

CHAPTER 36
WELLHEAD PROTECTION OVERLAY DISTRICT

SECTION 36.01 PURPOSE AND DESCRIPTION The purposes of this district are the following:

- A. To minimize the risk of spills, leaks, and other discharges into Groundwater supplies within the overlay district;
- B. To prevent the creation or establishment of non-compatible land uses within the overlay district which have the potential to degrade or otherwise negatively impact Groundwater resources;
- C. To prevent and minimize public and private losses due to contamination of the public water supply by avoiding expenditure of public money for costly pollution remediation projects and/or replacement of Water Supply System assets;
- D. To minimize interruptions to businesses by only regulating specific land-use activities within the Wellhead Protection Overlay District based upon determined potential risk to the Water Supply System.

In addition to other requirements of this Ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Chapter shall be applicable to all development occurring within the Wellhead Protection Overlay District. Conflicts between the requirements of this chapter and other requirements of this Ordinance or any other ordinance shall be resolved in favor of this chapter except where the conflicting requirement is more stringent, in which case the more stringent requirement shall apply.

SECTION 36.02 DEFINITIONS For purposes of this Chapter and Section 27.05(MM), the following words and terms shall have the meaning ascribed to them by this Section unless the context in which they are used specifically indicates otherwise.

- A. Aboveground Storage Tank (AST): A tank or combination of tanks, including the pipes that are connected to the tanks, or ancillary equipment containment systems, if any, which is, was, or may have been used to contain Regulated Substances and which has less than 10% of its volume, including the volume of the underground pipes that are connected to the tank, or tanks, beneath the surface of the ground.
- B. Best Management Practices (BMP) means the best available methods, activities, maintenance procedures, technologies, operating methods or management practices for preventing or reducing the quantity of

Regulated Substances entering Groundwater and surface water from a particular land use activity.
- C. Facility: All contiguous land and related structures, appurtenances, and improvements on land with the same Facility Operator. A Facility may consist of several operations. Contiguous land shall include land separated by a public right-of-way so long as such land would otherwise be contiguous. The term Facility includes all principal and accessory uses, including residential uses.
- D. Facility Operator: The person or designee in possession and/or control of a Facility and/or Regulated Substance Storage Unit regardless of whether such person is the owner, lessee, or other possessor. The term also includes

contractors or site managers at construction sites who are responsible for the general management of Regulated Substances located on site.

- E. Groundwater means the water below the land surface in a zone of saturation, excluding those waters in underground piping for water, wastewater, or stormwater distribution/collection systems.
- F. Regulated Substance Storage Unit means any UST, AST, drum, carboy, or other container used for the storage of one or more Regulated Substance(s) including silo, bag, tank wagon, box, glass, cylinder, total bin, truck body, rail car, tanker, or tool crib when used for permanent or temporary storage of Regulated Substances.
- G. Regulated Substances means:
 - 1. Substances for which there is a material safety data sheet (MSDS), as established by the United States Occupational Safety and Health Administration, and the MSDS cites possible health hazards for said substance;
 - 2. Contaminants, including but not limited to hazardous substances and hazardous waste, under Michigan's Natural Resources and Environmental Protection Act (NREPA), the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA); the federal Resource Conservation and Recovery Act (RCRA); and all applicable rules and regulations;
 - 3. Radiological materials;
 - 4. Biohazards and medical waste.

Regulated Substances shall not, however, include:

- 1. Substances that are in transit (while in motion) from one Facility to another, and substances in a parked or stopped vehicle in transit, provided the vehicle is stopped or parked for less than 72 hours;
- 2. Substances, such as gasoline or oil, in operable motor vehicles or boats so long as used solely for the operation of the vehicle or boat, but not the tanker portion of a tank truck;
- 3. Pressurized gases such as chlorine, propane, hydrogen, and nitrogen when in a chemical storage tank;
- 4. Refrigerants contained within equipment and used for on-site air cooling or in household appliances;
- 5. Substances contained within electrical lighting or electrical utility transformers/switches;
- 6. Substances used in construction for which all necessary permits have been obtained, and in accordance with the Wellhead Protection Ordinance.
- 7. Prepackaged substances such as salt used in water softeners, fertilizers, pesticides, herbicides and cleaning agents that are packaged for

personal or household use, provided however, that said substances are not possessed by a manufacturer or wholesaler as either inventory or manufactured product.

- H. Release means the spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of one or more Regulated Substances upon or into any land or water within the overlay district. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, or landfill. The term "release" when used and applied herein does not include:
1. Disposal in accordance with all legal requirements, including those in NREPA, RCRA and CERCLA, of hazardous substances and hazardous wastes in a Facility that has received and maintained all necessary legal approvals for that purpose;
 2. Disposal of any substance in compliance with applicable legal requirements, including without limitation, the terms and provisions of a valid municipal, state, or federal permit;
 3. Disposal, in accordance with all legal requirements, of any substance to a sanitary sewer system that has received and maintained all necessary legal approvals for that purpose;
 4. Disposal, in accordance with all legal requirements, of sanitary sewage to subsurface sewage disposal systems as defined and permitted by the State of Michigan or Kent County Health Department;
 5. A release for which there is no obligation to report under federal, state, or local regulations that occurs on an impervious ground surface (e.g. building floor or concrete driveway) that is effectively cleaned up before reaching permeable ground (e.g. unpaved), a dry well, a storm sewer, or surface water body;
 6. The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. as used in routine agricultural operations and applied under Generally Accepted Agricultural Management Practices, and consistent with label directions approved by the United States Environmental Protection Agency or the Michigan Department of Agriculture;
 7. The application of fertilizers, herbicides and pesticides if used in the routine care for lawns and landscaped areas consistent with manufacturer label directions.
- I. Underground Storage Tank (UST): A tank or combination of tanks, including underground pipes connected to the tanks or tanks, which is, was, or may have been used to contain an accumulation of Regulated Substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is 10% or more beneath the surface of the ground.
- J. Spill Contingency Plan: A written site-specific plan conforming to the specifications and requirements contained in the Wellhead Protection Ordinance, including the documentation of general site operations, Regulated Substance storage areas, potential for releases of Regulated Substances, an analysis of the

potential destination of such releases and procedures to be followed in the event of a release.

SECTION 36.03 SPECIFICALLY PROHIBITED USES AND ACTIONS The following uses and actions are prohibited within the Wellhead Protection Overlay District.

- A. Bulk station.
- B. Automobile gas station.
- C. Automobile service station.
- D. Junk yard.
- E. Sanitary landfills & transfer stations.
- F. Central dry cleaning and laundry.
- G. Possession, use, processing, storing or generating of Regulated Substances, including fuels (e.g. gasoline, diesel, kerosene, etc.), exceeding fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights at any given time unless a Special Use Permit is obtained pursuant to Section 36.04 and the necessary variance(s) is obtained pursuant to the Wellhead Protection Ordinance.
- H. Construct or replace any privy, privy vault, septic tank, cesspool, or other receptacle intended or used for the disposal of domestic or non-domestic wastewater if in the determination of the Township, public sanitary sewer is reasonably available.
- I. Install a private water well for the purpose of drinking water or irrigation if, in the determination of the Township, public water service is reasonably available.
- J. Install or use a private water well not installed for the purpose of drinking water or irrigation unless it is determined by the Director of Public Services that the well will not cause an adverse impact to the public water supply.
- K. Install or use a geothermal well for heating and cooling systems.

SECTION 36.04 USES REQUIRING SPECIAL APPROVAL The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Possession of Regulated Substances within the Wellhead Protection Overlay District. Any use that involves the possession, use, processing, storing or generating of Regulated Substances, including fuels (e.g. gasoline, diesel, kerosene, etc.), exceeding fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights at any given time.

The special permit use required under this section shall be in addition to any other zoning approvals and permits that may be required for the use. If the proposed use also requires special use approval pursuant to the requirements of the underlying zoning district, only one special use application fee shall be required.

The following uses shall be presumed to exceed the permitted maximum amount of Regulated Substances that may be possessed without obtaining a special use permit and shall require special use approval under Chapter 27 unless the Community Development Director determines, based on the application and other relevant factors such as the nature and size of the proposed use, that the proposed use will not involve the use, processing, possession, storage or generation of Regulated Substances exceeding fifty-five (55) gallons aggregate for liquid materials or four hundred forty (440) pounds aggregate for dry weights:

- 1. Auto repair facilities.
- 2. Auto parts and accessories.
- 3. Automobile wash establishment.
- 4. Warehousing and general storage.

5. Mini warehousing and self-storage facilities.
6. Outdoor storage & contractors equipment storage yard.
7. Vehicle repossession and/or seizure & auction facility.
8. Permitted uses not conducted within a completely enclosed building.
9. Public utility storage and service yard/private transfer facility.
10. Bulk mixing of fertilizers, herbicides and pesticides.
11. Uses identified in Section 19.02(C), (D), and (E).
12. Uses identified in Section 19.03(G).
13. Uses identified in Section 20.02(A), (B), (D), (E), (H), (J) and (L).
14. Uses identified in Section 20.03 (A), (B) and (C).

SECTION 36.05 GENERAL CONDITIONS The following provisions apply to all uses within the Wellhead Protection Overlay District.

- A. The site shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, and Groundwater, and to ensure the absence of an impairment, pollution, and/or destruction of the Township's source of drinking water.
- B. Dewatering is prohibited unless a dewatering plan is submitted and approved by the Township Public Services Director.
- C. Use of fill material containing hazardous substances above any state or federal cleanup criteria for soils is prohibited. No fill material may be brought into the WHPZ that was obtained from a site currently or previously used as an industrial site.
- D. Parking areas and loading/unloading areas for industrial uses shall be paved with concrete, asphalt or an equivalent smooth surface and shall be designed to prohibit the potential migration of Regulated Substances offsite or into the Groundwater.
- E. General purpose floor drains for industrial uses must be connected to a public sanitary sewer system or an onsite holding tank. Dry wells are prohibited.
- F. The storing, processing, and manufacturing of Regulated Substances shall be conducted indoors where possible.
- G. Sites intending to use, store or generate Regulated Substances exceeding fifty-five (55) gallons aggregate for liquid materials or four hundred forty (440) pounds aggregate for dry weights shall have emergency spill response equipment on site.
- H. Commercial vehicle washing shall be conducted on a wash pad designed to prohibit the potential migration of Regulated Substances offsite or into the Groundwater.
- I. Pressure washing/steam cleaning related to industrial uses shall only be conducted in a manner designed to prohibit the potential migration offsite or into the Groundwater.
- J. No salt or associated sand mix piles may be stored on any permeable surface or without a covering of waterproof material.
- K. All above ground storage tanks (ASTs) containing Regulated Substances shall comply with all applicable federal, state and local laws.
- L. Underground Storage Tanks (USTs) are prohibited, provided however, that a Facility presently using USTs for fuel and lubricants for vehicle operations and fuel for building and/or processing heating shall be permitted to replace existing tanks with those constructed and installed pursuant to the specifications of Part 211 of NREPA and all other applicable laws, rules and regulations not exceeding the capacity of existing tanks. Replacement of USTs for other than the above referenced fuels and lubricants are prohibited.
- M. Liquid waste ponds are prohibited.
- N. Where practical, stormwater runoff shall be conveyed in an impervious stormwater system to the Grand River. Stormwater discharges to Versluis Lake

and the Coit Avenue Gravel Pit Pond are prohibited.

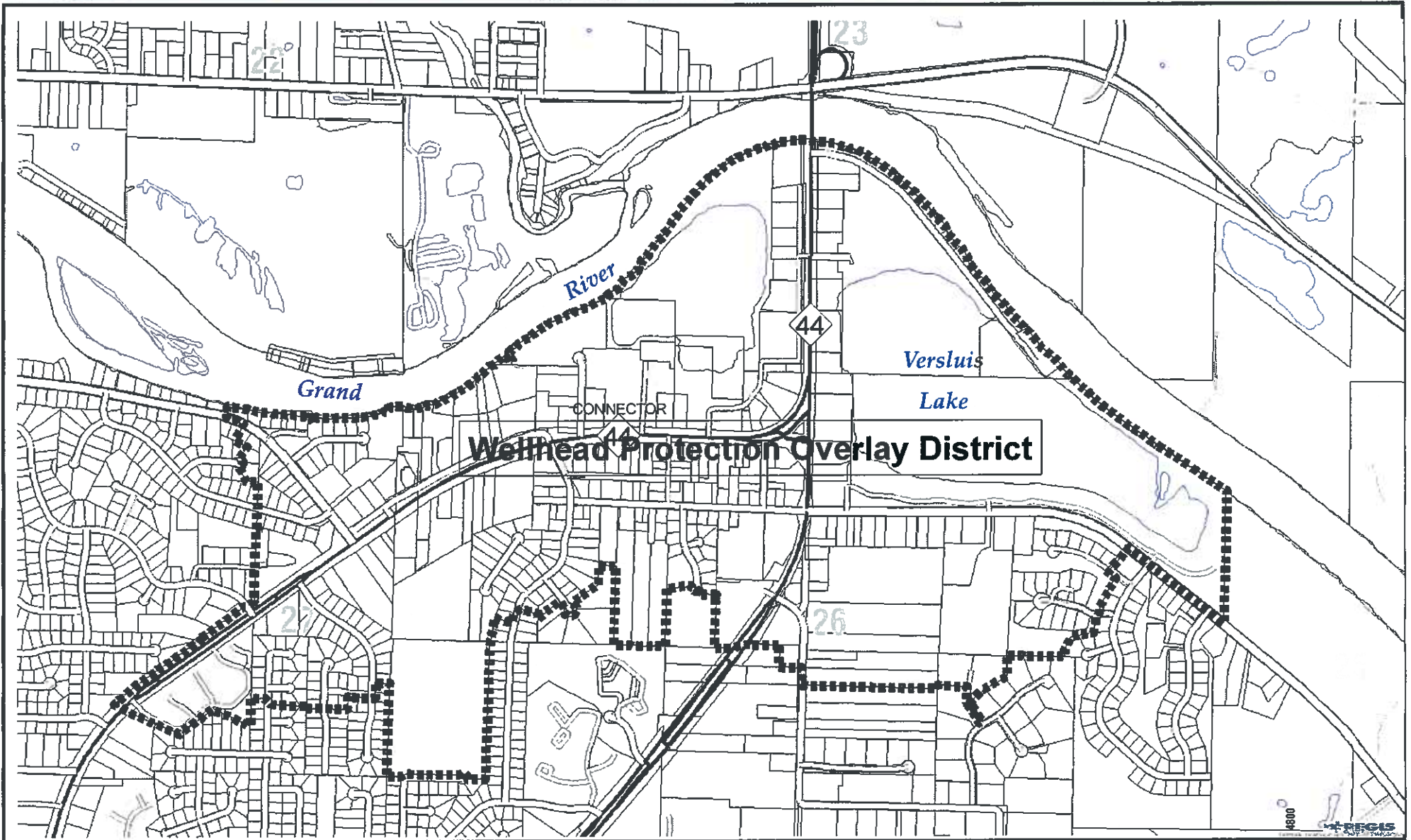
SECTION 36.06 INFORMATION REQUIRED FOR SITE PLAN REVIEW. For any building, structure or use requiring site plan approval in accordance with Chapter 32, the following additional information shall be submitted as part of the site plan, regardless of the amount of Regulated Substances proposed on the site.

- A. All currently functioning, proposed, and abandoned wells, including potable water wells and monitoring wells.
- B. A list of all Regulated Substances currently located on the site and intended to be located on the site shall be identified.
- C. All existing and proposed aboveground storage tanks and underground storage tanks.
- D. The locations of any existing and proposed septic tanks and drain fields.
- E. The location and extent of any contaminated soils and/or Groundwater on or at the Facility.

For any building, structure or use requiring site plan approval in accordance with Chapter 32, the following additional information shall be submitted as part of the site plan if the Facility has or is anticipated to have more than fifty-five (55) gallons aggregate for liquid materials or four hundred forty (440) pounds aggregate for dry weights of Regulated Substances.

- A. Proposed secondary containment facilities shall be depicted on the site plan.
- B. The location of all proposed Regulated Substance Storage Units containing greater than 55 gallons for liquid or 440 pounds for solids shall be depicted on the site plan.
- C. The location of loading/unloading areas used to transfer Regulated Substances.
- D. An inventory of onsite spill response equipment and the location of said equipment.
- E. Any other information the Director of Community Development determines is necessary to assess the environmental risk of the proposed use or structures to the Groundwater or to determine what Best Management Practices are necessary to safeguard the Groundwater.

Plainfield Charter Township



PLAINFIELD CHARTER TOWNSHIP Wellhead Protection Zone District

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