

CHAPTER 40

DRINKING WATER SOURCE PROTECTION

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11-40-010 Purpose.

The purpose of this ordinance is to ensure the provision of a safe and sanitary drinking water supply for Farmington City by the establishment of drinking water source protection zones surrounding the wellheads for all public water supplies within the boundaries of Farmington City.

11-40-020 Definitions.

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

(1) “Design standard” means a control that is implemented by a potential contamination source to prevent discharges to the ground water. Spill protection would be an example of a design standard.

(2) “Land management strategies” means zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, development rights, public education programs, ground water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

(3) “Pollution source” means point source discharges of contaminants to ground water or potential discharges of the liquid forms of “extremely hazardous substances” which are stored in containers in excess of “applicable threshold planning quantities” as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, land filling of sludge and seepage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution sources:

(a) “Animal feeding operation” means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(b) “Animal units” means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(c) “Extremely hazardous substances” means those substances which are identified in the section 302 (EHS) column of the “Title III List of Lists – Consolidated List of Chemicals Subject to Reporting under SARA Title III “ (EPA 560/4-91-011).

(4) “Potential contamination source” means any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

(5) “Regulatory agency” means any governmental agency with jurisdiction over hazardous waste as defined herein.

(6) “Sanitary landfill” means a disposal site where solid wastes, including putrescible wastes or hazardous wastes, are disposed of on land by placing earth cover thereon.

(7) “Septic tank/drain field systems” means a system which is comprised of a septic tank and a drain field which accepts domestic wastewater from buildings of facilities for subsurface treatment and disposal. By their design, septic tank/drain field system discharges cannot be controlled with design standards.

(8) “Wellhead” means the upped terminal of a well including adapters, ports, seals, valves and other attachments.

11-40-030 Establishment of Drinking Water Source Protection Zones.

There are hereby established use districts to be known as Zones One, Two, Three and Four of the drinking water source protection area, identified and described as follows:

(1) Zone One is the area within a 100-foot radius from the wellhead or spring.

(2) Zone Two is the area within a 250-day groundwater time of travel to the wellhead or spring, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(3) Zone Three is the area within a three-year groundwater time of travel to the wellhead or spring, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(4) Zone Four is the area within a 15-year groundwater time of travel to the wellhead or spring, the boundary of the aquifer which supplies water supplies water to the groundwater source, or the groundwater divide, whichever is closer.

11-40-040 Permitted Uses.

The following uses shall be allowed with the groundwater protections zones:

(1) All zones:

(a) Uses established before the effective date of this ordinance and used continuously and in the same manner thereafter, which uses may continue, provided such use is not judged by any court of competent jurisdiction to be a nuisance under the provisions of federal, state or local laws or regulations.

(b) Use of single or multiple-family residential dwellings, commercial or institutional uses established on or after the effective date of this ordinance connected to a sanitary sewer system.

(c) Uses incidental and accessory to the uses set forth in the two immediately preceding subparagraphs.

(2) Zone Four:

(a) The tilling of the soil and the raising of crops, provided fertilizing and the use of pesticides is accomplished within federal, state and local guidelines.

(b) The pasturing of livestock, provided all forage is raised on the pastured area.

(c) Uses incidental and accessory to the uses set forth in the three immediately preceding subparagraphs.

11-40-050 Prohibited Uses.

Except uses established before the effective date of this ordinance and used continuously and in the same manner thereafter, which uses may continue, on or after the effective date of this

ordinance, the following uses or conditions shall be and hereby are prohibited within groundwater protection zones, regardless of whether such uses or conditions may otherwise be included as part of a use allowed under this ordinance.

(1) Zones One and Two:

(a) Underground storage tanks.

(b) Any pollution source as defined herein or in R-113 of the Utah Administrative Code.

(2) Zones One, Two and Three:

(a) Agriculture industries including but not limited to intensive feeding operations such as feed lots, dairies, fur breeding operations, poultry farms, etc.

(3) All Zones:

(a) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use).

(b) Sanitary landfills.

(c) Hazardous water or material disposal.

(d) Septic tanks/drain field systems.

11-40-060 Administration.

The policies and procedures or administration of any source protection zone established under this ordinance, including without limitations those applicable to nonconforming uses, exception, enforcement and penalties, shall be the same as provided in the Zoning Ordinance of the City of Farmington, Utah, as the same is presently enacted or may be amended from time to time.

Any and all uses of property must comply with the requirements of this ordinance.

