

### **3. SOURCE WATER PROTECTION**

#### **A. GENERAL**

For complete information pertaining to the Source Water Protection Program (“SWPP”), refer to R.C.G.O. Chapter 150, Zoning and R.C.G.O Chapter 53, Water. These documents can be reviewed on the City’s website at Water/Environmental Management/Wellfield Protection Program.

#### **B. SUMMARY OF THE SOURCE WATER PROTECTION PROGRAM**

The City of Dayton Source Water Protection Program (“SWPP”) was established in 1988 and is designed to protect the City drinking water supply. The ordinances establishing the SWPP are located in Chapter 53 of the R.C.G.O. and the City of Dayton Zoning Code. To encourage the reduction of potential contaminants in the well field, the SWPP offers a variety of incentives to encourage the growth of environmentally friendly businesses.

The Source Water Protection Area (“SWPA”) overlies the Great Miami Buried Valley Aquifer, a federally designated sole source aquifer. This land covers 6,280 acres in six jurisdictions. Other participants in the SWPP include: Harrison Township, the cities of Huber Heights, Riverside, Vandalia, and Wright-Patterson Air Force Base.

#### **C. ZONING DISTRICTS OF THE SOURCE WATER PROTECTION PROGRAM**

The SWPA encompasses two (2) zoning districts: the Well Head Operation District (“WO”) and the Well Field Protection Overlay District (“WP”). The WO is comprised of City owned land, most of which is occupied by the Water Department. The WP is privately held land located in the City, specifically in the vicinity of the production wells. In the WP, the base zoning of the affected parcels does not change, but the rules of the SWPP are applicable to those parcels. Some conditional uses are prohibited in the WP such as, underground storage tanks, dry wells and landfills.

A Regulated Substance is defined as anything that is a human health hazard, including petroleum products, and can pose a threat to the drinking water supply. Refer to R.G.C.O 53.20 for a more complete definition.

**D. THE SOURCE WATER PROTECTION PROGRAM (SWPP), R.C.G.O. CHAPTER 53**

Chapter 53 of R.C.G.O. contains the following: rules for managing regulated substances, chemical inventory reporting, spill reporting, Source Water Protection Fund (“SWPF”) and enforcement provisions. The Director of Water has the authority to implement the SWPP.

Regulated substances are permitted on construction sites in the WSPA upon obtaining a permit. These conditions apply to construction activities:

- 1) on-site fuel storage must be secondarily contained;
- 2) all regulated substances shall be removed when the construction is completed; and
- 3) if construction stops for sixty (60) days, regulated substances must be removed until construction resumes.

Anyone with knowledge of a spill in the SWPA must report it by calling the manager of Water Supply and Treatment immediately. Within one hundred eighty (180) days from the date the spill occurred, the party responsible for the spill shall report the details of the incident, remedial procedures, and measures taken to prevent future spills. For spills, leaks or discharges refer to R.C.G.O. 53.31 (A) – (D). If the City incurs expenses responding to the spill, the party responsible for the spill shall be liable to the City for payment of such expenses.

Underground storage tank owners shall comply with the Ohio Bureau of Underground Storage Tank Regulations. The installation of new underground storage tanks is prohibited in the SWPA.

The Director may prohibit the handling of any regulated substance in the WO that constitutes a real and present danger to the drinking water. The Director of Water can order the cessation of any activity that is a real and present danger to the drinking water, and require the provision of pollution control or abatement to mitigate the danger.

The Director of Water or authorized designee bearing proper identification, shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling and records examination.

The use /application of fertilizers, pesticides, or agricultural chemicals in the WO must comply with best management practices (BMP). The site / business owner or contractor must notify the Director and receive approval prior to using fertilizers, pesticides or agricultural chemicals in the WO.

Violators of the SWPP are subject to penalties, which can escalate with each additional violation. Subsequent violations may result in up to six months imprisonment, disconnection from the City's drinking water supply, and/or injunctive relief to terminate the violation.