

CHAPTER 13
Wellfield Protection Standards

Article 1. Interpretation and Enforcement. The following general provisions shall apply in the interpretation and enforcement of this Chapter:

Sec. 13-101. The Board finds that because of the risk certain materials pose to groundwater quality used as a public water supply, it is recognized that the further regulation of the use and storage of such potential groundwater contaminants related to non-residential premises, buildings and structures is essential in order to preserve public health within Marion County. Establishment and enforcement of minimum standards for Wellfield Protection are required to correct and prevent the existence of these public health hazards.

Sec. 13-102. The purpose of this Chapter is to

- a) protect, preserve and promote the physical and mental health of the people,
- b) prevent and control the incidence of groundwater contamination,
- c) reduce environmental hazards to public health,
- d) regulate privately- and publicly- owned non-residential premises, buildings and structures for the purpose of maintaining adequate groundwater protections and public health,
- e) establish minimum standards for basic equipment and facilities as they relate to groundwater protection,
- f) establish minimum standards for business practices as they relate to groundwater protection,
- g) establish minimum standards for the storage and location, type, and amount of potential groundwater contaminants,
- h) establish minimum standards for an adequate level of maintenance, and
- i) determine the responsibilities of owners and occupants of non-residential premises, buildings and structures located within Wellfield Protection Areas as they relate to groundwater protection.

Sec. 13-103. This chapter applies uniformly to all non-residential premises, buildings, structures, and sites determined to be classified in either the W-1 or W-5 Wellfield Protection Area. In addition, this chapter applies uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all nonresidential buildings and structures irrespective of when or under what code or codes the building or structure was originally constructed or rehabilitated.

Article 2. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

Sec. 13-201. Construction of language. The language of this article shall be interpreted in accordance with the following regulations:

- (a) The particular shall control the general.

- (b) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
- (c) The word “shall” is always mandatory and not discretionary. The word “may” or “should” is permissive.
- (d) Words used in the present tense shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (e) A “non-residential premises”, “building” or “structure” includes any part thereof.
- (f) The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.
- (g) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, or “either...or”, the conjunction shall be interpreted as follows:
 - 1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. “Either...or” indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

Sec. 13-202. “Abandoned well” means a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes, or which constitutes a threat to public health, public safety, or the environment.

Sec. 13-203. “Aboveground storage tank” means any one (1) or combination of tanks (including underground pipes connected thereto) which is designed to contain an accumulation of potential groundwater contaminants and the volume of which (including the volume of underground pipes connected thereto) is less than ten (10) percent beneath the surface of the ground. Flow-through process tanks are excluded from the definition of aboveground storage tanks.

Sec. 13-204. “Accessory land use” means a subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, and use, and is located on the same lot as the primary building, structure, or use.

Sec. 13-205. “Building” means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Sec. 13-206. “Connected piping” means all underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system.

Sec. 13-207. "Container" means a receptacle for holding goods or waste, a portable or fixed compartment in which goods or waste is placed for convenience of movement.

Sec. 13-208. "Containment area" means an aboveground area with floors and sidewalls that have been designed and constructed of a material, which will prevent migration of fluids into the subsurface, that could threaten groundwater. See also "Secondary Containment".

Sec. 13-209. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any potential groundwater contaminants into or on any land or water.

Sec. 13-210. "Fuel dispensing" means where gasoline, kerosene or diesel fuel is dispensed.

Sec. 13-211. "Indoors" means enclosed within any structure designed or intended for the support, enclosure, shelter, use, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Sec. 13-212. "Interstitial monitoring" means a system designed, constructed and installed to detect a leak from any portion of a storage tank or connected piping that routinely contains potential groundwater contaminants, by monitoring the space between the primary (inner) tank or connected piping and the secondary (outer) tank or connected piping.

Sec. 13-213. "Liquid" means a substance or mixture which is fluid at 20 degrees C. (68 degrees F.).

Sec. 13-214. "Liquid transfer area" means an off-street area maintained and intended for temporary parking of a commercial vehicle while transferring potential groundwater contaminants to and from a facility or container.

Sec. 13-215. "Location" means any parcel, property, land, or address either partially or totally located within the W-1 or W-5 Well Protection Area.

Sec. 13-216. "Non-residential premises" means a platted lot or part thereof or unplatted lot or parcel of land, either occupied or unoccupied by any structure, and includes any such building, accessory structure, adjoining alley, easement, or drainage way not intended for residential use.

Sec. 13-217. "Objectionable substance" means substances that are:

- (a) of a quantity and a type; and
 - (b) present for a duration and in a location;
- so as to damage or threaten to damage waters of the state.

Sec. 13-218. "Outdoors" means any location not meeting the defined term of "Indoors" as found in Sec. 13-217.

Sec. 13-219. "Permanently closed" means any container or facility for which:

- (1) All liquid and sludge has been removed from each container and connecting line; and
- (2) All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.

Sec. 13-220. "Potential groundwater contaminant" means any material which because of its toxicity, persistence, or mobility in groundwater, poses a significant hazard to the quality of groundwater resources used for public water supply. Potential groundwater contaminant does include objectionable substances and hazardous materials.

Sec. 13-221. "Receptacle" means a container that contains materials, goods, freight or waste.

Sec. 13-222. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including surface water, groundwater, drinking water supply, land surface, and subsurface strata.

Sec. 13-223. "Secondary Containment" means an aboveground area with floors and sidewalls that have been designed and constructed of a material, which will prevent migration of fluids into the subsurface, that could threaten groundwater. See also "Containment Area"

Sec. 13-224. "Shop area" means a production or repair area equipped with tools and machinery.

Sec. 13-225. "Site" means any parcel, property, land, or address either partially or totally located within the W-1 or W-5 Wellfield Protection Area.

Sec. 13-226. "Special Requirements Notice Agreement" means a form created by the Division which shall contain the following information:

- (a) Leased Space Designation.
- (b) Business Name.
- (c) Business Address.
- (d) Wellfield Protection Area explanation information and notice language.
- (e) Designated areas for occupant signatures, printed name, company name, occupant title and date.

Sec. 13-227. "Storage" means the long-term deposit, meaning more that twenty-four hours, of any goods, materials, merchandise, vehicles, or junk.

Sec. 13-228. "Structure" means a combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

Sec. 13-229. "Time of travel" or "TOT" means the calculated length of time a particle of water takes to reach a community public water supply system (CPWSS) production well from a certain point.

Sec. 13-230. "Tank" means a stationary device, including pipes connected to the tank or combinations of tanks, designed to contain an accumulation of liquids and which is constructed of nonearthen materials. For example, concrete, steel, or plastic, that provides structural support.

Sec. 13-231. "Vehicle or equipment repair area" means an area designed, designated and intended for the purpose of repairing automotive vehicles or equipment.

Sec. 13-232. "Waters" means the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, that are wholly or partially within, flow through, or border upon this state. The term does not include any private pond or any off-stream pond, reservoir, or facility built for reduction or control of pollution or cooling of water prior to discharge unless the discharge from the pond, reservoir, or facility causes or threatens to cause water pollution.

Sec. 13-233. "Well" means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

Sec. 13-234. "Wellfield Protection Area" or "WFPA" means the surface and subsurface area, delineated by fixed radius, hydrogeological mapping, analytical, semianalytical, or numerical flow/solute transport methods, which contributes water to a community public water supply system (CPWSS) production well or wellfield and through which contaminants are likely to move through and reach the well within a specified period.

Article 3. Wellfield Protection Area.

Sec. 13-301. The Indiana Department of Environmental Management (IDEM) approves the Wellfield Protection Area boundaries. Those boundaries are incorporated into and made part of this ordinance:

<u>Wellfield Protection Area:</u>	<u>Area Symbol:</u>
One Year Time-of-Travel Protection Area	W-1
Five Year Time-of-Travel Protection Area	W-5

Article 4. Applicability of Regulations.

Sec. 13-401. The following regulations apply to land within the Wellfield Protection Area

(a) The following non-residential premises, buildings and structures are subject to the Wellfield Protection Program:

Non-residential premises, buildings and structures used for:

- Agricultural Chemical Storage
- Animal feedlots or stockyards
- Asphalt or tar production
- Automotive supplies distribution
- Blast furnaces, steel works, rolling or finishing mills
- Building cleaning or maintenance services company
- Building materials production
- Car or truck wash
- Chemical or petroleum storage or sales
- Chemical, blending or distribution
- Clay, ceramic or refractory minerals mining or quarrying
- Construction contractors' equipment or materials storage
- Creosote manufacturing or treatment
- Dry cleaning plants or commercial laundries
- Educational, engineering or vocational shops or laboratories
- Electroplating operations or metal finishers
- Equipment repair
- Fat rendering
- Food or beverage production (excluding restaurants, catering and other retail food establishments)
- Furniture or wood strippers, refinishers
- Fuel dispensing locations
- Golf courses or driving ranges
- Hazardous waste treatment, storage or disposal
- Hospitals
- Laboratories: medical, biological, bacteriological, chemical
- Landscape or lawn installation or maintenance service (commercial)
- Large institutional uses: convalescent or nursing homes, correctional or penal institutions, schools, colleges or universities
- Leather tanning or finishing; taxidermy
- Limestone, sand or gravel mining or quarrying
- Machine, tool or die shop
- Manufacture of:
 - Autos or trucks
 - Cement
 - Chemicals or gases
 - Colors, dye, paint or other coatings

Communication equipment
Detergents or soaps
Explosives, matches, or fireworks
Glass or glass products
Light portable household appliances; electric hand tools; electrical components or subassemblies; electric motors; electric or neon signs
Machinery, including electrical or electronic machinery; or equipment or supplies (circuits or batteries).
Major electric or gas household appliances
Marine equipment
Musical instruments
Office machinery, electrical or mechanical
Paper, paper box or paper products
Recording instruments
Tools or implements, machinery or machinery components
Wood products
Materials transport or transfer operations (truck terminals)
Metal mining
Mortuary or other embalming services
Motor or body repair: auto, truck, lawnmower, airplane, boat, motorcycle
Municipal waste landfill or transfer station
Oil or gas production wells
Oil or liquid materials pipelines
Painting or coating shops (utilizing liquids or water soluble solids)
Pesticide or fertilizer application services
Petroleum refining
Photographic processing facilities
Printing industries (utilizing liquid inks)
Radioactive waste handling or storage
Recycling centers
Road salt storage
Rubber or plastics processing or production
Scrap or junk yards
Slaughterhouse or meat packing
Sludge treatment or disposal
Solid waste treatment, storage or disposal
Stamping or fabrication metal shops using press, brakes, or rolls
Textile production
Warehousing Wastewater treatment facilities
Wood preservers or treaters
Accessory land uses:
 Car or truck wash

 Dry cleaning plants (if forty (40) gallons or more of petroleum or chlorinated solvents are used or stored in a single container on-site)

Motor or body repair: auto, truck, lawnmower, airplane, boat, motorcycle (if fifty-five (55) gallons or more in aggregate of petroleum or chlorinated solvents are used or stored on-site)

Fuel Dispensing facilities

Outdoor road salt storage (if over one (1) ton in bulk)

Generators

Above Ground Storage Tanks

Elevators utilizing hydraulics

(b) Non-residential premises, buildings and structures found in the W-1 not listed in section 13-401(a) that, in their ordinary course of business have one or more of the following shall be subject to this ordinance:

1. One single container holding one (1) gallon or more of liquids.
2. One single container holding six (6) pounds or more of water soluble solids.
3. Two (2) gallons or more of liquids in the aggregate.
4. Six (6) pounds or more of water soluble solids in the aggregate.

(c) Non-residential premises, buildings and structures found in the W-5 not listed in section 13-401(a) that, in their ordinary course of business have one or more of the following shall be subject to this ordinance:

1. One single container holding forty (40) gallons or more of liquids.
2. One single container holding two hundred forty (240) pounds or more of water soluble solids.
3. One hundred (100) gallons or more of liquids in the aggregate.
4. Six hundred (600) pounds or more of water soluble solids in the aggregate.
5. Forty (40) gallons or more of liquids in the aggregate that are co-located.
6. Two hundred forty (240) pounds or more of water soluble solids in the aggregate that are co-located.

Article 5. Exemptions.

Sec 13-501. Single and multi-family residential land uses shall be exempt from this ordinance.

Sec 13-502. Non-residential premises, buildings and structures found in either the W-1 or W-5 not listed in section 13-401(a) that store either liquids or solids in single fixed

containers or aggregate amounts for the following purposes shall be exempt from this ordinance.

- (a) Reasonable quantities of substances used for routine building and yard maintenance stored inside the facility.
- (b) Liquids required for normal operation of a motor vehicle in use in that vehicle.
- (c) Substances contained within vehicles for bulk deliveries to the site.
- (d) Beverages and food at restaurants, supermarkets, convenience stores, and other retail food establishments.
- (e) Uncontaminated public water supply water, groundwater and/or surface water.
- (f) Substances, which are packaged in pre-sealed containers, sold at retail establishments.
- (g) Substances utilized for the production and treatment of public water supply.
- (h) Substances which, because of their inherent properties, are determined to pose no significant threat to groundwater.

Article 6. General Requirements.

Sec. 13-601. The following restrictions apply to outdoor storage areas in the W-1 Area.

- (a) Aboveground Storage Tanks of potential groundwater contaminants of greater than one thousand (1,000) gallons that have been out of service for greater than one (1) year shall be removed or permanently closed.

Sec. 13-602. Secondary Containment Rule Indoors. Non-residential premises, buildings and structures with indoor tank(s), receptacle(s), or container(s) holding forty (40) gallons of liquids or more or two hundred forty (240) pounds or more of water soluble solids for more than twenty-four (24) hours must be in a location or containment area (as defined in Sec. 13-208, Sec. 13-223, and Sec. 13-606) capable of preventing any release from the tank(s), receptacle(s), or container(s). The containment area shall be capable of containing one hundred ten (110) percent of the largest such tank(s), receptacle(s), or container(s) in that location.

Sec. 13-603. Secondary Containment Rule Aggregate Amounts Indoors. Non-residential premises, buildings and structures having forty (40) gallons of liquids or more or two hundred forty (240) pounds or more of water soluble solids in tank(s), receptacle(s), or container(s) in the aggregate that is co-located for more than twenty-four (24) hours during their normal course of business must be in a location or containment area (as defined in Sec. 13-208, Sec. 13-223, and Sec. 13-606) capable of preventing any release from the tank(s), receptacle(s), or container(s). The containment area shall be capable of containing one hundred ten (110) percent of the largest such tank(s), receptacle(s), or container(s) in that location.

Sec. 13-604. Secondary Containment Rule Outdoors. Non-residential premises, buildings and structures with outdoor tanks(s), receptacle(s), or containers(s) holding forty (40) gallons of liquids or more or two hundred forty (240) pounds or more of water soluble solids for more than twenty-four (24) hours must be located on pavement or an impervious surface that is properly drained, or covered from weather, and be in a location

or containment area (as defined in Sec. 13-208, Sec. 13-223, and Sec. 13-606) capable of preventing any release from the tank(s), receptacle(s), or container(s). The containment area shall be capable of containing one hundred ten (110) percent of the largest such tank(s), receptacle(s), or container(s) in that location.

Sec. 13-605. Secondary Containment Rule Aggregate Amounts Outdoors. Non-residential premises, buildings and structures having forty (40) gallons or more of liquids or two hundred forty (240) pounds or more of water soluble solids in tank(s), receptacle(s), or container(s) in the aggregate that is co-located for more than twenty-four (24) hours during their normal course of business must be located on pavement or an impervious surface that is properly drained, or covered from weather, and be in a location or containment area (as defined in Sec. 13-208, Sec. 13-223, and Sec. 13-606) capable of preventing any release from the tank(s), receptacle(s), or container(s). The containment area shall be capable of containing one hundred ten (110) percent of the largest such tank(s), receptacle(s), or container(s) in that location.

Sec. 13-606. A person shall construct the location or containment area to meet at least one (1) of the following requirements.

- (a) A secondary containment structure designed to prevent and control the escape or movement of potential groundwater contaminants for a minimum period of seventy-two (72) hours before removal; or
- (b) A storage tank designed and built with an outer shell and a space between the tank wall and the outer shell that allows and includes interstitial monitoring.

Sec. 13-607. A person shall ensure alarm monitoring systems are operational and monitored according to the spill plan.

Sec. 13-608. A person shall properly maintain the secondary containment structure so that it shall retain its ability to contain potential groundwater contaminants.

Sec. 13-609. A person shall ensure an emergency response/spill prevention plan is kept on site and updated annually. A person shall ensure employees are trained on the plan when hired, and annually thereafter. A person shall keep on site documentation of the training, and make it available for inspection as requested. At a minimum the emergency response/spill prevention plan shall include:

- (a) Facility name, address, telephone number, owner, and owners contact number;
- (b) List of emergency contact persons, and local emergency response agencies;
- (c) Nearest hospital/emergency medical center name, telephone number, address;
- (d) Emergency Spill Kit location on-site (description and map);
- (e) List of chemical type, quantity, location on-site (description and map);
- (f) Response guidelines for handling major spills (greater than reportable quantities):
 1. Reportable Quantity Listing for Chemicals in Use.
 2. Emergency Communication Contacts
 3. Spill Reporting (IDEM)
 4. Spill Isolation/Communication to Nearby Residents/Businesses

5. Absorbent Usage
 6. Spent Absorbent Disposal
 7. Health & Safety Concerns
- (g) Response Guidelines for handling minor spills (less than reportable quantities):
1. Spill Isolation
 2. Absorbent Usage
 3. Spent Absorbent Disposal
 4. Health & Safety Concerns
- (h) Health & Safety Guidelines for Handling Spills:
1. Specific Health Impacts for Employees
 2. Contact of Emergency medical Assistance
 3. Short-term aid to employees(s)
- (i) Safety Data Sheets (SDSs)

Sec. 13-610. A person shall notify suppliers of chemical products, including the transporter(s) to the site and waste handling services either:

- (a) in writing that the facility is within the Wellfield Protection Area, or
- (b) post notification signs at all entrances to the facility that the facility lies within a Wellhead Protection Area.

Records shall be kept on site and be made available for inspection by the Health Officer as needed.

Sec. 13-611. A person shall maintain, at the facility, an inventory of the types and quantities of potential groundwater contaminants stored and wastes generated. This inventory shall be available for inspection as requested.

Sec. 13-612. A person shall ensure a properly supplied/equipped spill kit is kept on site at all times. Designated employees must be trained when hired on use of the spill kit, and annually thereafter. In addition documentation of training must be kept on site, and made available for inspection as requested.

Sec. 13-613. A person shall ensure that the current emergency telephone number for the appropriate Water Utility is posted, and readily available.

Sec. 13-614. Property and business owner requirements for leased space.

- (a) Occupants shall be provided with a copy of the Special Requirements Notice Agreement (copies of this form will be provided to property and business owners by the Division) for handling and storing any materials on-site that represent potential groundwater contaminants.
- (b) The site manager shall keep on file the signed Special Requirements Notice Agreement for all active occupants.
- (c) Within 60 days of changes of occupants or of occupant operations to or from a regulated use or condition as defined in Article 4, owners must notify the Division.

(d) Owners are required to provide a current roster of occupants and their operations to the Division for locations with 3 or more leased or sub-leased spaces by September 1 of each year.

Sec. 13-615. A person shall notify the Division within 60 days of:

(a) Changes of ownership

(b) Changes of operations in their ordinary course of business to or from a regulated use or condition as defined in Article 4.

for a property, location, facility or site.

Sec. 13-616. A person shall ensure that floors within active maintenance or chemical product handling/use areas or chemical waste storage areas are adequately maintained and in good repair.

Sec. 13-617. A person shall ensure drains, sump pumps, sump pump pits in chemical product storage areas, chemical waste storage areas, areas used to transport, handle, mix, transfer chemical products or chemical waste are sealed or properly connected to an oil/water separator, holding tank, or public sanitary sewer and are properly maintained to protect from spills or releases.

Sec. 13-618. A person shall ensure that “No Chemical Disposal/Dumping” signs are located at each accessible sink in the facility in or near chemical product storage areas, areas used to transport, handle, mix, and transfer chemical products or chemical waste.

Sec. 13-619. A person shall ensure that no wash down of chemical spills or releases into the properly maintained facility sewer drain takes place unless otherwise permitted. A person shall ensure spills and releases are properly mitigated following the approved facility spill plan.

Sec. 13-620. A person shall not discharge any material other than sanitary sewage to an onsite waste water treatment system that discharges onsite into the soil.

Sec. 13-621. A person shall ensure that cleaning methods are performed in a manner that protects ground and surface water.

Sec. 13-622. A person shall ensure chemical products and waste are properly handled to prevent spills or releases.

Sec. 13-623. A person shall ensure that activities are conducted in a manner to ensure fluids are properly contained and disposed.

Sec. 13-624. A person shall ensure that vehicles and equipment shall not leak any fluids to the ground. If a leak does occur it shall be properly addressed immediately.

Sec. 13-625. A person shall not dispose of any chemical products, any wastes containing chemical products, or oil filters in a dumpster not intended for that purpose.

Sec. 13-626. A person shall ensure that indoor or outdoor chemical product transfers are conducted in an area designed for this purpose and that product transfer areas are maintained to prevent releases and to ensure proper clean up as per the required spill plan.

Sec. 13-627. A person shall properly containerize and label all potential groundwater contaminants and wastes.

Sec. 13-628. A person shall ensure that the storage, use, and handling of potential groundwater contaminants are conducted in such a way as to

- (a) Limit the quantities of hazardous materials and objectionable substances in the Wellfield Protection Area
- (b) Minimize any potential risk of contamination
- (c) Address any unintended, unexpected, or undesired release so as to offer sufficient protection of the Wellfield groundwater resource.

Sec. 13-629. A person shall ensure that abandoned wells are permanently abandoned in accordance with 312 IAC 13-10-2.

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