

**Shall the Town vote to Amend Article 7 be deleting the wording and adding wording shown as underlined**

To Read:

**Section 7.06 Well-Head Protection District (WHPD) (AMENDED 6-5-93)**

**Subsection 7.06.01 General** - The purpose of this district is to establish a protection district for wells intended to serve potable water on a town or regional scale. The creation of the Wellhead District is intended to protect the quality and quantity of the present and future water resources of the communal potable water systems, by regulating activities and land use practices within the well recharge area. This protection is vital to preserving the health, safety, and general welfare of the households serviced by potable water systems and the other residents of the Town.

The Wellhead Protection district shall be an overlay zoning district and therefore compliance with all the requirements of the underlying zoning district(s) which the Wellhead Protection district covers shall be maintained.

~~In addition, those uses listed in s7.06.03 are prohibited in the Wellhead Protection overlay district.~~

The Wellhead Protection districts shall consist of all land delineated within that zone on the Town of Waterboro Wellhead Protection Zone Map, as amended.

**Subsection 7.06.02 Permitted Uses and Structures** - Any permitted uses and structures allowed within the underlying zoning district(s) (which the individual Wellhead Protection district overlays), and not specifically prohibited in subsection 7.06.03, shall be permitted uses and structures within the Wellhead Protection district subject to the provisions of Section 7.06.

~~**Subsection 7.06.03 Prohibited Uses and Structures**~~

~~1. Disposal or storage of combustible or non combustible waste is defined in the Town of Waterboro's Landfill Licensing Ordinance; hazardous or toxic materials as defined in the Town of Waterboro's Hazardous Waste Ordinance; leachable materials or road salt; used automobiles or related parts; and sludge.~~

~~2. Use or storage of fertilizer or manure, other than for home agriculture.~~

~~3. Use or storage of herbicides, insecticides or pesticides other than for normal household or home agricultural use. Aerial spraying of herbicides, insecticides or pesticides.~~

~~4. Mining.~~

~~5. Metal plating.~~

- ~~6. Boat or motor vehicle service or repair; body shops.~~
- ~~7. Car washes.~~
- ~~8. Dry cleaning establishments.~~
- ~~9. Truck or trailer terminals.~~
- ~~10. Agricultural uses other than home agricultural uses.~~
- ~~11. Furniture stripping, painting or wood preserving other than for personal use.~~
- ~~12. Commercial animal husbandry.~~
- ~~13. Sand and gravel extraction.~~
- ~~14. Pipelines for the transmission of oil, fuel, or hazardous or toxic materials, other than home heating systems.~~
- ~~15. Spray irrigation of industrial sewage or~~
- ~~16. Sawmills or wood processing plants.~~
- ~~17. Subsurface waste disposal systems with a capacity greater than 1,000 gallons per day.~~

**Subsection 7.06.03. Establishment of Zones**

The Wellhead Protection District consists of two (2) zones that are shown on the official Town of Waterboro Zoning Map or official Wellhead Protection District Map. The two zones are defined as:

A. Zone 1: Immediate Recharge Area

Zone 1 includes the area immediately recharging the water supply, as shown on the official Town of Waterboro Zoning Map or official Wellhead Protection District Map.

B. Zone 2: Primary Recharge Area

Zone 2 includes the primary recharge area shown on the official Town of Waterboro Zoning Map or official Wellhead Protection District Map.

C. Land Use Table

Any proposed land use listed below is subject to the requirements of this section and applicable performance standards.

<u>Land Use</u>	<u>Zone 1</u>	<u>Zone 2</u>	<u>Applicable Performance Standards</u>
<u>Agricultural chemical spreading or spraying</u>	<u>N</u>	<u>PB</u>	<u>Chemical Storage</u> <u>Chemical Use</u> <u>Chemical Spreading/Spraying</u>
<u>Agricultural use of residuals</u>	<u>N</u>	<u>PB</u>	<u>Chemical Spreading/Spraying</u>
<u>Agriculture</u>	<u>N</u>	<u>PB</u>	<u>Chemical Storage</u> <u>Chemical Use</u> <u>Chemical Spreading/Spraying</u>
<u>Animal husbandry</u>	<u>N</u>	<u>PB</u>	<u>Chemical Storage</u> <u>Wastewater and Solid Waste</u>
<u>Auto parts/supply</u>	<u>N</u>	<u>PB</u>	<u>Chemical Storage</u>
<u>Auto repair/body shop</u>	<u>N</u>	<u>PB</u>	<u>Chemical Use</u> <u>Chemical Storage</u>
<u>Beauty parlor</u>	<u>N</u>	<u>PB</u>	<u>Chemical Use</u> <u>Wastewater and Solid Waste</u>
<u>Boat builders, refinisher, maintenance</u>	<u>N</u>	<u>PB</u>	<u>Chemical Storage</u> <u>Chemical Use</u>
<u>Bulk Fuel Oil Storage &gt;275 gallons</u>	<u>N</u>	<u>PB</u>	<u>Chemical Storage</u>
<u>Car wash</u>	<u>N</u>	<u>PB</u>	<u>Chemical Use</u> <u>Wastewater and Solid Waste</u>
<u>Commercial vehicular storage or parking; maintenance and refueling of vehicles and equipment<sup>1</sup></u>	<u>N</u>	<u>PB</u>	<u>Vehicular Use and Storage</u>
<u>Concrete, asphalt, tar, coal company</u>	<u>N</u>	<u>PB</u>	<u>Chemical Storage</u> <u>Chemical Use</u>
<u>Dry cleaner</u>	<u>N</u>	<u>PB</u>	<u>Chemical Storage</u> <u>Chemical Use</u>
<u>Essential operations of the Water District</u>	<u>Y</u>	<u>Y</u>	
<u>Furniture stripper</u>	<u>N</u>	<u>PB</u>	<u>Chemical Storage</u> <u>Chemical use</u>
<u>Golf course</u>	<u>N</u>	<u>PB</u>	<u>Chemical Storage</u> <u>Chemical Use</u> <u>Chemical Spreading/Spraying</u>

<u>Land Use</u>	<u>Zone 1</u>	<u>Zone 2</u>	<u>Applicable Performance Standards</u>
<u>Graveyard/cemetery</u>	<u>N</u>	<u>PB</u>	<u>Chemical Spreading/Spraying</u>
<u>Herbicide/Pesticide/Fertilizer application<sup>2</sup></u>	<u>N</u>	<u>PB</u>	<u>Chemical Storage</u> <u>Chemical Use</u> <u>Chemical Spreading/Spraying</u>
<u>Herbicide/Pesticide/Fertilizer dealer</u>	<u>N</u>	<u>PB</u>	<u>Chemical Storage</u>
<u>Hoop houses and greenhouses</u>	<u>N</u>	<u>PB</u>	<u>Chemical Use</u> <u>Chemical Spreading/Spraying</u>
<u>Junk or salvage yard</u>	<u>N</u>	<u>PB</u>	<u>Wastewater and Solid Waste</u> <u>Chemical Storage</u>
<u>Laundromat</u>	<u>N</u>	<u>PB</u>	<u>Chemical Use</u> <u>Wastewater and Solid Waste</u>
<u>Machine shop</u>	<u>N</u>	<u>PB</u>	<u>Chemical Storage</u> <u>Chemical Use</u>
<u>Medical, dental, veterinarian office</u>	<u>N</u>	<u>PB</u>	<u>Wastewater and Solid Waste</u>
<u>Mining (Sand &amp; Gravel, Rock)</u>	<u>N</u>	<u>PB</u>	<u>Mining</u>
<u>Mortuary/funeral parlor</u>	<u>N</u>	<u>PB</u>	<u>Chemical Storage</u> <u>Chemical Use</u>
<u>Multi-unit/family housing</u>	<u>N</u>	<u>PB</u>	<u>Wastewater and Solid Waste</u>
<u>Municipal wastewater treatment plant</u>	<u>N</u>	<u>PB</u>	<u>Wastewater and Solid Waste</u>
<u>Nursery or garden shop</u>	<u>N</u>	<u>PB</u>	<u>Chemical Use</u> <u>Chemical Spreading/Spraying</u>
<u>Oil pipeline</u>	<u>N</u>	<u>PB</u>	<u>Chemical Use</u> <u>Chemical Spreading /Spraying</u>
<u>Painters, finishers</u>	<u>N</u>	<u>N</u>	<u>Chemical Use</u>
<u>Parking lot</u>	<u>N</u>	<u>PB</u>	<u>Stormwater</u> <u>Road maintenance</u>
<u>Photo processor</u>	<u>N</u>	<u>PB</u>	<u>Chemical storage</u> <u>Chemical use</u>
<u>Printer</u>	<u>N</u>	<u>PB</u>	<u>Chemical storage</u> <u>Chemical use</u>
<u>Railroad yard or line</u>	<u>N</u>	<u>PB</u>	<u>Chemical storage</u> <u>Chemical use</u>
<u>Recycling or processing center (other than beverages)</u>	<u>N</u>	<u>PB</u>	<u>Chemical storage</u> <u>Chemical use</u> <u>Wastewater and Solid Waste</u>

<u>Land Use</u>	<u>Zone 1</u>	<u>Zone 2</u>	<u>Applicable Performance Standards</u>
			<u>Storm water Fill</u>
<u>Research laboratory</u>	<u>N</u>	<u>PB</u>	<u>Chemical storage</u> <u>Chemical use</u> <u>Wastewater and Solid Waste</u>
<u>Rust proofer</u>	<u>N</u>	<u>PB</u>	<u>Chemical storage</u> <u>Chemical use</u> <u>Wastewater and solid waste</u>
<u>Salt pile or sand and salt pile (uncovered)</u>	<u>N</u>	<u>PB</u>	<u>Chemical storage</u>
<u>Septic system</u> <u>New &gt;1,000 gpd</u> <u>New &lt;1,000 gpd</u> <u>Replacement &lt; 1,000 gpd</u>	<u>N</u> <u>N</u> <u>CEO<sup>3</sup></u>	<u>N</u> <u>CEO<sup>3</sup></u> <u>CEO<sup>3</sup></u>	<u>Wastewater and solid waste</u>
<u>Sewer lines</u>	<u>PB</u>	<u>PB</u>	<u>Waste water</u> <u>Solid waste</u>
<u>Small engine repair shop</u>	<u>N</u>	<u>PB</u>	<u>Chemical use</u>
<u>Storm water impoundment or run-off area</u>	<u>N</u>	<u>PB</u>	<u>Storm water</u> <u>Road maintenance</u>
<u>Utility Transmission Lines</u>	<u>PB</u>	<u>PB</u>	<u>Chemical Spreading/Spraying</u>
<u>Wastewater treatment plant, discharge</u>	<u>N</u>	<u>PB</u>	<u>Wastewater and solid waste</u>
<u>Notes</u>	<p><sup>1</sup> – <u>Short-term overnight parking may be allowed in connection with other activities receiving a CEO or PB permit. For example, short-term overnight parking of construction vehicles on new permitted construction projects.</u></p> <p><sup>2</sup> – <u>Unless a greater public health concern warrants pesticide application. For example, Browntail Moth control.</u></p> <p><sup>3</sup> – <u>With notification made to the appropriate public water supplier(s): the Waterboro Water District and/or the Lake Arrowhead Association Department of Public Works.</u></p>		

Land use key

Y= permitted

N= not permitted

PB= permitted subject to Planning Board Review and use of Best Management Practices that pertain to the application

CEO= permitted subject to CEO Review and use of Best Management Practices that pertain to the application

**Subsection 7.06.04** Conditional Uses - Any conditional uses allowed within the underlying zoning district(s) (which the individual Wellhead Protection district overlays), and not specifically prohibited in subsection 7.06.03, shall be conditional uses in this district and subject to Planning Board review pursuant to Article 4 of this Ordinance.

**Subsection 7.06.05 Conflict** - If the provisions of this Article conflict with other requirements in this zoning ordinance, or with requirements found in other ordinances of the Town of Waterboro, the stricter requirements shall govern.

**Subsection 7.06.06 Lot Specifications**

**A. Minimum Lot Size**

<u>Zone</u>	<u>Land Area per Dwelling Unit</u>
<u>1</u>	<u>160,000 sq. ft.</u>
<u>2</u>	<u>80,000 sq. ft.</u>

Areas served by public water shall have a minimum lot size of 40,000 square feet per dwelling unit.

**B. Maximum Lot Coverage**

For portions of lots within the Wellhead Protection District, the maximum lot area that can be covered by impervious surfaces including parking areas shall be as follows:

<u>Zone</u>	<u>Maximum lot Coverage</u>
<u>1</u>	<u>30%</u>
<u>2</u>	<u>50%</u>

Notwithstanding other provisions of the ordinance, lot coverage that exists as of the date of adoption of this ordinance that equal or exceed the applicable percentage limitation may be continued and may be expanded with Planning Board approval. Expansions of lot coverage shall be limited to no more than ten percent (10%) of the portion of the lot located in the Wellhead Protection District. However, the Planning Board shall not authorize expansion of impervious surfaces of existing uses if the total coverage of all lot areas located in the Wellhead Protection District is greater than fifty percent (50%) in Zone 1 or greater than sixty-five percent (65%) in Zone 2.

### **Subsection 7.06.07. Application Requirements**

The Planning Board may modify or waive any of the following submission requirements if it determines that, because of the size or nature of the project or circumstances of the site, such requirement(s) would not be applicable or would be an unnecessary burden upon the applicant and would not affect or conflict with the purposes of this ordinance.

#### **A. All Applications**

All applications shall follow submission criteria set forth in Section I. D. of the Site Plan Review Ordinance.

#### **B. Independent Review and Advice**

##### 1. Professional Services

The Planning Board or CEO may require an attorney or consultant to review one or more aspects of an application for compliance or non-compliance with this ordinance and to advise. The attorney or consultant shall first estimate the cost of such review and the applicant shall deposit, with the Town the full estimated cost, which the Town shall place in an escrow account. The Town shall pay the attorney or consultant from the escrow account and reimburse the applicant if funds remain after payment. The Town shall bill the applicant if the actual cost exceeds the estimated cost. A certificate of occupancy will not be issued until all costs associated with the project have been paid by the applicant.

##### 2. Additional Studies

The Planning Board or CEO may require the applicant to undertake any study they deem reasonable and necessary to determine whether a proposed activity meets the requirements of this ordinance. The costs of such studies shall be borne by the applicant.

#### **C. Additional Application Requirements for Planning Board Review for Certain Activities within the Wellhead Protection District**

More than one of the categories listed below may apply to a particular use. Applicants should request assistance from the Town Planner should there be questions as to which categories apply.

##### **1. Non-agricultural chemical use, storage and handling, (including petroleum products)**

- a. Type and volume of chemical compounds handled and/or stored.
- b. Site plan showing all storage, handling and use areas for raw materials and wastes.
- c. For outside areas, details to contain spills including:
  - i. drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from flowing off site;
  - ii. provisions to collect chemicals should they enter the drainage system;
  - iii. provisions to segregate underground systems to insure that there are no cross connections;

- iv. provisions to prevent accidental containment breach by collisions;
- v. statement of emergency measures which can be implemented for surface drainage systems;
- d. For inside areas, details to contain spills including:
  - i. the design of dikes around rooms;
  - ii. the location of floor drains and floor drains outlets;
  - iii. the location of separators, holding tanks and/or drain outlets;
  - iv. the specific location and design of underground storage structures;
  - v. the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.
- e. A spill prevention and control and countermeasure (SPCC) plan detailing:
  - i. materials and equipment to be available;
  - ii. a training plan and schedule;
  - iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
  - iv. an inspection schedule.
- f. A report by an industrial engineer or other competent professional detailing:
  - i. steps which have been taken to reduce the use of hazardous material;
  - ii. actions which have been taken to control the amount of wastes generated;
  - iii. any reports to provide information on the design theory or methodology for the above features.

## **2. Agricultural chemical use, storage and handling**

- a. Type and volume of chemical compounds handled and/or stored.
- b. Intended use.
- c. An Integrated Pest Management Plan.
- d. An on-site soils evaluation to assess nutrient holding capacity and leachability of the soils.
- e. Plans for control of surface water run-off and erosion in areas where chemicals will be applied.
- f. Detailed report on type of chemical applied and rate of application.
- g. Site plan showing all storage, handling and use areas for raw materials and wastes.
- h. For outside storage, details to contain spills including:
  - i. drainage and contour information to prevent the flow of runoff from entering;
  - ii. the storage area and which keep leaks or spills from flowing off site;
  - iii. provisions to collect chemicals should they enter the drainage system;
  - iv. provisions to segregate underground systems to insure that there are no cross connections;
  - v. provisions to prevent accidental containment breach by collisions;
  - vi. statement of emergency measures which can be implemented for surface drainage systems.
- i. For inside storage, details to contain spill including the:
  - i. design of dikes around rooms;
  - ii. the location of floor drains and floor drains outlets;
  - iii. the location of separators, holding tanks and/or drain outlets;
  - iv. the specific location and design of underground storage structures;

- v. the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.
- j. A spill prevention and control and countermeasure (SPCC) plan detailing:
  - i. materials and equipment to be available;
  - ii. a training plan and schedule;
  - iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
  - iv. an inspection schedule.
- k. A report by an industrial engineer or other competent professional detailing:
  - i. steps which have been taken to reduce the use of hazardous material;
  - ii. actions which have been taken to control the amount of wastes generated;
  - iii. any reports to provide information on the design theory or methodology for the above features.

### **3. Vehicular use and storage**

- a. A site plan, drawn to scale, showing locations and designs of secondary containment for fuel and storage and refueling pads.

### **4. Mining (Sand, Gravel and Rock )**

- a. A location map and site plan, drawn to scale, showing property boundaries, stockpile areas, existing reclaimed and unreclaimed lands, proposed maximum acreage of all affected lands, erosion and sedimentation control all applicable private drinking water supplies or public drinking water sources and all existing or proposed solid waste disposal areas.
- b. A detailed report by a Maine Certified Geologist with experience in hydrogeology attesting to the depth of the seasonal water table, and plan showing benchmarked elevations for depth of excavation.

### **5. Subsurface injection**

- a. Subsurface Wastewater Disposal
  - i. Soil evaluator's report and septic system design.
  - ii. For sites/uses producing >800 gallons of sewage, a hydrogeologic analysis of nitrate concentrations at the property line.
- b. Sewage Disposal
  - i. Evaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a Registered Engineer or the sewer system superintendent.
- c. Subsurface Injection
  - i. Provisions and designs for all floor drains, grease traps, and holding tanks.

### **6. Stormwater Management**

- a. Narrative describing site layout, and on-site and off-site watershed hydrology, including all new and existing buildings and facilities, which may be affected by the site runoff. Provide total amount of impervious area created by the project.
- b. Drainage plans showing all topographic features, such as buildings and other facilities, drainageways, cover types, roads, drainage easements and subcatchment boundaries for pre-construction and post-construction conditions must be shown

on the plan. Show all hydrologic flow lines and hydrologic soil groups boundaries on a plan and identify each subcatchment, reach and pond consistent with the runoff model. For post construction conditions, show all new stormwater management structures and changed to the hydrologic condition.

- c. Stormwater runoff calculations for measured designed to meet the standards listed in Section 5(G).
- d. Designs, construction details and technical specifications for each stormwater management measure that will be constructed, installed or managed on the site.

## **7. Utility Corridors**

- a. Type and volume of chemical compounds applied, handled or stored.
- b. Site plan showing all areas of use areas for chemical compounds.
- c. A spill prevention and control and countermeasure (SPCC) plan detailing:
  - i. materials and equipment to be available;
  - ii. a training plan and schedule;
  - iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
  - v. an inspection schedule.
- d. A report by an industrial engineer or other competent professional detailing:
  - i. steps which have been taken to reduce the use of hazardous material;
  - ii. actions which have been taken to control the amount of wastes generated;
  - iii. any reports to provide information on the design theory or methodology for the above features.

## **Subsection 7.06.08. Performance Standards**

### **A. General Provisions**

All development located within the Wellhead Protection District shall comply with the Performance Standards established in this section to protect the quality and quantity of the public water supply.

### **B. Performance Standards for Chemical Use**

1. The use of chemicals or residuals shall not cause or contribute to the cumulative, calculated or actual levels of any contaminants in the groundwater at the Water District's property line to exceed 50% of the allowable Primary Public Drinking Water Standards as defined by the Federal Safe Drinking Water act, as amended.
2. Only fertilizers containing predominantly slow release nitrogen and manure are allowed. Fertilizers shall be applied at an agronomic rate based on annual soil test results. Permit applications must be on an annual basis. Permit applications shall include application materials and rates.
3. Only land application of pesticides with low leachability by Maine licensed applicators is allowed. Provisions shall be made for control of surface run-off and erosion in areas where pesticides are being applied. Permit applications shall be submitted on an annual basis and shall include copies of the pesticide labels and materials safety data sheets and

the proposed rate of application. In addition to a comprehensive Integrated Pesticide Management Plan certified by a groundwater hydrologist as having no unreasonable adverse effects on groundwater, annual reports detailing the type and amount of substance reports as well as date and specific location of application shall be submitted to the CEO annually.

### **C. Performance Standards for Chemical Storage**

1. New installation of underground storage tanks are prohibited within the Wellhead Protection District.
2. All chemicals must be stored under cover and on an impervious surface, without floor drains.
3. Secondary containment of liquid chemicals equaling 110% of the stored product must be provided.
4. Tanks for liquid chemical storage must be equipped with automatic shut-off valves and high level alarms.
5. Any above-ground piping must be designed to prevent line breakage due to collision.
6. All containers and piping must be constructed of corrosion resistant materials.
7. All containers must be clearly labeled with the chemical name and date of purchase.
8. A Spill Prevention, Control and Countermeasures Plan (SPCC) must be submitted to the CEO, Fire Department and the Water District.

### **D. Performance Standards Chemical Spreading/Spraying**

1. Pesticide and herbicide application should be the option of last resort. Any activity requiring the use of herbicides or pesticides must develop an Integrated Pest Management Plan that details the conditions under which agricultural chemicals are to be used. All pesticides shall be applied in accordance with label directions and the regulations of the Maine Board of Pesticides Control.
2. Herbicides and pesticides must be applied only by certified applicators, who must be informed regarding the delineated area of wellhead protection.
3. A Nutrient Management Plan must be provided for all agricultural activities within the WHPD.
4. All agricultural fertilizers shall be applied in accordance with label directions, and must be applied in accordance with an approved Nutrient Management Plan
5. Fertilizer applications are to be tailored to the specific needs of the crop, as determined by soil suitability analyses. Use of slow-release fertilizers is preferred.
6. Irrigation schedules shall be coordinated with pesticide and nutrient application to minimize the possibility of leaching. Pesticides and nutrients shall not be applied to frozen ground, or applied immediately before storm events.
7. Notice of intent to apply agricultural chemicals shall be given to the CEO and public water supplier prior to application.
8. Only Class "A" composted residuals may be used within WHPD. These residuals must have an approved Program License from the Maine Department of Environmental Protection, and must be used in strict accordance with all license provisions. Any non-composted residual or a residual not meeting the Class "A" pathogen reduction standard should not be spread within the WHPD.

9. Manures must be composted to Class "A" standards. Manure may be used within the WHPD, and must be applied in accordance with the nutrient management plan.
10. Residuals and manures shall not be applied over very shallow soils (less than 1 foot) or exposed bedrock.
11. Residuals and manure shall not be applied on frozen ground, or immediately before storm events.

**E. Performance Standards for Non-Residential Vehicular Use and Storage**

1. When draining oils or fluids from vehicles, precautionary measures such as portable drip pans, must be taken to ensure that no spills occur.
2. All fuel oil, waste oil, lubricants, antifreeze, or other potential contaminants must have permanently installed secondary containment equal to 110% of the liquid volume stored, be covered by a permanent roof and be on a surface with no floor drains.
3. No vehicle washing may occur.
4. Refueling vehicles must be equipped with a shovel, an impermeable container with a volume of no less than 35 gallons and a tight fitting lid, and at least two absorbent pads or pillows. An absorbent pad or portable drip catch must be in place beneath the fill tube at all times during the refueling operation.
5. Refueling must occur on a concrete pad or other impermeable surface.

**F. Performance Standards for Vehicular Parking and/or Storage**

Any vehicle (both on- and off-road) with externally mounted fuel tanks in excess of 45- gallons must be on an impervious surface with no floor drains.

**G. Performance Standards for Mining (Sand, Gravel and Rock)**

1. Separation must be maintained between any excavation and any public drinking water source as follows: (1) For systems serving a population of 500 persons or less, the minimum separation must be 300 feet; (2) For systems serving a population of 501 persons up to 1,000 persons, the separation must be 500 feet; (3) For systems serving a population of more than 1,000 persons, the separation must be 1,000 feet; and (4) For any system that holds a valid filtration waiver in accordance with the federal Safe Drinking Water Act, the separation must be 1,000 feet
2. Excavation may not extend below 5 feet above the seasonal high water table without the submission of detailed findings of the depth of the water table.
3. No equipment debris, junk, or other material is permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith must be removed within 30 days following completion of active extraction operations.
4. Within 6 months of the completion of extraction operations at any extraction site or any one or more locations within any extraction site, ground levels and grades must be established in accordance with the approved plans.
5. All debris, stumps, boulders, and similar materials must be removed or disposed of in an approved location or buried and covered with a minimum of two feet of soil.
6. The extent and type of fill must be appropriate to the use intended. The applicant must specify the type and amount of fill to be used.

7. At least 4 inches of topsoil or loam must be retained or obtained to cover all disturbed areas, which must be reseeded and property restored to a stable condition adequate to meet the provisions of the "Erosion and Sediment Control, Best Management Practices," published by the Maine Department of Environmental Protection.
8. Disused gravel pits within the Wellhead Protection District shall be reclaimed according to plans submitted to the Municipality.
9. Gravel mining activities in Wellhead Protection District must have emergency spill response plans.
10. Storage of fuels is prohibited within WHPD.
11. Rock crushers are prohibited within WHPD.
12. There shall be no overnight storage of vehicles within the WHPD unless parked over a secondary containment area.

#### **H. Performance Standards for Wastewater and Solid Waste**

1. Municipal wastewater disposal facilities, chemical waste disposal sites of any kind, spreading of biosolids and incinerator ash except Class "A" residuals as described in Section 7.06.08 of this Ordinance, solid waste landfills, log storage yards and lumber yards, and other direct discharges shall be prohibited in WHPD.
2. All new and replacement subsurface wastewater disposal systems shall submit evidence of site suitability prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules and for systems producing > 800 gallons of sewage, a hydrogeologic analysis of nitrate/nitrite impact study, with nitrate/nitrite concentrations limited to 5mg/L at the property line.
3. Sewer pipes shall be gasketed when buried within Zone 1 of the WHPD.

#### **I. Performance Standards for Stormwater Management**

1. Stormwater management system must include treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater and mitigate potential temperature impacts. This shall be achieved by using one or more of the methods listed in this section to control runoff from no less than 95% of the impervious area and no less than 80% of the developed area associated with a project that is impervious or landscaped. The Planning Board may, on a case-by-case basis, consider alternate treatment measures to those described in this section. An alternate treatment measure must provide at least as much pollutant removal as the measures described in this section and, unless otherwise approved by the Planning Board, as much channel protection and temperature control.
  - a. Wetpond with detention above the permanent pool. A stormwater management system using detention to control runoff must detain, above a wetpond's permanent pool, a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's landscaped area. The detained runoff must be discharged solely through an underdrained vegetated gravel filter having a single outlet having a diameter no greater than eight inches. A wetpond must have a storage volume below the permanent pool elevation at

least equal to 1.5 inches times the subcatchment's impervious area plus 0.6 inch times the subcatchment's non-impervious developed area, a mean depth of at least three feet, and a length to width ratio of 2:1 or greater.

- b. Filter. A detention structure using filters to control runoff must detain a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's developed area that is landscaped and discharge it solely through an underlined vegetated soil filter having a single outlet with a diameter no greater than eight inches, or through a proprietary filter system approved by the Planning Board.
- c. Infiltration. A stormwater management system using infiltration to control runoff must retain a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's developed area that is landscaped and infiltrate this volume into the ground. Pre-treatment of stormwater must occur prior to discharge to the infiltration area. The infiltration area must minimize discharge of soluble pollutants to groundwater, and must be maintained to assure that its capacity for infiltration and pollutant removal is unimpaired.
- d. Buffers. A stormwater management system using buffers to control runoff must meet the design criteria listed in the Maine Department of Environmental Protection Stormwater Rules, 06-96 CMR 500, as amended.

#### **J. Performance Standards for Road Maintenance**

1. Cover all sand, salt or sand/salt piles with a roofed structure capable of preventing both contact with water and leaching of salt into groundwater. Tarps are not an acceptable means to cover a sand, salt or sand/salt pile.
2. Prohibit snow dumps and/ or snow storage in all wellhead protection areas.

#### **K. Performance Standards for Fill**

1. Use only inert material (loam, sand, gravel, clay, rocks, bricks or concrete).
2. Use only clean fill (no non-natural odors, no staining, and not originating at a known spill site).
3. Implement erosion and sedimentation control measures.

### **Subsection 7.06.09. Control of Existing Threats**

#### **A. Inspection**

The CEO shall follow the guidelines outlined in Article 2 of this ordinance.

#### **B. Monitoring**

Whenever the CEO finds that a use existing as of the date of adoption of this amendment (June 11, 2011), is located within a Wellhead Protection District designated by this ordinance and poses an actual or potential threat to the safety or quality of a public groundwater supply, the CEO shall inform the appropriate Water District official. The CEO may request the municipal officers to authorize legal measures in conjunction with the appropriate Water District to require the installation of monitoring wells and testing.

In cases where testing indicates that the use is found to cause or contribute to reduction of eighty percent 80% or more of the State Primary Drinking Water Standards at the Water District property line, the property owner shall reimburse the town or Water District for all expenses incurred for installations, testing and monitoring.

**C. Enforcement**

If any contamination is found or reported within the Wellhead Protection District, the CEO shall notify the Water District or Public Works Director along with any and all appropriate State or Federal agency. The CEO will enforce this section in accordance with Article 2 section 2.05 of this ordinance.

**SHALL THE TOWN VOTE TO AMEND ARTICLE 14 DEFINITIONS** Section 14.02 to add or modify the following:

### **Section 14.02 Words and Terms Defined**

**AGRICULTURAL USES:** Included the widest range of crop, grass, and grain production; poultry and egg raising; cattle, hog, sheep, horse, and goat production; agriculture; viticulture; and the utilization of land for pasturage purposes. The term shall also include greenhouse, orchards, nurseries, and versions thereof, but shall not include home gardens.

#### **AQUIFER**

A permeable geologic formation, either rock or sediment, that when saturated with groundwater is capable of transporting water through the formation.

#### **BEST MANAGEMENT PRACTICE**

Procedures designed to minimize the impact of certain activities or land uses on groundwater quality and quantity, and shall include best management practices relating to groundwater quality as developed by the State of Maine Departments of Agriculture, Environmental Protection, Forestry, Transportation and Development pursuant to 38 M.R.S.A. Section 410-J.

#### **CHEMICAL BULK STORAGE**

Storage of a chemical or chemicals in a container or containers larger than those intended for normal homeowner or retailer purposes. Proper, non-commercial, homeowner use of chemicals is not included. The allowed amounts of any storage shall be as established by the Superfund Amendments and Re-authorization Act (SARA), and any applicable regulations established by the U.S. Environmental Protection Agency.

**CONSTRUCTION/DEMOLITION:** Construction or demolition of facilities, buildings, etc. associated with the land uses or activities.

**DEVELOPED AREA:** “Disturbed area” (see definition below) excluding areas that are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. An area is not considered developed if planting to restore the previous cover type and restoration of any altered drainage patterns occur within one calendar year of the disturbance.

**DISTURBED AREA:** All land areas that are stripped, graded, grubbed, filled or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. Disturbed area does not include routine maintenance, but does include re-development and new impervious area.

**DRINKING WATER STANDARDS, PRIMARY AND SECONDARY:** Standards for drinking water as stated in the State of Maine Rules Relating to Drinking Water, Maine Department of Health and Human Services.

**FLOOR DRAIN:** An opening in the floor that leads to the ground Work sinks which lead to such drains are included in this definition.

**FUEL OIL DISTRIBUTOR, FUEL OIL STORAGE:** The storage of fuel for distribution or sale. Storage of fuel oil not for domestic use, i.e., not in tanks directly connected to burners.

**GAS STATION, SERVICE STATION:** Any place of business at which gasoline, other motor fuels, motor oil or vehicle maintenance services are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

**GROUNDWATER:** The water contained within the interconnected pores, cracks or fractures located below the water table of a confined or unconfined aquifer.

**HAZARDOUS MATERIAL:** Any gaseous, liquid or solid materials or substances designated as hazardous by the Environmental Protection Agency and/or the Maine Department of Environmental Protection.

**HAZARDOUS WASTE:** Any substance (a) identified under chapter 850, Identification of Hazardous Wastes, of the rules of the State of Maine Department of Environmental Protection, effective date July 1, 1980, including revisions or amendments thereto, (b), radioactive waste material including any solid, liquid, or gas residue, including but not limited to spent fuel assemblies prior to processing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiations; or (c) any substance listed in the Town of Waterboro Hazardous Waste Ordinance.

**IMPERVIOUS AREA:** The total area of a parcel that consists of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce permeability.

**INTEGRATED PEST MANAGEMENT PLAN (IPM):** Integrated Pest Management (IPM) is the coordinated use of physical, biological and cultural controls and least-toxic pest control products and techniques to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard to people, property and the environment. Integrated Pest Management involves the monitoring of pest populations, establishment of injury levels, modification of habitats (to eliminate sources of food, water, harborage and entry), utilization of least-toxic controls, and keeping of records and evaluation of performance on an ongoing basis.

**INTENSIVE OPEN SPACE USES:** Uses of open space which have the potential, because of their duration, frequency, or nature, to significantly impact the environment, particularly the groundwater quality and quantity. Examples of intensive open space uses include: automobile or all-terrain vehicle race tracks or ranges.

**LANDFILL:** An area used for the placement of solid waste, liquid waste or other discarded material on or in the ground.

**LANDSCAPED AREA:** An area of land that has been disturbed and re-planted or covered with one or more of the following: lawn or other herbaceous plants, shrubs, trees or mulch; but including area that has reverted to natural, vegetated condition.

**MINING OR MINERAL EXTRACTION:** The removal of geologic materials such as soil, topsoil, loam, sand, gravel, clay, metallic, ores, rock, peat, or other like material from its natural location and transportation of the product removed away from the extraction site.

**OPEN SPACE:** Land that is free of buildings, other permanent structures and impervious areas.

**PARK:** Land area set aside for public recreation, conservation, wildlife, or other similar purpose.

**PESTICIDE, HERBICIDE BULK STORAGE:** Storage of herbicides or pesticides intended for sale or intended for application on commercial premises or intended for application on cash crops. Homeowner storage or storage by non-commercial gardeners is not included in this definition.

**SALT OR SAND/SALT PILES (UNCOVERED):** Storage of any amount of salt or sand/salt mix, for any purpose, without a roof or other structure capable of preventing precipitation from reaching the salt or sand/salt.

**SLUDGE:** Residual material produced by water or sewer treatment processes, industrial processes, or domestic septic tanks.

**SLUDGE UTILIZATION:** The spreading of sludge on the ground or other use of sludge which might expose surface or groundwater to the sludge.

**SNOW DUMP:** A location to which snow is transported and dumped by commercial, municipal, or State snow-plowing operations.

**SOLID WASTE:** Discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill materials and landscape refuse.

**SPCC PLAN:** Spill Prevention Control and Countermeasure Plan as described in 40 CFR, Part 112 of Federal Oil Pollution Prevention Regulations.

**STORMWATER DRAINAGE:** A sewer or other system for conveying surface runoff due to storm events and unpolluted ground or surface water, including that collected by cellar drains, but excluding sanitary sewage and industrial waste.

**STORMWATER IMPOUNDMENT:** Any structure designed and constructed to contain stormwater runoff.

**SUBDIVISION:** A subdivision shall mean the division of a tract of parcel of land as defined in Title 30-A M.R.S.A. section 4401.

**SUBSURFACE INJECTION** (see subsurface wastewater disposal)

**SUBSURFACE WASTEWATER DISPOSAL SYSTEM**

A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s) surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 M.R.S.A. section 414, any surface wastewater disposal system licensed under 38 M.R.S.A. section 413, Subsection 1-A, or any public sewer, sewerage system, or wastewater treatment plant.

**TRANSFER STATION; RECYCLING FACILITY:** Facility designed for temporary storage of discarded material intended for transfer to another location for disposal, re-use, and/or processing.

**UTILITY CORRIDOR:** Right-of-way, easement, or other corridor for transmission wires, pipes or other facilities, for conveying energy, communication signals, fuel, water, wastewater, etc.

**UNDERGROUND STORAGE TANK:** As defined by State of Maine regulations published by the Maine Department of Environmental Protection.

**WASTEWATER:** Any combination of water-carried wastes from institutional, commercial and industrial establishments, and residences, together with any storm, surface or groundwater as may be present.

**WASTEWATER TREATMENT PLANT:** Any arrangement of devices and structures used for treating wastewater.

**WATERSHED:** The region drained by or contributing water to a stream, lake, or other waterbody. Land lying adjacent to water courses and surface water bodies which creates the catchment or drainage area of such water courses and bodies; the watershed boundary is determined by connecting topographic high points surrounding such catchment or drainage areas.

**WELLHEAD:** The specific location of a well (a hole or shaft dug or drilled to obtain water) and/or any structure built over or extending from a well.

**WELLHEAD PROTECTION DISTRICT:** A zone, consisting of 2 districts, delineated according to Article III, Sections 3.01 and 3.02 of this Ordinance.

**WELL, ABANDONED:** A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for the extraction or monitoring of groundwater that has not been used for a period to two consecutive years.

**WELL, EXISTING OR NEW:** A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for extraction or monitoring of groundwater.