other than fuel and lubricants for vehicle operations in conjunction with permitted and conditional uses in this district is prohibited.

(i) As part of the findings required under Article 19 of the Zoning Code prior to issuance of a Zoning Permit/Certificate of Zoning Compliance, the Zoning Officer shall utilize the Hazard Potential Ranking System, identified in Section 13.05, Paragraph (9) to assist in the determination of intensity of use within this district. No substitutions of a non-conforming use shall be permitted which result in an increase of the Hazard Potential Ranking on a parcel within

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this district.

(j) All uses within this district shall be connected to the public wastewater disposal system within a three (3) year period from the effective date of this Ordinance or have a wastewater disposal system approved by the Greene County Combined General Health District.

13.05

WP WELL FIELD PROTECTION OVERLAY DISTRICT

(1) Applicability of Well Field Protection Overlay District to Underlying Zoning Districts:

The provisions of this Section shall be applicable to all lands shown as being located within the boundaries of the WP Well Field Protection Overlay District on the 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.

(2) Permitted Principal Uses:

The permitted uses within the WP Well Field Protection Overlay District shall be those of the underlying zoning district.

(3) Accessory Uses:

Accessory uses and buildings within the WP Well Field Protection Overlay District shall be those customarily incident to the permitted principal uses of the underlying zoning district.

(4) Conditional Uses:

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

(a) The conditional uses within the WP Well Field Protection Overlay District shall be those of the underlying zoning district, except as specified in Section 13.05, Paragraphs (4)(b) and (7).

(b) When listed as a permitted or conditional use within the underlying zoning district, the excavation, extraction, mining or processing of sand, gravel and limestone from the earth for resale shall remain as conditional uses in the WP

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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 material.

(5) Surface drainage plan:

(A) Drainage into on-site excavation 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 excavation 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).

(5) Non-Conforming Uses:

Uses using, storing, handling and/or producing Regulated Substances in amounts in excess of the quantities specified in Section 13.05, Paragraphs (8)(a) through (8)(f) are non-conforming uses subject to the requirements of this Section.

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(6) Yard Requirements and Building Height Regulations:

Yard requirements and building height regulations shall be those of the underlying zoning district.

(7) Prohibited Uses:

Sanitary landfills, drywells, landfills comprised of demolition debris or other non-approved matter and junkyards are prohibited within the WP Well Field Protection Overlay District.

(8) Groundwater Protections Standards:

(a) Use, storage, handling and/or production of Regulated Substances in conjunction with permitted and conditional uses in this district shall be limited to:

(1) Aggregate of Regulated Substances: The aggregate of Regulated Substances in use, storage, handling and/or production may not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time.

(2) Total Use of Regulated Substances: The total use, storage, handling and/or production of Regulated Substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.

(b) A limited exclusion from the provisions of Section 13.05, Paragraph (8)(a) is authorized for non-routine maintenance or repair of property or equipment. These, storage, handling and/or production of Regulated Substances under this exclusion shall be limited to:

(1) The aggregate of Regulated Substances in use, storage, handling and/or production may not exceed fifty (50) gallons or four hundred (400) pounds at any time.

(2) The total use, storage, handling and/or production of Regulated Substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.

(3) The application of USEPA approved agricultural chemicals by licensed personnel

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using USEPA best recommended practices. Below ground applications in excess of one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period shall require 72 hour prior notice to the City of Bellbrook Administrative Officer or his designee.

(c) A limited exclusion from the provisions of Section 13.05, Paragraph (8)(a) is authorized for each medical and research laboratory use, provided however, Regulated Substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (4) pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed two hundred and fifty (250) gallons or two thousand (2,000) pounds.

(d) A limited exclusion from the provisions of Section 13.05, Paragraph (8)(a) is authorized for Regulated Substances which are cleaning agents, provided, however, such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided the aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. In no case shall Regulated Substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.

(e) A limited exclusion from the provisions of Section 13.05, Paragraph (8)(a) is authorized for on-site storage of a maximum one-year supply of agricultural chemicals to be used for routine on-site agricultural operations, provided such substances are stored in standard approved packaging and such chemicals are applied to cropland under Best Management Practices as indicated by soil tests, agricultural experts or label directions approved by the United States Environmental Protection Agency (EPA) or the Ohio Department of Agriculture. This limited exclusion also applies to the application of agricultural chemicals to cropland where such chemicals are brought in from other locations. This provision does not exempt such agricultural chemicals either stored on-site or brought in from other locations from the inventory, spill reporting and underground storage tank protection requirements of the WP Well Field Protection Overlay District.

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(f) With the exception of residential use of heating fuels in tanks having a capacity equal to or less than five hundred (500) gallons, the underground storage of fuel and lubricants for vehicle operation and fuel for building and/or process heating in conjunction with permitted and conditional uses in this district shall be in tanks secondarily contained and monitored. Such installations shall be subject to approval by the Zoning Inspector or his designee.

(g) Notwithstanding other provisions of this Article, non-conforming uses in this district presently utilizing underground storage tanks for fuel and lubricants for vehicle operations and fuel for building and/or process heating shall be permitted to replace existing tanks with those constructed as per the specifications of Section 13.05, Paragraph (8)(f) and not exceeding the capacity of existing tanks. Replacement of underground tanks for Regulated Substances other than the above noted fuels and lubricants is not permitted.

(h) As part of the findings required under Article # 19 of the Zoning Ordinance prior to issuance of a Zoning Permit or a Certificate of Zoning Compliance, the Zoning Inspector or his designee shall utilize the Hazard Potential Ranking System in Section 13.05, Paragraph (9) to assist in the determination of intensity of use within this district. No substitutes of a non-conforming use shall be permitted which result in an increase of the Hazard Potential Ranking on a parcel within this district. If the quantities of Regulated Substances initially exceed the deminimis quantities above, they shall be considered legally non-conforming. Such legally non-conforming quantities cannot be increased.

(9) Hazard Potential Rating System:

In order to assess the risk for potential groundwater contamination, a hazard rating has been developed for various activities categorized by their Standard Industrial Classification (SIC) Code. This rating is based on the kind of materials commonly associated with each use looking only at the most critical hydrologic factors.

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Table 1 below lists the site hazard potential by land use activity (source) on a scale of one (1) to nine (9), with one (1) being a low hazard and nine (9) a very high hazard. This rating is based on the intrinsic hazards posed by different land uses and is related to the materials commonly used or stored on the site or the types and amounts of wastes commonly discharged.

Table II below lists the hazard potential determined on the basis of materials known to be used, stored or disposed of at a specific site.

If the two tables referenced above indicate different site hazard potential ratings for the SIC-coded land use activity and the materials found on-site, the higher of the two scores is the rating for the site.

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(10) Enforcement Provisions:

(a) Scope:

(1) The provisions of this Section shall be effective within the WP Well Field Protection District, except as otherwise provided. This Ordinance provides for pollution control pertaining to the public water supply.

(2) Nothing contained in this section shall be construed so as to interfere with any existing or future lawful requirements that may be, or heretofore were, imposed by any other public body authorized to enact sanitary, health or water pollution abatement restrictions so long as such requirements are consistent with, or more stringent than, the stated purpose of this Ordinance.

(b) Administration:

Except as otherwise provided herein the Administrative Officer for the City of Bellbrook or his designee, hereinafter referred to as the Administrative Officer, shall administer, implement, and enforce the provisions of this Section.

(c) Notice of Violation:

(1) Any person found in violation of any provisions of this Section or any order, requirement, rule or regulation Issued under the authority of this Section will be served with a written notice stating the nature of the violation and providing reasonable time for compliance; provided however, written notice of violation may be dispensed with under the conditions described In Section 13.05, Paragraph (10)(i)(2) and provided further, that if the Administrative Officer has previously promulgated 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 Administrative Officer may dispense with establishing another time period for compliance.

(2) The notice shall be served in the manner provided by law for the service of civil

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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.

(d) Inspections: Subject to applicable provisions of law, the Administrative Officer 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 Ordinance to ensure that activities are in accordance with the provisions of this Section. Upon request of the entity which is the subject of the Inspection, and if permitted by the State 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 Administrative Officer for the above stated purposes, the Administrative Officer may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.

(e) Vandalism: No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, property, or equipment which is a part of or used in conjunction with water facilities of the City of Bellbrook and/or any other protected public water supply, or which results in the violation of the provisions of this Ordinance.

(f) Severability: A finding by any court or other jurisdiction that any part or provision of this Ordinance is invalid shall not affect the validity of any other part or provision of this Ordinance which can be given effect without the invalid parts or provisions.

(g) Handling of Regulated Substances:

(1) No person shall place, deposit, or permit to be deposited, store, process, use, produce, dispose of, transport, or discharge, hereinafter referred to as "handle," any Regulated Substance on public or private

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property within the City of Bellbrook or in any area under the jurisdiction of the City of Bellbrook except as provided by law, statute, ordinance, rule or regulation.

(2) Any violation of this paragraph is hereby determined to be a nuisance.

(h) Underground Storage Tanks Declared to Constitute Dangerous Nuisances:

(1) With the exception of the residential use of home heating fuel in tanks having a capacity equal to or less than five hundred (500) gallons, and underground storage systems for accessory vehicle fuel, vehicle lubricants, fuel for building heating and fuel for process heating, any storage of Regulated Substances In underground storage tanks within the WP Well Field Protection Overlay District shall be deemed to constitute a dangerous nuisance. Every such nuisance must and shall be abated no later than five (5) years from the effective date of this Ordinance.

(2) With the exception of residential use of home heating fuel in tanks having a capacity equal to or less than five hundred (500) gallons, any underground storage tank systems for vehicle fuel and lubricants and fuel for building and/or process heating within the WP Well Field Protection Overlay District not removed within five (5) years from the effective date of this Ordinance must be secondarily contained and monitored in accordance with plans submitted to and approved by the Administrative Officer and the City of Bellbrook Fire Department.

(i) Reporting Requirements:

(1) Regulated Substance Activity Inventory:

(A) Applicability:

(1) Except as provided in Section 13.05, Paragraph (10)(i)(1)(B), any owner or occupant of any land in the WP Well Field Protection Overlay District at the effective date of this Ordinance, shall file

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a Regulated Substance Activity Inventory Report with the Administrative Officer. Said Report shall be filed within one hundred and eighty (180) days of the effective date of this Ordinance and at twenty-four (24) month intervals thereafter.

(2) Except as provided in Section 13.05, Paragraph (10)(i)(1)(B), any new owner or occupant of any land in the WP Well Field Protection Overlay District shall file a Regulated Substance Activity Inventory Report prior to receipt of a Zoning Permit or a Certificate of Zoning Compliance and at twenty-four (24) month intervals following the date of occupancy. For purposes of this paragraph, "new" shall be defined as subsequent to the effective date of this Ordinance.

(3) Where a person owns, operates or occupies more than one location, Regulated Substance Activity Inventory Reports shall be made for each location.

(4) Agricultural uses shall file a Regulated Substance Act Inventory Report within one hundred eighty (180) days of the effective date of this Ordinance and at twelve (12) month intervals thereafter. Regulated Substance Inventory Activity Reports for agricultural uses shall include total annual on-site application of Regulated Substances for the reporting property.

(B) Exclusions to Activity Inventory Reporting:

(1) Any exclusion set forth in this subsection shall apply provided that said exclusion does not substantially increase any risk or hazard to the public health or

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water supply, wells or well fields; and provided further that any spill, leak, discharge or mishandling shall be subject to the provisions of Section 13.05, Paragraph (10)(i)2. Any exclusions granted herein shall not remove or limit the liability and responsibility of any person or activity Involved.

(2) A limited exclusion from Regulated Substance activity Inventory reporting Is hereby authorized for Incidental uses of Regulated Substances provided the uses are limited as follows:

(a) The aggregate of Regulated Substances in use may not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time.

(b) The total use of Regulated Substances may not exceed fifty (50) gallons or four hundred (400) pounds In any twelve(12) month period.

(3) A limited exclusion from Regulated Substance activity inventory reporting is hereby authorized for non-routine maintenance or repair of property or equipment In the WP Well Field Protection Overlay District provided the uses are limited as follows:

(a) The aggregate of Regulated Substances In use may not exceed fifty (50) gallons or four hundred (400) pounds at any time.

(b) The total use of Regulated Substances may not exceed one hundred (100) gallons or eight hundred (800)

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pounds in any twelve (12) month period.

(4) A limited exclusion from Regulated Substance activity Inventory reporting is hereby authorized for Regulated Substances which are cleaning agents, provided however, such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided the aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. In no case shall Regulated Substances claimed under the exclusion include hydrocarbon or halogenated hydrocarbon solvents.

(5) A limited exclusion from Regulated Substance activity Inventory reporting is hereby authorized for medical and research laboratory uses in the WP Well Field Protection Overlay District, provided however, Regulated Substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate Inventory of Regulated Substances shall not exceed two hundred and fifty (250) gallons or two thousand (2,000) pounds.

(6) An exclusion from Regulated Substance activity inventory reporting is hereby authorized for the transportation of Regulated Substances through the WP Well Field Protection Overlay District provided that the transportation vehicle is in compliance with applicable local, State, and Federal laws and regulations; provided that the regulated substance is fueling the transportation vehicle; and

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provided that the transportation vehicle is in continuous transit, making delivery, or is stopped for a period of time not to exceed seventy-two (72) hours.

(7) A limited exclusion from Regulated Substance activity Inventory reporting is hereby authorized for owners and occupants of single or two family residences, provided however, the storage and use of Regulated Substances are related to the maintenance of the residence or vehicles under control of the occupant and provided waste Regulated Substances, are appropriately disposed of to a permitted solid waste facility or a permitted publicly-owned wastewater treatment works.

(2) 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 remediated, give notice to the Public Works Director of the City of Bellbrook or the operator on duty at the affected or potentially affected water treatment facility by telephone within thirty (30) minutes. The notification shall include at a minimum, 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 sulphur-compounds, etc. used in routine agricultural operations, including plant nutrients and crop

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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 the City of Bellbrook in response to such an incident, in addition to the amount of any fines imposed on account thereof under State and Federal law; said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of recurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than one hundred eighty (180) days after the incident.

(3) Falsifying Information:

No person shall make any false statement, representation, or certification in any report or other document filed or required to be maintained pursuant to this Ordinance.

(4) Retention of Records:

Any reports or records compiled or submitted pursuant to this paragraph shall be maintained by the user for a minimum of five (5) years or so long as enforcement or judicial proceedings are being pursued, whichever is longer.

(j) Public Water Supply Protection Authorities:

(1) Application: If any activity or use of Regulated Substance is deemed by the Administrative Officer to pose a real and present danger of contaminating surface and/or groundwater which would normally enter

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the public water supply, the Administrative Officer, in accordance with Section 713.13 of the Ohio Revised Code, is authorized to:

(A) Cause cessation of said activity or use of the Regulated Substance;

(B) Require the provision of administrative controls and/or facilities sufficient to mitigate said danger; and/or

(C) Cause the provision of pollution control and/or abatement activities.

(2) Considerations: When considering the exercise of any of the above authorities or actions, the Administrative Officer shall consult with the appropriate administrative official of any potentially affected protected public water supply. Such consultation shall determine what measures need to be taken to ensure the public water supply is reasonably and adequately protected from contamination for the present and the future. The Administrative Officer may take into consideration any evidence represented by the entity regarding cost effectiveness and the economic effectiveness and the economic impact imposed by the requirements or actions.

(3) Exemption of Certain Regulated Substances:

The Administrative Officer is authorized to exclude certain Regulated Substances, that pose no threat to groundwater, from the provisions of these regulations. Prior to authorizing the exemption of any Regulated Substance, the Administrative Officer shall have such request for exemption reviewed by the Environmental Advisory Board. The recommendation of the Environmental Advisory Board shall be binding on the Administrative officer.

(4) Technical Consultants: Upon application for a Certificate of Zoning Compliance and/or Occupancy Certificate for a use within the WP Well Field Protection Overlay district, the Administrative Officer may employ such

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technical expertise as needed to ensure compliance with the provisions of these regulations. All costs incurred in the compliance review process shall be passed through to the applicant and shall be in addition to those fees normally charged by the City of Bellbrook to review an application for a Certificate of Zoning Compliance and/or Occupancy Certificate.

(k) Well Field Protections Board:

(1) Appeals: Any person may appeal an action of the Administrative Officer made pursuant to this Ordinance as provided for under Article #20 by filing a Notice of Appeal within twenty (20) days of said action and a Statement of Appeal within thirty (30) days of the date that the order being appealed was issued. A Notice of Appeal shall include at a minimum, name, address, telephone number, date, and a statement of intent of appeal. A Statement of Appeal shall include all information contained in the Notice of Appeal, a description of the nature of the appeal, and any pertinent documentation.

(2) Appeals Board: The Board of Zoning Appeals of the City of Bellbrook shall hear Well Field Protection Overlay District appeals. Said Board shall have the authority to take appeals, investigate matters related to said appeals, deny, uphold, or otherwise modify or waive, the Administrative Officer's actions on a case-by-case basis.

(1) Penalties for Violations:

Vandalism: A violation of the provisions of Section 13.05, Paragraph (10)(e), beyond the time limit for compliance set forth by the Administrative Officer, Notice of Violation, or the compliance schedule established by the Administrative officer, shall constitute a minor misdemeanor punishable as provided in Article #19 of the Zoning Code.

TABLE ICONTAMINENT HAZARD POTENTIAL RANKING - CLASSIFIED BY SOURCE

SIC NUMBER	DESCRIPTION OF WASTE SOURCE	HAZARD POTENTIAL INITIAL RATING
01	AGRICULTURAL PRODUCTION-CROPS	1-2
02	AGRICULTURAL PRODUCTION-LIVESTOCK	
021	Livestock, except Dairy, Poultry & Animal Specialties	(5 for Feedlots)
024	Dairy Farms	4
025	Poultry & Eggs	4
027	Animal Specialties	2-4
029	General Farms, primarily Livestock	2
10	METAL MINING	
101	Iron Ores	4
102	Copper Ores	6
103	Lead and Zinc Ores	5
104	Gold and Silver Ores	6
105	Bauxite & other Aluminum Ores	5
106	Ferroalloy Ores except Vanadium	5
108	Metal Mining Services	4
1092	Mercury Ore	6
1094	Uranium-Radium-Vanadium Ores	7
1099	Metal Ores Not Elsewhere Classified	5
11	ANTHRACITE MINING	7
12	BITUMINOUS COAL AND LIGNITE MINING	7

13	OIL AND GAS EXTRACTION	
	131 Crude Petroleum and Natural Gas	7
	132 Natural Gas Liquids	7
	1381 Drilling Oil and Gas Wells	6
	1382 Oil and Gas Field Exploration Svcs	1
	1389 Oil and Gas Field Svcs Not Elsewhere Classified	Var.

14	MINING AND QUARRYING OF NON-METALLIC MINERALS, EXCEPT FUELS	
	141 Dimension Stone	2
	142 Crushed & Broken Stone, Inc Riprap	2
	144 Sand & Gravel	2
	145 Clay, Ceramic & Refractory Minerals	2-5
	147 Chemical & Fertilizer Mineral Mining	4-7
	148 Nonmetallic Minerals Svcs	1-7
	149 Misc. Nonmetallic minerals, Except Fuels	2-5

16	CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION	
	1629 Heavy Construction, not Elsewhere Classified (Dredging, Especially in Salt Water)	4

20	FOOD AND KINDRED PRODUCTS	
	201 Meat Products	3
	202 Dairy Products	2
	203 Canned & preserved Fruits/Veges	4
	204 Grain Mill Products	2

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205	Bakery Products	2
206	Sugar & Confectionery Prods	2
207	Fats & Oils	3
208	Beverages	2-5
209	Misc Food Preparations and Kindred Products	2

22 TEXTILE MILL PRODUCTS, ALL EXCEPT LISTING BELOW

223	Broad Woven Fabric Mills Wool (including dyeing and finishing)	6
226	Dyeing and Finishing Textiles, except Wool Fabrics and Knit Goods	6
2295	Coated Fabrics, Not Rubberized	6

24 LUMBER & WOOD PRODUCTS, EXCEPT FURNITURE

241	Logging Camps & Logging Contractors	2
242	Sawmills & Planing Mills	2
2435	Hardwood Veneer & Plywood	4
2436	Softwood Veneer & Plywood	4
2439	Structural Wood Members Not Elsewhere Classified (laminated wood glue)	3
2491	Wood Preserving	5
2492	Particle Board	4
2499	Wood Products, Not Elsewhere Classified	2-5

26 PAPER & ALLIED PRODUCTS

261	Pulp Mills
262	Paper Mills Except Building Paper Mills
263	Paperboard Mills

CHEMICALS AND ALLIED PRODUCTS

2812	Akalies & Chlorine	7-9
2613	Industrial Gases	-
2616	Inorganic Pigments	3-8
2619	Industrial Inorganic Chemicals, Not Elsewhere Classified	3-9
2621	Plastic Materials, Synthetic Resins & Nonvulcanizable Elastomers	6-8
2622	Synthetic Rubber (Vulcan. Elastomers)	6-8
2823	Cellulose Man Made Fibers	6-8
2824	Synthetic Organic Fibers, Except Cellulose	6-8
2831	Biological Products	6-9
2833	Medicinal Chemicals & Botanical Products	3-8
2834	Pharmaceutical Preparations	6-9
2841	Soap & Other Detergents, Except Specialty Cleaners	4-6
2842	Specialty Cleaning, Polishing & Sanitation Preparation	3-8
2843	Surface Active Agents, Finishing Agents, Sulfonated Oils & Assistants	6-8
2844	Perfumes, Cosmetics & Other Toilet Preparations	3-6
2851	Paints, Varnishes, Lacquers, Enamels & Allied Products	5-8
2861	Gum & Wood Chemicals	5-8
2865	Cyclic (coal tar), Crudes & Cyclic Intermediates, Dyes & Organic Pigments	

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	(Lakes and Toners)	6-9
2869	Industrial Organic Chemicals Not Elsewhere Listed	3-9
2873	Nitrogenous Fertilizers	7-8
2874	Phosphoric Fertilizers	7-8
2875	Fertilizer Mixing Only	5
2879	Pesticides & Agricultural Chemicals, Not Elsewhere Listed	5-9
2891	Adhesives & Sealants	5-8
2892	Explosives	6-9
2893	Printing Ink	2-5
2895	Carbon Black	1-3
2899	Chemicals and Chemical Preparations, Not Elsewhere Listed	3-9

29 PETROLEUM REFINING AND RELATED INDUSTRIES

291	Petroleum Refining	8
295	Paving & Roofing Materials	7
299	Misc. Petroleum & Coal Products	7

30 RUBBER & MISCELLANEOUS PLASTICS PRODUCTS

301	Tires & Inner Tubes	6
302	Rubber & Plastic Footwear	6
303	Reclaimed Rubber	6
304	Rubber, Plastic Hose & Belting	4
306	Fabricated Rubber Products, Not Elsewhere Classified	4

31 LEATHER AND LEATHER PRODUCTS

311	Leather Tanning & Finishing	8
	(Remaining Three-Digit Codes)	1-3

32	STONE, CLAY, GLASS AND CONCRETE PRODUCTS	
	321 Flat Glass	4
	322 Glass, Glassware, Pressed Or Blown	4
	324 Cement, Hydraulic	3
	3274 Lime	3
	3291 Abrasive Products	3
	3292 Asbestos	3
	3293 Gaskets, Packing & Sealing Devices	

33	PRIMARY METAL INDUSTRIES (EXCEPT AS NOTED BELOW)	3
	3312 Blast Furnaces, Steel Works, Rolling & Finishing Mills	6
	333 Primary Smelting & Refining of Nonferrous Metals	7

34	FABRICATED METAL PRODUCTS, EXCEPT MACHINERY TRANSPORTATION EQUIPMENT, EXCEPT AS NOTED BELOW	5
	347 Coating, Engraving & Allied Svcs	8
	3482 Small Arms Ammunition	7
	3483 Ammunition, Except for Small Arms, Not Elsewhere Classified	7
	3489 Ordance & Accessories, Not Elsewhere Classified	7
	349 Misc. Fabricated Metal Products	3-6

35	MACHINERY, EXCEPT ELECTRICAL	5-7
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36	ELECTRICAL & ELECTRONIC MACHINERY, EQUIPMENT & SUPPLIES (EX. AS NOTED BELOW)	
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3691 Storage Batteries 8
 3692 Primary Batteries, Dry & Wet 8

37 TRANSPORTATION EQUIPMENT 5-8

38 MEASURING, ANALYZING & CONTROLLING
 INSTRUMENTS, PHOTOGRAPHIC, MEDICAL &
 OPTICAL GOODS; WATCHES & CLOCKS
 (EXCEPT AS NOTED BELOW) 4-6
 386 Photographic Equipment & Supplies 7

39 MISCELLANEOUS MANUFACTURING INDUSTRIES 3-7

49 ELECTRICAL, GAS & SANITARY SERVICES
 491 Electric Services 3-5
 492 Gas Production & Distribution 3
 494 Water Supply 2
 4952 Sewage Systems 2-5
 4953 Refuse Systems (Landfills) 5-9
 496 Steam Supply 2-4

TABLE IICONTAMINANT HAZARD POTENTIAL RANKING CLASSIFIED BY TYPE

<u>DESCRIPTION</u>	<u>HAZARD POTENTIAL INITIAL READING</u>	<u>ID* NUMBER</u>
SOLIDS		
Ferrous Metals	1-4	1100
Non-Ferrous Metals	1-7	1200
Resins, Plastics & Rubbers	2	1300
Wood & Paper Materials(except as noted below)	2	1400
Bark	4	1401
Textiles & Related Fibers	2	1500
Inert Materials (except as noted below)	2	1600
Sulfide Mineral-Bearing Mine Tailings	6	1601
Slag & other Combustion Residues	5	1602
Rubble, Construction & Demolition Mixed Waste	3	1603
Animal Processing Wastes(Except as noted below)	2-4	1700
Processed Skins, Hides & Leathers	6	1701
Dairy Wastes	4	1702
Live Animal Wastes-Raw Manures (Feedlots)	5	1703
Composts of Animal Wastes	2-4	1704
Dead Animals	5	1705
Edible Fruit & Vegetable Remains	2-3	1800
LIQUIDS		
Organic Chemicals (must be chemically classified)		2000
Aliphatic (Fatty) Acids	3-5	2001
Aromatic (Benzene) Acids	7-8	2002
Resin Acids	-	2003
Alcohols	5-7	2004
Aliphatic Hydrocarbons (petroleum derivatives)	4-6	2005
Aromatic Hydrocarbon (Benzene derivatives)	6-8	2006
Selfonated Hydrocarbons	7-8	2007
Halogenated Hydrocarbons	7-9	2008

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Alkaloids	7-9	2009
Aliphatic Aminos & Salts	1-4	2010
Asalines	6-8	2011
Pyridines	2-6	2012
Phenols	7-9	2013
Aldehydes	6-8	2014
Ketones	6-8	2015
Organic Sulphur Compounds (Sulfides, Mercaptors)	7-9	2016
Organometallic Compounds	7-9	2017
Cyanides	7-9	2018
Thiocyanides	2-6	2019
Sterols		2020
Sugars & Cellulose	1-4	2021
Esters	6-8	2022
Inorganic Chemicals (must be cheically classified)		2100
Mineral & Metal Acids	5-8	2101
Mineral & metal Bases	5-8	2102
Metal Salts, including heavy metals	6-9	2103
Oxides	5-8	2104
Sulfides	5-8	2105
Carbon or Graphites	1-3	2106
Other Chemical Process Wastes not previously listed (must be chemically classified)		2200
Inks	2-5	2201
Dyes	3-8	2202
Paints	5-8	2203
Adhesives	5-8	2204
Pharmaceutical Wastes	6-9	2205
Petrochemical Wastes	7-9	2206
Metal Treatment Wastes	7-9	2207
Solvents	6-9	2208
Agricultural Chemicals (pesticides, herbicides, fungicides, etc)	7-9	2209
Waxes & Tars	4-7	2210
Fermentation & Culture Wastes	2-5	2211

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Oils, including gasoline, fuel, oil, etc.	5-8	2212
Soaps & detergents	4-6	2213
Other organic or Inorganic Chemicals includes radioactive wastes	4-8	2300
Conventional Treatment Process Municipal Sludges from Biological Sewage Treatment	4-8	2301
from Water Treatment & Conditioning Plants (must be chemically classified)	2-5	2302

*ID Number is for identification of waste types in the Reporting Form.

1. Classification based on material in Environmental Protection Agency Publication 670-2-76-024, pp. 79-85, prepared by Arthur D. Little, Inc., and published in 1975.
2. For individual material ranking, refer to solubility-tonicity tables prepared by Vernar, Inc., for the Environmental Protection Agency (source MDNR, June 1980).

Source: WMSRDC, A Pollutant Nature Sampling Plan for Groundwater Contamination in Region 14 (Muskegon, MI: West Michigan Shoreline Regional Development Commission, November 1980).