

CHAPTER 13  
Wellfield Protection Standards

August 2015

**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 that certain hazardous materials and objectionable substances pose to groundwater quality, it is recognized that the further regulation of the use and storage of such chemicals 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 and safety 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 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) protect the safety of the people,
- f) ensure that the quality of groundwater is adequate for protection of public health, safety, and general welfare,
- g) establish minimum standards for basic equipment and facilities as they relate to groundwater protection,
- h) establish minimum standards for business practices as they relate to groundwater protection,
- i) establish minimum standards for the storage and location and amount of hazardous materials and objectionable substances,
- j) establish minimum standards for an adequate level of maintenance, and
- k) determine the responsibilities of owners and occupants of non-residential premises, buildings and structures located within Wellfield Protection Districts 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 District. 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. “Approved underground storage tank” means a stationary device designed to contain an accumulation of potential ground water contaminants and constructed of non-earthen materials, for example, steel or fiberglass, which has been approved for use.

Sec. 13-206. "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. 13-207. "Connected piping" means all underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system.

Sec. 13-208. "Container" means a receptacle for holding goods or waste, a portable compartment in which freight or waste is placed for convenience of movement.

Sec. 13-209. "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. 13-210. "De-watering" means any removal of ground water specifically designed to lower ground water levels.

Sec. 13-211. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any potential ground water contaminants into or on any land or water.

Sec. 13-212. "Dragline" means an excavating machine in which the bucket is attached by cables and operates by being drawn toward the machine.

Sec. 13-213. "Excavation" means the breaking of ground, except common household gardening, ground care and agricultural activity.

Sec. 13-214. "Fuel dispensing" means where gasoline, kerosene or diesel fuel is dispensed.

Sec. 13-215. "Hard-surfaced" means the quality of an outer area being solidly constructed of asphalt, concrete, or other approved impermeable material.

Sec. 13-216. "Hazardous material" means any material present in large enough quantity to pose a significant physical or health hazard to public health, public safety or the environment due to its chemical composition. For the purpose of this ordinance, a hazardous material can be a pure chemical substance or a mixture, a raw material, a product or a waste material.

Sec. 13-217. "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. 13-218. "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 ground water contaminants, by monitoring the space between the primary (inner) tank or connected piping and the secondary (outer) tank or connected piping.

Sec. 13-219. "Liquid" means a substance or mixture which is fluid at 20 degrees C. (68 degrees F.).

Sec. 13-220. "Liquid transfer area" means an off-street area maintained and intended for temporary parking of a commercial vehicle while transferring potential ground water contaminants to and from a facility.

Sec. 13-221. "Location" means any parcel, property, land, or address either partially or totally located within the W-1 or W-5 Wellfield Protection District.

Sec. 13-222. "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. 13-223. "Potential ground water contaminant" means any material which because of its toxicity, persistence, or mobility in ground water, poses a significant hazard to the quality of ground water resources used for public water supply.

Sec. 13-224. "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. This definition excludes hazardous materials.

Sec. 13-225. "Outdoors" means any location not meeting the defined term of "Indoors" as found in Sec. 13-217.

Sec. 13-226. "Receptacle" means a container that contains materials, goods, freight or waste.

Sec. 13-227. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including surface water, ground water, drinking water supply, land surface, and subsurface strata.

Sec. 13-228. "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 ground water. See also "Containment Area"

Sec. 13-229. "Shop area" means a production or repair area equipped with tools and machinery.

Sec. 13-230. "Site" means any parcel, property, land, or address either partially or totally located within the W-1 or W-5 Wellfield Protection District.

Sec. 13-231. "Storage" means the long-term deposit, meaning more than twenty-four hours, of any goods, materials, merchandise, vehicles, or junk.

Sec. 13-232. "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. 13-233. "Surface impoundment" means a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

Sec. 13-234. "Tank" means a stationary device 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. 13-235. "Underground storage tank" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of potential ground water contaminants and the volume of which (including the volume of underground pipes connected thereto) is ten percent or more beneath the surface of the ground. Flow-through process tanks are excluded from the definition of underground storage tanks.

Sec. 13-236. "Vehicle or equipment repair area" means an area designed, designated and intended for the purpose of repairing automotive vehicles or equipment.

Sec. 13-237. "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.

### **Article 3. Wellfield Protection Districts.**

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

Wellfield Protection District:

District Symbol:

|  |     |
|--|-----|
| One Year Time-of-Travel Protection Area<br>(secondary) Five Year | W-1 |
| Five Year Time-of-Travel Protection Area<br>(secondary)          | W-5 |

#### **Article 4. Applicability of Regulations.**

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

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

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
- 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 District.

- (a) Storage tanks of liquids of greater than one thousand (1,000) gallons that have been out of service for greater than one (1) year shall be removed.

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. 13-209, Sec. 13-228, 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 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. 13-209, Sec. 13-228, 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 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 must be in a location or containment area (as defined in Sec. 13-209, Sec. 13-228, 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 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. 13-209, Sec. 13-228, 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 properly maintain the secondary containment structure so that it shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure.

Sec. 13-608. A person shall notify suppliers of chemical products, including the transporter(s) to the site and waste handling services, in writing that the facility is within the Wellfield Protection District. Records shall be kept on site and be made available for inspection by the Health Officer as needed.

Sec. 13-609. 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. 13-610. A person shall ensure that activities are conducted in a manner to ensure fluids are properly contained and disposed.

Sec. 13-611. A person shall ensure that vehicles and equipment shall not leak any fluids to the ground.

Sec. 13-612. A person shall ensure a properly supplied/equipped spill kit is kept on site at all times. All 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 an approved 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.

Sec. 13-614. A person shall ensure that the current emergency telephone number for the appropriate Water Utility is posted, and readily available.

Sec. 13-615. A person shall ensure that cleaning methods are performed in a manner that protects ground and surface water.

Sec. 13-616. A person shall ensure that no wash down of chemical spills or releases into the facility sewer drain takes place. A person shall ensure spills and releases are properly mitigated following the approved facility spill plan.

Sec. 13-617. A person shall ensure chemical products and waste are properly handled to prevent spills or releases.

Sec. 13-618. A person shall not dispose of any chemical products, any wastes containing chemical products, or oil filters in a dumpster.

Sec. 13-619. 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. 13-620. A person shall not discharge any material other than sanitary sewage to an onsite waste water treatment system.

Sec. 13-621. A person shall ensure alarm monitoring systems are operational and monitored according to the spill plan.

Sec. 13-622. 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. 13-623. 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. 13-624. A person shall notify the Division within 30 days of:

- (a) Changes of ownership
- (b) Changes of operations

for a property, location, facility or site.

Sec. 13-625. Property and business owner requirements for leased space.

- (a) Tenants (or occupants) shall be provided with a copy of the Special Requirements Notice Agreement for handling and storing any materials on-site that represent potential ground water contaminants.
- (b) The site manager shall keep on file the signed Special Requirements Notice Agreement for all active tenants (or occupants).
- (c) Within 30 days of changes of tenants or of tenant operations owners must notify the Division.
- (d) Owners are required to provide a current roster of tenants to the Division for locations with 3 or more leased or sub-leased spaces by September 1 of each year.

Sec. 13-626. A person shall ensure that the storage, use, and handling of hazardous materials, and objectionable substances are conducted in such a way as to

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

Sec. 13-627. A person shall maintain, at the facility, an inventory of the types and quantities of chemicals stored and wastes generated on a form provided by the Division. This inventory shall be available for inspection as requested.

Sec. 13-628. A person shall properly containerize and label all hazardous materials, and objectionable substances and wastes.