

ORDINANCE NO. 527

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FILER, IDAHO, AMENDING THE FILER CITY CODE BY ENACTING A NEW CHAPTER 17, TITLE 9, ESTABLISHING A WELLHEAD PROTECTION OVERLAY ZONE.

WHEREAS, The Filer City Council deems it necessary to enact regulations to reduce the chance of contamination of its public water supply and to provide a sustainable, safe potable water supply.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FILER, IDAHO:

Section 1: That Filer City Code, Title 9, is amended by the addition of a new Chapter 17 entitled "Wellhead Protection Overlay Zone", as follows:

"WELLHEAD PROTECTION OVERLAY ZONE

9-17-1: **PURPOSE:** It is the purpose of this Chapter 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 ground water protection/pollution abatement and control procedures. Specific goals are to protect human life and health, to ensure that the public is provided with a sustainable, safe potable water supply, to minimize expenditure of public money for pollution remediation projects, to minimize regulations on land, and to minimize business interruptions.

9-17-2: **DEFINITIONS:**

HAZARDOUS WASTE DISPOSAL FACILITY: A hazardous waste treatment, storage, or disposal facility which receives hazardous material as described in Part 40, Chapter 260.1, C.F.R.

HAZARDOUS WASTE OR MATERIAL: Any waste or material which, because of its quantity, concentration, physical, chemical or infectious characteristics, may:

- A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,
- B. 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,
- C. Any material or substance designated as a hazardous or toxic substance defined by Part 40, Chapter 261.3 of the C.F.R., or any material or substance designated as a hazardous or toxic substance by the State of Idaho, DEQ.

INJECTION: The subsurface emplacement of fluids.

LIVESTOCK CONFINEMENT OPERATION: As defined in the County Ordinance.

PUBLIC WATER SYSTEM: A system that provides the public with piped water for human consumption.

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.

STORM WATER RUNOFF: Water discharged as a result of rain, snow, or other precipitation.

UNDERGROUND INJECTION WELL: Any excavation or artificial opening into the ground which meets the following three criteria: It is a bored, drilled or dug hole, or is a driven mine shaft or a driven well point; and, it is deeper than its largest straight-line surface dimension; and, it is used for or intended to be used for injection.

WELLHEAD PROTECTION OVERLAY ZONE: A zoning designation on the zoning map that modifies the basic underlying designation in some specific manner. The map will define specific area zones centering around wells supplying drinking water to the public water system.

WELLHEAD PROTECTION OVERLAY ZONE A: A minimum fixed radius extending no less than fifty feet (50') radially from the wellhead supplying potable water to the public water supplies.

WELLHEAD PROTECTION OVERLAY ZONE B: A three (3) year "time of travel (TOT) zone.

WELLHEAD PROTECTION OVERLAY ZONE C: A six (6) year "time of travel (TOT) zone.

WELLHEAD PROTECTION OVERLAY ZONE D: A ten (10) year "time of travel (TOT) zone.

9-17-3: ESTABLISHMENT OF WELLHEAD PROTECTION OVERLAY ZONE: There is hereby established a Wellhead Protection Overlay Zone identified and described as all the area shown on the Filer City and Area of Impact Zoning Map. It is further established that these areas be composed of four subzones: Wellhead Protection Overlay Zone A, Wellhead Protection Overlay Zone B, Wellhead Protection Overlay Zone C, and Wellhead Protection Overlay Zone D, as they are defined herein.

9-17-4: WELLHEAD PROTECTION OVERLAY ZONE A: Uses permitted within Wellhead Protection Overlay Zone A 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.

9-17-4: WELLHEAD PROTECTION OVERLAY ZONE B: The following uses or conditions shall be and are hereby prohibited within Wellhead Protection Overlay Zone B:

- A. Sanitary landfills.
- B. Livestock confinement operations.
- C. Hazardous waste disposal facilities.
- D. Injection wells unless they are 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 one hundred feet (100') of a wellhead or of new sanitary systems and sewer lines shall not be closer than one hundred fifty feet (150') of a wellhead.
- G. Existing septic tanks or drain fields shall not be closer than one hundred feet (100') of a wellhead and new installation of septic tanks or drain fields shall not be closer than two hundred feet (200') away from the wellhead.
- H. Junk or salvage yards.
- I. Disposal of waste oil, oil filters, tires and all other petroleum products.

9-17-4: WELLHEAD PROTECTION OVERLAY ZONE C: The following uses or conditions shall be and are hereby prohibited within Wellhead Protection Overlay Zone C:

- A. Sanitary landfills.
- B. Hazardous waste facilities.
- C. Injection wells, except for deep well injection (below 18 feet in depth) geothermal heat, heat pump return, and cooling water return, and except for shallow well injection for storm runoff, aquifer recharge aquifer remediation and septic systems.
- D. Land use activities posing a hazard or threat to existing ground water quality.

9-17-4: WELLHEAD PROTECTION OVERLAY ZONE D: The following uses or conditions shall be and are hereby prohibited within Wellhead Protection Overlay Zone D:

- A. Injection wells, except for deep well injection (below 18 feet in depth) geothermal heat, heat pump return, and cooling water return, and except for shallow well injection for storm runoff, aquifer recharge aquifer remediation and septic systems.
- B. Land use activities posing a hazard or threat to existing ground water quality.

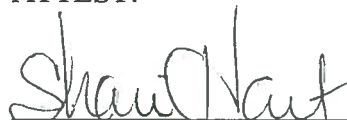
9-17-5: NONCONFORMING USES: Any legal use existing at the time of the adoption of this Chapter and listed as a prohibited use herein, shall become a legal nonconforming use and may not be expanded or improved except as otherwise provided in this Title.

PASSED BY THE CITY COUNCIL
SIGNED BY THE MAYOR

August 6 , 2002.
August 6 , 2002.


MAYOR

ATTEST:


CITY CLERK