

10-5: WPO, WELLHEAD PROTECTION OVERLAY DISTRICT

10-5-1: SHORT TITLE AND PURPOSE:

- A. This section shall be known as the Wellhead Protection Plan.
- B. It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to contamination of the public water supply, and to formalize groundwater protection/pollution abatement and control procedures. Specific goals are to:
 - 1. Protect human life and health;
 - 2. Ensure that the public is provided with a sustainable, safe potable water supply;
 - 3. Minimize expenditure of public money for pollution remediation projects;
 - 4. Minimize regulations on land use; and
 - 5. Minimize business interruptions.

10-5-2: DEFINITIONS:

When used in this section the following words and phrases shall have the meanings given in this section:

- C. Agricultural Runoff Wastewater: Water diverted for irrigation but not applied to crops, or runoff of irrigation tail water from the cropland as a result of irrigation.
- D. Community Water System: A public system which serves at least 15 service connections used by year round residents or regularly serves at least 25 year round residents.

- E. Community Wellhead: The upper terminal of a well, including adapters, ports, seals, valves and other attachments.
- F. Facility: Refers to any business or corporation that is built, installed, or established to serve a particular purpose.
- G. Hazardous Waste Disposal Facility: A hazardous waste treatment, storage, or disposal facility which receives hazardous material as described in part 40 chapter 260.1 of the code of federal regulations.
- H. Hazardous Waste or Material: Any waste or material which, because of its quantity, concentration, physical, chemical or infectious characteristics, may:
 - 1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,
 - 2. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed; or,
 - 3. Any material or substance designated as a hazardous or toxic substance defined by part 40 chapter 261.3 of the Code of Federal Regulations, or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Division of Environmental Quality or any successor agency.
- I. Injection: The subsurface emplacement of fluids.
- J. Livestock Confinement Operation: As defined in the County Zoning Ordinance.
- K. Noncommunity Water System: A public water system that is not a community water system.

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- L. **Public Water System:** A system that provides the public with piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes: 1) any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system, and 2) any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. A public water system is either a "community water system" or a "noncommunity water system" as defined herein.
- M. **Sanitary Landfill:** A solid waste disposal operation where the wastes are spread on land in thin layers, compacted to the smallest practical volume, and covered with cover material once each day of operation in order to safeguard against environmental pollution, nuisances, and health hazards.
- N. **Storm Water Runoff:** Water discharged as a result of rain, snow, or other precipitation.
- O. **Time of Travel Districts (TOT):** The time required for a contaminant to move in the ground from a specific point to a well.
- P. **Underground Injection Well:** Any excavation or artificial opening into the ground which meets the following three criteria:
1. It is a bored, drilled or dug hole, or is a driven mine shaft or a driven well point; and,
 2. It is deeper than its largest straight-line surface dimension; and,
 3. It is used for or intended to be used for injection.
- Q. **Wellhead Protection Overlay District (WPO):** A land use designation on the Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner. The Wellhead Protection Overlay District will also appear in the hazardous component of the Comprehensive Plan. A map will define specific area districts centering around wells supplying drinking water to a public water system. The map is delineated using one of the following methods:
1. Calculated fixed radius; or,
 2. Arbitrary fixed radius; or,
 3. Simplified variable shapes; or,
 4. Semi-analytical, and analytical methods; or,
 5. Hydrogeologic mapping; or,
 6. Numerical modeling; and
 7. Follow the guidelines established in the Idaho Wellhead Protection Plan.
- R. **Wellhead Protection Overlay District Ia:** A minimum fixed radius extending no less than 50 feet radially from the wellhead supplying potable water to the public water supplies.
- S. **Wellhead Protection Overlay District Ib:** A three year "time of travel district (TOT)" as defined in this Section.
- T. **Wellhead Protection Overlay District II:** A six year "time of travel district (TOT)" as defined in this Section.
- U. **Wellhead Protection Overlay District III:** A 10 year "time of travel district (TOT)" as defined in this Section.

10-5-3: ESTABLISHMENT OF WELLHEAD PROTECTION OVERLAY DISTRICT:

There is hereby established a Wellhead Protection Overlay District identified and described as all the area within the 10 year TOT district around public water supplies as shown on the Official Zoning Map. It is further established that these areas be composed of four districts: "Wellhead Protection Overlay District Ia," "Wellhead Protection Overlay District Ib", "Wellhead Protection Overlay District II", and "Wellhead Protection Overlay District III", as they are defined in this Chapter. The City may record with the County Recorder's office a metes and bounds description of the Wellhead Protection Overlay District.

10-5-4: PROHIBITED USES WITHIN DISTRICT IA OF THE WELLHEAD PROTECTION AREA:

Uses permitted within District Ia shall be limited to necessary public water supply wellhead equipment including the following: wellhead facility buildings, water storage tanks, disinfection equipment, disinfection chemical storage and approved landscaping. All other uses shall be prohibited.

10-5-5: PROHIBITED USES WITHIN DISTRICT IB OF THE WELLHEAD PROTECTION AREA:

The following uses or conditions shall be and are hereby prohibited within District Ib of the Wellhead Protection areas:

- A. Sanitary landfills.
- B. Livestock confinement operations.
- C. Hazardous waste disposal facility.
- D. Injection wells except for the following:
 - 1. Closed systems.
- E. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous solid or liquid material or waste having potential impact on ground water.

- F. Existing sewer lines shall not be closer than 100 feet of a wellhead or of new sanitary systems and sewer lines shall not be closer than 150 feet of a wellhead.
- G. Existing septic tanks or drain fields shall not be closer than 100 feet of a wellhead and new installation of septic tanks or drain fields shall not be closer than 200 feet away from the wellhead.
- H. Junk or salvage yards.
- I. Disposal of waste oil, oil filters, tires and all other petroleum products.
- J. Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-5-6: PROHIBITED USES WITHIN DISTRICT II OF THE WELLHEAD PROTECTION AREA:

The following uses or conditions shall be and are prohibited within District II of the Wellhead Protection Overlay District:

- A. Sanitary landfills;
- B. Hazardous waste disposal facilities;
- C. Injection wells except for the following:
 - 1. Deep well injection (below 18 feet in depth):
 - a. Geothermal heat;
 - b. Heat pump return;
 - c. Cooling water return.

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2. Shallow well injection only (less than 18 feet in depth):
 - a. Storm runoff;
 - b. Agricultural runoff waste water;
 - c. Special drainage water;
 - d. Aquifer recharge;
 - e. Aquifer remediation;
 - f. Septic systems (general).
- D. Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-5-7: PROHIBITED USES WITHIN DISTRICT III OF THE WELLHEAD PROTECTION OVERLAY DISTRICT:

The following uses or conditions shall be and are prohibited within District III of the Wellhead Protection Overlay District:

- A. Injection wells except for the following:
 1. Deep well injection (below 18 feet in depth):
 - a. Geothermal heat;
 - b. Heat pump return;
 - c. Cooling water return.
 2. Shallow well injection only (less than 18 feet in depth):
 - a. Storm runoff;
 - b. Agricultural runoff waste water;
 - c. Special drainage water;
 - d. Aquifer recharge;
 - e. Aquifer remediation;
 - f. Septic systems (general).
- B. Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-5-8: NOTICE OF PROPOSED ACTION TO OPERATOR OF PUBLIC OR COMMUNITY WATER SUPPLY:

Whenever there is a request which requires approval from the Planning and Zoning Commission for land lying within a Wellhead Protection District, written notice of the hearing shall be given to the entity operating the public or community water supply within that overlay district.

The Planning and Zoning Commission may require a granting of easements for monitoring wells if the Commission deems it appropriate for protection of the public water supply.

10-5-9: NONCONFORMING USES:

Any legal use existing at the time of the adoption of this section and listed as a prohibited use herein, shall become a legal nonconforming use and may not be expanded or improved except as otherwise provided in the zoning ordinance.

10-5-10: ENFORCEMENT:

It shall be unlawful for any person, corporation, government entity or business to occupy or use the land within the area designated in the wellhead protection overlay district I, II, and III contrary to, or in violation of, any of the provisions of this section.