

Planning Commission Meeting of October 5, 2021

Agenda Item No. 3

PLANNING COMMISSION STAFF REPORT

SUBJECT: Amend the 2009 City Code Title 13 Chapter 6 Article F Drinking Water Source Protection Overlay Zones.

SUMMARY: Text Amendment - Drinking Water Source Protection; Amend the 2009 City Code Title 13 Chapter 6 Article F Drinking Water Source Protection Overlay Zones; City-wide applicability; City of West Jordan (applicant) [Larry Gardner #25426]

STAFF RECOMMENDATION: Based on the analysis and findings contained in the Staff Report, Staff recommends that the Planning Commission forward a positive recommendation to the City Council for this application.

MOTION RECOMMENDED: “Based on the information and findings set forth in this staff report and upon the evidence and explanations received today, I move that the Planning Commission forward a positive recommendation to the City Council for this application.”

Prepared by:

Larry Gardner

Larry Gardner (Sep 28, 2021 11:58 MDT)

Larry Gardner, AICP
City Planner

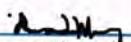
Reviewed by:

Nate Nelson

Nate Nelson (Sep 28, 2021 15:44 MDT)

Nate Nelson, P.E.
City Engineer

Reviewed by:


Duncan Murray (Sep 28, 2021 15:49 MDT)

Duncan Murray
Assistant City Attorney

I. BACKGROUND

The proposed ordinance will amend the Drinking Water Source Protection Overlay ordinance by adding an updated overlay map (supported by an attached study) and by amending portions of the ordinance to make it more relevant to what is actually occurring in the zone.

II. GENERAL INFORMATION & ANALYSIS

The proposed amendment includes mostly minor edits for ease of use but also includes the following substantive changes: (in red and underlined)

13-6F-4: APPLICABILITY:

A. *Unless otherwise specified, this article applies to handling, movement and storage of potentially hazardous materials, and any development, development activity, land use or development project authorized by this title, including, but not limited to, subdivisions, site plans and building permits and business licensing.*

B. *This article applies to all business activities, land uses and developments within the city in the drinking water source protection zones. No structure or land shall hereafter be constructed, located, extended or altered without full compliance with this article and other applicable regulations. This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. The provisions of this article shall be considered minimum requirements, liberally construed in favor of the city and water protection and deemed neither to limit nor repeal any other powers granted under state law. (2001 Code § 89-4-704; amd. 2009 Code)*

The addition of adding business licensing and business activities reflects more appropriately why the requirements of this article are implemented. The majority of the applications for a CUP in the DWSPOZ are a result of business activity. The addition of business licensing and business activities also aligns this ordinance with Salt Lake County's drinking water protection requirements as well as Title 9 of 2009 City Code.

13-6F-6: OFFICIAL 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, completed December 1996, December 14, 2020 as part of the city drinking water source protection management program manuals, as amended, and is incorporated and made a part of this article. The recharge area boundary lines have been located along streets and/or section lines for convenience of assessing which prohibitions and restrictions apply to a specific property. This map shall be on file with the city and shall be maintained by the city and public water systems whose groundwater resources lie within the city boundaries and jurisdiction. Amendments, additions or deletions to this map may be made by the city and/or the public water system after by approval by of the city council after receiving a recommendation from the planning commission, utilities manager or designated representative. (2001 Code § 89-4-706)

This amendment updates the drinking water protection zone map from a 1996 version to a 2020 map which more accurately represents the current impacts to drinking water recharge areas. The 2020 map impacts more properties and requires a public hearing prior to adoption. The ordinance has city wide applicability. The map establishes recharge zones where uses are permitted, conditional or prohibited based upon the detrimental impacts to the drinking water recharge that certain uses may have. The restrictions do not prohibit all uses but only controls certain uses that could be hazardous or impactful. The amendment also changes the way the map is adopted from being purely administrative to a legislative decision of the city council after receiving recommendation from the planning commission. This change is needed because the map is considered a land use document and should be adopted according to the same procedures for amending any ordinance.

13-6F-8: PERMITTED, CONDITIONAL AND PROHIBITED USES:

A. Permitted Uses: Permitted uses in the drinking water source protection zone are the same as those permitted in the underlying zone unless modified in the table below. Those uses identified as "permitted" (P) are allowed, provided they comply with all requirements of this article, this title and title 9 of this code, and provided best management practices are implemented.

B. Conditional Uses: "Conditional uses" (C) must be approved by the planning commission pursuant to chapter 7, article E of this title and title 15 of this code, and they must comply with all requirements of this title, title 9 of this code, and reasonable conditions adopted by the planning commission.

- 1. Conditional uses are subject to best management practices which shall be considered a minimum condition of the conditional use permit.*
- 2. All conditional use requests of this section shall be reviewed by the city's utility manager prior to CUP approval.*
- 3. The state division of drinking water quality shall review all conditional use requests of this section.*

- C. Prohibited Uses: Uses identified as neither "permitted" nor "conditional" shall not be allowed in the zone. Notwithstanding the provisions of this article, the use and storage of regulated substances in amounts meeting or exceeding the "reportable quantity" shall be prohibited as set forth in section 9-7B-1 of this code, or its successor provision, unless an exemption is granted as set forth therein.

This amendment also requires that any application in the drinking water protection overlay be reviewed by the utilities manager of the city. This person is the expert in the city on drinking water supply and it is vital that they are involved in the process. The amendment also eliminates the possibility of granting an exemption to storing potentially hazardous items in quantities regulated by Title 9. Granting exemptions could be seen as a liability to the city.

D. Underground Storage Tanks:

1. Before the planning commission approves a conditional use permit for underground storage tanks and associated piping and distribution appurtenances in any DWSPO zone, the owner shall provide:

a. Documentation of existing geologic and hydrogeologic conditions at and beneath the proposed site of development. This shall include, at a minimum, soil and rock formation types, thicknesses and depths; depth to water table, to potable water, and to the city well production zone; groundwater flow directions and gradient; and any geologic structural or hydraulic barriers between the proposed tank locations and the city well production zone. If available, the owner may obtain this information from existing reports or data, or s/he may obtain the services of a registered geologist to procure the data. This may require installation of one or more boreholes or test wells; and

b. Engineering plans that show the type of tanks to be installed, the method of installation, distribution methods, filling mechanisms, and that the tanks meet the following minimum requirements:

(1) The tanks shall meet or exceed all applicable federal, state, and local requirements, including, but not limited to, state department of environmental response and remediation rules and regulations;

(2) The tanks and piping shall be of noncorrosive double walled material;

(3) Leak detection alarms shall be required for both tanks and piping;

(4) In addition to the non-corrosive double wall construction of the tanks all tanks shall be installed surrounded with an impermeable liner in the excavation area approved by the city's utility manager. in watertight concrete vaults equipped with manway access for visual inspection. Tanks shall be supported off the vault floor to allow ready visual inspection of all tank top, sides and bottom. Vaults All tanks shall be equipped with local and remote leak detection alarm systems.

This amendment reflects industry standard. Very few tanks have been installed in concrete vaults. The practice is to install corrosion proof tanks of double wall construction that have leak detection systems. The additional impervious liner in the excavation area should prevent leaks into the surrounding soil and ground water.

III. FINDINGS OF FACT

Section 13-7-D-7B, requires that prior to making a positive recommendation to the City Council for a Zoning Ordinance text amendment, the Planning Commission must make the following findings:

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

Discussion: The General Plan supports keeping ordinances relevant and understandable. On Page 19 it states:

"GOAL 2. CONTINUALLY AND CONSISTENTLY UPDATE THE FUTURE LAND USE MAP, ZONING

MAP, AND ZONING ORDINANCE FOR EASE OF REFERENCE AND ADMINISTRATION.

Policy 3. The Zoning Ordinance shall be updated to incorporate necessary changes that

are consistent with State Code, and reflect the best and most current land use practices of the time. Zoning Ordinance modifications and updates shall be made easy for the general public and City administration to understand.

1. Consistently review the Zoning Ordinance and edit where necessary in order to eliminate redundancy and replace technical jargon with plain English."

Finding: The proposed amendment conforms to the General Plan and is consistent with the adopted goals, objectives and policies described therein.

Criteria 2: *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

Discussion: The proposed amendment will amend the drinking water source protection overlay ordinance keeping it current with the most current adopted studies and industry practices.

Finding: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;

Criteria 3: *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

Discussion: Staff has not found, at this point, any conflicts with any other sections of the 2009 City Code.

Finding: The proposed amendment will not create a conflict with any other section or part of the Municipal Code or the General Plan.

Criteria 4: *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

Discussion: The draft ordinance as written will not relieve a particular hardship or grant special privileges to any one person or entity.

Finding: The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title(s) in light of corrections or changes in public policy.

IV. ATTACHMENTS:

Exhibit A – Amended Ordinance

Exhibit B – Current DWSPO Map

Exhibit C – Proposed DWSPO Map

Exhibit D – Title 9 Chapter 7

Exhibit E – Drinking Water Source Protection Plan Update Wells 3, 4, 5, 6, & 8

ARTICLE F. DRINKING WATER SOURCE PROTECTION OVERLAY ZONES

EXHIBIT A

SECTION:

13-6F-1: Purpose

13-6F-2: Definitions

13-6F-3: Establishment of Drinking Water Source Protection Overlay Zones

13-6F-4: Applicability

13-6F-5: Designation of Recharge Areas And Protection Zones

13-6F-6: Official Recharge Area and Protection Zone Map

13-6F-7: Review of Recharge Area And Protection Zone Map

13-6F-8: Permitted, Conditional and Prohibited Uses

13-6F-9: Review of Development Plans

13-6F-1: PURPOSE:

The purpose of the drinking water source protection overlay zones "DWSPO" is to protect, preserve and maintain existing and potential public drinking water sources, and to safeguard the health, safety and welfare of city residents and visitors. The intent is to establish and designate drinking water source protection zones and ground water recharge areas for all sources of public drinking water within city boundaries and jurisdiction, and to regulate land use within identified areas where ground water is or could be affected by the use. This shall be accomplished by the designation and regulation of property uses and conditions that may be maintained within such zones or areas. The degree of protection afforded by this article is considered adequate for regulatory purposes. This article does not ensure that public drinking water sources will not be subject to accidental or intentional contamination. This article does not create liability on the part of the city, or its officers or employees, for any damages to the public water supplies from reliance on this article, nor any administrative order made thereunder. (2001 Code § 89-4-701; amd. 2009 Code)

13-6F-2: DEFINITIONS:

Terms that are defined in section 9-7A-3 of this code shall have the same meaning when used in this article. (2001 Code § 89-4-702)

13-6F-3: ESTABLISHMENT OF DRINKING WATER SOURCE PROTECTION OVERLAY ZONES:

The drinking water source protection overlay zones are restrictive designations applied in addition to any other zone in this title. The drinking water source protection overlay zones shall consist of the areas designated on the recharge area map of USGS and drinking water source protection zone map, as amended. (2001 Code § 89-4-703; amd. 2009 Code)

13-6F-4: APPLICABILITY:

A. Unless otherwise specified, this article applies to handling, movement and storage of potentially hazardous materials, and any development, development activity, land use or development project authorized by this title, including, but not limited to, subdivisions, site plans and building permits and business licensing.

B. This article applies to all business activities, land uses and developments within the city in the drinking water source protection zones. No structure or land shall hereafter be constructed, located, extended or altered without full compliance with this article and other applicable regulations. This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. The provisions of this article shall be considered minimum requirements, liberally construed in favor of the city and water protection and deemed neither to limit nor repeal any other powers granted under state law. (2001 Code § 89-4-704; amd. 2009 Code)

13-6F-5: DESIGNATION OF RECHARGE AREAS AND PROTECTION ZONES:

A. Designation: The following recharge areas and protection zones are hereby designated within the city:

1. Primary recharge area, as determined by the USGS.
2. Secondary recharge, as determined by the USGS.
3. Protection zone 1 shall be the area within a one hundred foot (100') radius from the well or margin of the collection area.
4. Protection zone 2 shall be the area within a two hundred fifty (250) day groundwater TOT to the margin of the collection area, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
5. Protection zone 3 shall be the area within a three (3) year groundwater TOT to the margin of the collection area, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
6. Protection zone 4 shall be the area within a fifteen (15) year groundwater TOT to the margin of the collection area, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

B. Determining Location: In determining the location of properties and facilities within the recharge areas and protection zones depicted on the recharge area and protection zone map, the following rules shall apply:

1. Property located wholly or partially in a single recharge area or a protection zone on the recharge area and protection zone map shall be governed by the restrictions applicable to that recharge area or protection zone; and
2. Properties located within more than one recharge area or protection zone as shown on the recharge area and protection zone map shall be governed by the restrictions applicable to the most restrictive protection zone. (2001 Code § 89-4-705)

13-6F-6: OFFICIAL 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, completed December 1996, December 14, 2020 as part of

the city drinking water source protection management program manuals, as amended, and is incorporated and made a part of this article. ~~The recharge area boundary lines have been located along streets and/or section lines for convenience of assessing which prohibitions and restrictions apply to a specific property.~~ This map shall be on file with the city and shall be maintained by the city and public water systems whose groundwater resources lie within the city boundaries and jurisdiction. Amendments, additions or deletions to this map may be made by the city and/or the public water system ~~after by approval by of the city council after receiving a recommendation from the planning commission, utilities manager or designated representative.~~ (2001 Code § 89-4-706)

13-6F-7: REVIEW OF RECHARGE AREA AND PROTECTION ZONE MAP:

The recharge area and protection zone map shall be reviewed as deemed necessary by the city. 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 well field configuration.
- C. Changes in pumping rates for the well field.
- D. Development of new wells, well fields and/or springs.
- E. Changes in water quality. (2001 Code § 89-4-707)

13-6F-8: PERMITTED, CONDITIONAL AND PROHIBITED USES:

A. Permitted Uses: Permitted uses in the drinking water source protection zone are the same as those permitted in the underlying zone unless modified in the table below. Those uses identified as "permitted" (P) are allowed, provided they comply with all requirements of this article, this title and title 9 of this code, and provided best management practices are implemented.

B. Conditional Uses: "Conditional uses" (C) must be approved by the planning commission pursuant to chapter 7, article E of this title and title 15 of this code, and they must comply with all requirements of this title, title 9 of this code, and reasonable conditions adopted by the planning commission.

4. Conditional uses are subject to best management practices which shall be considered a minimum condition of the conditional use permit.
5. All conditional use requests of this section shall be reviewed by the city's utility manager prior to CUP approval.
6. The state division of drinking water quality shall review all conditional use requests of this section.

C. Prohibited Uses: Uses identified as neither "permitted" nor "conditional" shall not be allowed in the zone. Notwithstanding the provisions of this article, the use and storage of regulated substances in amounts meeting or exceeding the "reportable quantity" shall be prohibited as set forth in section 9-7B-1 of this code, or its successor provision, ~~unless an exemption is granted as set forth therein.~~

PERMITTED AND CONDITIONAL USES IN PROTECTION ZONES

Legend:

P

=

Permitted use

C

=

Conditional use

Use	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 And 4
Agricultural pesticide, herbicide and fertilizer storage, use, filling and mixing areas	C	C		C	C
Airport maintenance and fueling sites	C	C		C	C
Appliance repair	P	P		P	P
Auto operations and fleet vehicle maintenance facilities (commercial):					
Auto body	C	C		C	C
Dealership maintenance departments	C	C		C	C
Engine repair	C	C		C	C
Oil and lube shops	C	C		C	C
Rustproofing	C	C		C	C
Tire	C	C		C	C
Vehicle rental with maintenance	C	C	C	C	C
Beauty salons	C	P		C	P
Boat building and refinishing	C	P		C	C
Car washes	C	P		P	P
Cemeteries, golf courses, parks and plant nurseries	C	C		C	C
Chemical reclamation facilities	C	C		C	C
Chemigation wells	C	C			C
Concrete, asphalt and tar companies	C	C		C	C
Dairy farms and animal feed lots (more than 10 animal units)	C	P			P
Dry cleaners (with on site chemicals)	C	C			P

Dry cleaners (without on site chemicals)	P	P	P	P
Embalming services	C	C	C	C
Farm operations:				
Dump sites	C	C	C	C
Maintenance garages	C	C	C	C
Manure piles (<500 cu. ft.)		C	C	P
Food processing, meatpacking and slaughterhouses	C	C		P
Fuel, oil and heating oil distribution and storage facilities		C	C	C
Furniture stripping, painting and finishing business	C	C	C	C
Gasoline service stations (including underground storage tanks)	C	C	C	C
Hospitals and medical, dental and veterinary offices	C	C	C	AC
Industrial manufacturers of: chemicals, pesticides, herbicides, paper products, leather products, textiles, rubber, plastic, fiberglass, silicone, glass, pharmaceuticals and electrical equipment, etc.		C	C	C
Industrial waste disposal/ impoundment areas		C		C
Junk and salvage yards		C	C	C
Landfills and transfer stations		C	C	P
Laundromats	C	P	P	P
Machine shops, metal plating, heat treating, smelting, annealing and descaling facilities		C	C	C
Mining extraction:				
Radiological	C	C	P	P
Sand and gravel excavation and processing	C	P	P	P
Municipal wastewater treatment plants	C	C		P
Photo processing and print shops	C	C	C	AC
RV waste disposal stations	C	C		P
Railroad yards	C	P	P	P

Residential pesticide, herbicide and fertilizer storage, use, filling and mixing areas	C	P	C	C
Residential underground storage tanks	C		C	P
Salt and salt-sand piles	C	C	C	C
Septic tank drain field systems		C		C
Stormwater detention basin and snow storage sites	C	C	C	P
Toxic chemical storage and oil pipelines				
Wood preservative treatment facilities		C	C	C

D. Underground Storage Tanks:

1. Before the planning commission approves a conditional use permit for underground storage tanks and associated piping and distribution appurtenances in any DWSPO zone, the owner shall provide:

a. Documentation of existing geologic and hydrogeologic conditions at and beneath the proposed site of development. This shall include, at a minimum, soil and rock formation types, thicknesses and depths; depth to water table, to potable water, and to the city well production zone; groundwater flow directions and gradient; and any geologic structural or hydraulic barriers between the proposed tank locations and the city well production zone. If available, the owner may obtain this information from existing reports or data, or s/he may obtain the services of a registered geologist to procure the data. This may require installation of one or more boreholes or test wells; and

b. Engineering plans that show the type of tanks to be installed, the method of installation, distribution methods, filling mechanisms, and that the tanks meet the following minimum requirements:

(1) The tanks shall meet or exceed all applicable federal, state, and local requirements, including, but not limited to, state department of environmental response and remediation rules and regulations;

(2) The tanks and piping shall be of noncorrosive double walled material;

(3) Leak detection alarms shall be required for both tanks and piping;

(4) In addition to the non-corrosive double wall construction of the tanks all All tanks shall be installed surrounded with an impermeable liner in the excavation area approved by the city's utility manager, in watertight concrete vaults equipped with manway access for visual inspection. Tanks shall be supported off the vault floor to allow ready visual inspection of all tank top, sides and bottom. Vaults All Tanks shall be equipped with local and remote leak detection alarm systems.

(5) An operation and maintenance plan shall be required for all tanks and piping and shall include a visual inspection program. Visual inspection and maintenance shall be required at least monthly;

(6) Monitoring and alarm equipment shall be inspected and tested at intervals not to exceed three (3) months;

- (7) All state and local tank and piping testing and monitoring requirements shall be strictly adhered to;
- (8) The plans shall be prepared and stamped by a licensed engineer; and
- (9) Tank installation shall meet or exceed the requirements of the international building code, international fire code and the Underwriters Laboratories, as applicable; and

c. A properly completed spill protection, control and countermeasure (SPCC) plan with the engineering plan. The SPCC plan shall include provisions for response to both surface and underground fuel spills and releases. The SPCC plan shall be certified by a licensed engineer.

2. A conditional use permit for underground storage tanks and associated piping and distribution appurtenances in protection zone 2 shall be prohibited, unless the proposed owner/installer demonstrates that there is no reasonable alternative zone in which the tanks can be installed. (2001 Code § 89-4-708; amd. 2009 Code; Ord. 11-35, 11-22-2011)

13-6F-9: REVIEW OF DEVELOPMENT PLANS:

All development plans that lie within the primary recharge area shall be reviewed by a geologist or hydrogeologist 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 the 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 the city. (2001 Code § 89-4-709)

Exhibit B Current Map

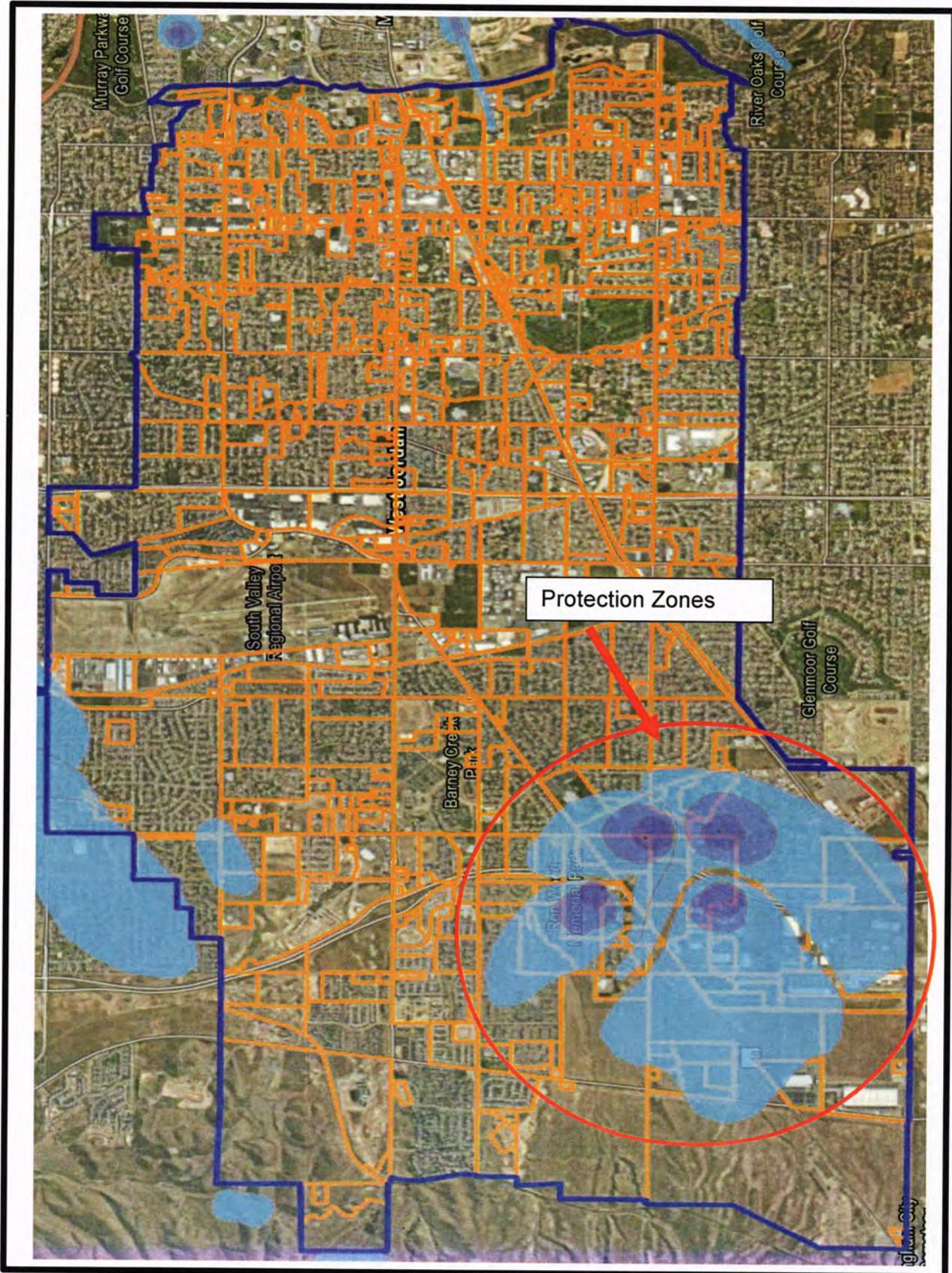


Exhibit C Proposed Map

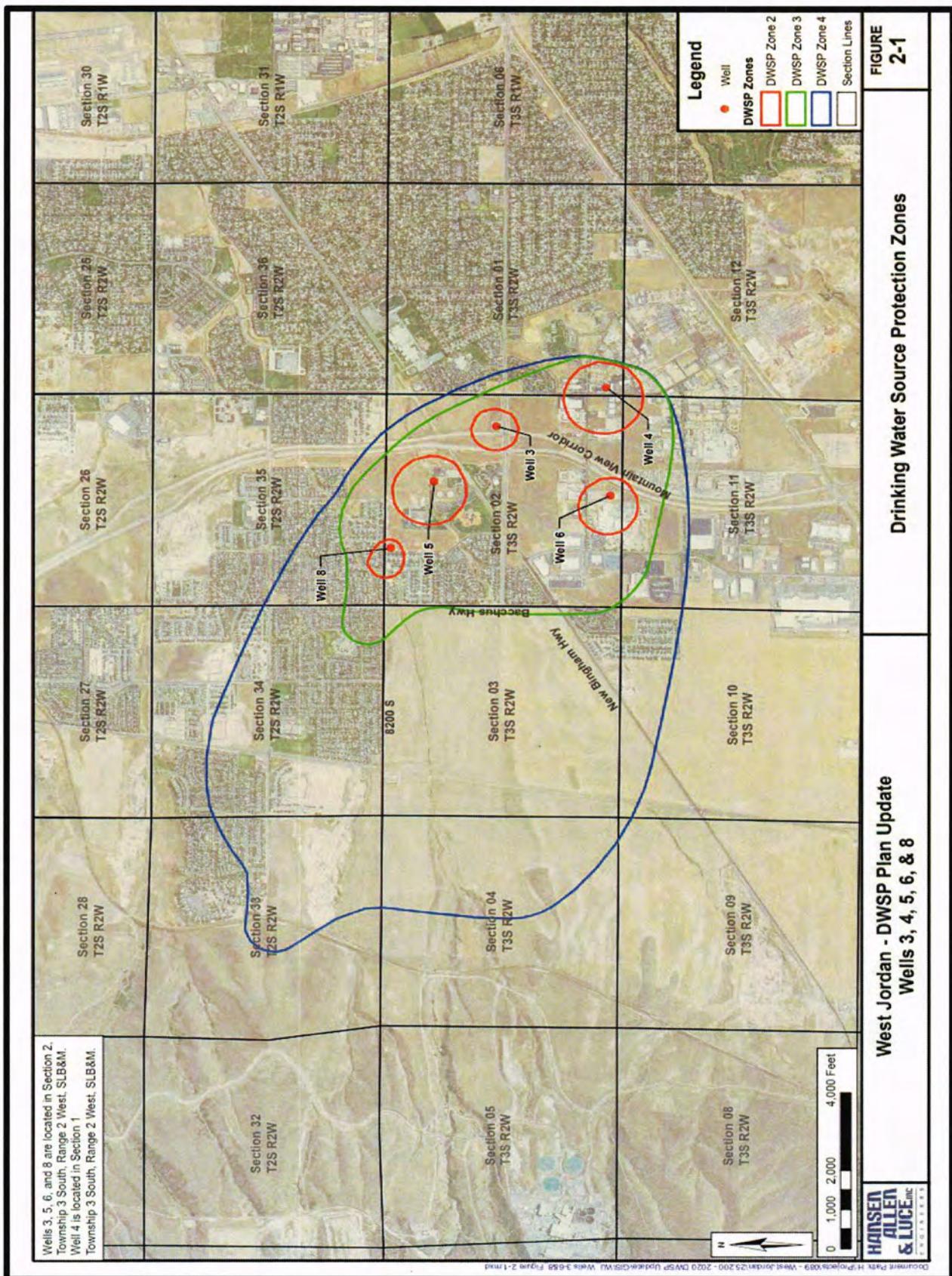


EXHIBIT D

TITLE 9 CHAPTER 7 DRINKING WATER SOURCE PROTECTION

ARTICLE A. GENERAL PROVISIONS AND ADMINISTRATION

SECTION:

9-7A-1: Applicability

9-7A-2: Purpose

9-7A-3: Definitions

9-7A-4: Abrogation and Greater Restrictions

9-7A-5: Disputes

9-7A-6: Liability

9-7A-7: Administration

9-7A-1: 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 this chapter. Ignorance of this provision shall not excuse any violations of the provisions of this chapter. (2001 Code § 90-5-101)

9-7A-2: PURPOSE:

A. The purpose of this chapter 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 chapter is to establish and designate drinking water source protection zones and ground water recharge areas for all sources of public drinking water within city boundaries and jurisdiction. This chapter establishes criteria for regulating the storage, handling, use or production of hazardous or toxic substances within identified areas where ground water 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 chapter apply to new development and/or handling, movement and storage of potentially hazardous materials.

B. The degree of protection afforded by this chapter is considered adequate for regulatory purposes. This chapter 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 chapter, nor any administrative order lawfully made thereunder.

C. A notice to cease or an exemption issued under this chapter shall not relieve the owner of the obligation to comply with any other applicable federal, state, regional or local regulations, rules, ordinances or requirements, nor shall said notice or exemption

relieve any owner of any liability for violation of such regulations, rules, ordinances or requirements. (2001 Code § 90-5-102)

9-7A-3: DEFINITIONS:

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be defined as follows:

ABANDONED WELL: A well, the use of which has been permanently discontinued or is in such a state of disrepair that it cannot be used for its intended purpose or for observation purposes.

BEST MANAGEMENT PRACTICES (BMPs): A practice or combination of practices determined to be the most effective practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution to a level compatible with water, soil and air quality goals.

COLLECTION AREA: The area surrounding a ground water source that is underlain by collection pipes, tile, tunnels, infiltration boxes, or other ground water collection devices.

CONTINUOUS TRANSIT: The nonstop movement of a mobile vehicle, except for stops required by traffic laws.

DISCHARGE: Means and includes, but is not limited to, spilling, leaking, seeping, pouring, injecting, emitting, emptying, disposing, releasing, or dumping regulated substances to the soils, air, ground waters or surface waters of the city. "Discharge" does not include the use of a regulated substance in accordance with the appropriate use intended or specified by the manufacturer of the substances; provided, that such use is not prohibited by federal, state or local regulations. "Discharge" shall not include discharges specifically authorized by federal or state permits.

DRINKING WATER SOURCE PROTECTION ZONE: An area within which certain practices are mandated to protect ground water flowing to public drinking water wells.

DRINKING WATER SUPPLY WELL: A drinking water well to supply water which has been permitted or intended for consumptive use.

GROUND WATER: Any water that may be drawn from the ground.

GROUND WATER DIVIDE: A line on a water table on each side of which the water table slopes downward in a direction away from the line.

GROUND WATER TOT: Time of travel for ground water.

HANDLE: To use, generate, process, produce, package, treat, store or transport a regulated substance in any fashion.

PCS: Potential contaminant source.

PWS: Public water system.

PERSON: An individual, firm, partnership, corporation, association, joint venture, governmental entity or other legal entity, and shall include the plural as well as singular.

PETROLEUM PRODUCT: Shall include fuels (gasoline, diesel fuel, kerosene, and mixtures of these products including MTBE), lubricating oils, motor oils (new and used), hydraulic fluids, and other similar petroleum based products.

PRIMARY RECHARGE AREA: The areas depicted on the recharge area and protection zone map, as established and revised pursuant to title 13, chapter 8, article F of this code, or its successor provisions.

PROTECTION ZONE: The delineation zones of the drinking water source protection zone, as summarized in title 13, chapter 8, article F of this code, or its successor provision.

REGULATED SUBSTANCES: Substances (including degradation and interaction products) which because of quantity, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), infectious characteristics, radiomutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (nondegradability) in nature, or any other characteristics relevant to a particular material that may cause significant harm to human health and/or environment (including surface and ground water, plants and animals).

SECONDARY RECHARGE AREA: The areas depicted on the recharge area and protection zone map as established and revised pursuant to title 13, chapter 6, article F of this code, or its successor provision.

SLUDGE OR BIOSOLIDS: The solids separated from wastewater during the wastewater treatment process.

TRAVEL TIME CONTOUR: The locus of points that form a line of any configuration in space from which ground water particles on that line theoretically take an equal amount of time to reach a given destination, such as a well or a wellfield, as predicted by the Refined Salt Lake Valley MODFLOW/MODPATH Model, copyrighted.

UAC: The Utah administrative code.

USGS: The United States geological survey.

WELL: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of ground water.

WELLFIELD: An area of land that contains one or more drinking water supply wells. (2001 Code § 90-5-103)

9-7A-4: ABROGATION AND GREATER RESTRICTIONS:

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and other restrictions, including land use codes or development regulations conflict or overlap, whichever imposes the most stringent restrictions shall prevail. (2001 Code § 90-5-501)

9-7A-5: DISPUTES:

Disputes arising from the delineation of drinking water source protection zones and primary and secondary recharge areas shall be directed to the utilities manager to review specific detailed delineation maps showing the boundaries. The boundaries have been defined according to major city streets. (2001 Code § 90-5-502)

9-7A-6: LIABILITY:

Any person subject to regulation under this chapter 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 or the PWS, and for damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction, or loss from the discharge or threatened discharge of a "regulated substance", as defined by this article. Such removal or remedial action by the city or the PWS may include, but is not limited to, the prevention of further contamination of ground water, monitoring, containment and cleanup or disposal of regulated substances resulting from the discharge of any regulated substance or material which creates, or is expected to create, an emergency hazardous situation. (2001 Code § 90-5-601)

9-7A-7: ADMINISTRATION:

The policies and procedures for administration of any protection zone or primary and secondary recharge area established under this chapter, 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. (2001 Code § 90-5-602)