

NEW SHARON

WELLHEAD PROTECTION ORDINANCE

WELLHEAD PROTECTION ZONE

SECTION 1. PURPOSE

The purpose of the Wellhead Protection Zone is to protect the public water supply in the Town of New Sharon, Maine from land uses which pose a threat to the quality (and/or quantity) of the groundwater being extracted from wells which serve public water systems.

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to Title 30-A M.R.S.A., Sec. 3001 et.seq.

SECTION 3. APPLICABILITY

This section applies to all land uses located or proposed within the area delineated as the Wellhead Protection Zone on the Map titled "New Sharon Water District Ground Water Travel Time Zones" (or other official map).

SECTION 4. ESTABLISHMENT OF WELLHEAD PROTECTION ZONE AND AREAS

The Wellhead Protection Zone consists of two (2) areas which are listed and their hydrologic characteristics described below:

1. Wellhead Protection Area: Primary Recharge Area: 200 – day travel Time zone (WHPA)
 - a. For wells located in unconsolidated aquifers, this area extends from the well to the 2500-day Time-of-Travel boundary.
2. Secondary Wellhead Protection Area: Secondary Recharge Area: 2500 – day travel time zone (SWHPA)
 - a. For wells located in unconsolidated aquifers, this area extends from the outer boundary of the wellhead protection area (primary recharge area) to the watershed's groundwater divide or Zone of Contribution if delineated using technical studies.

SECTION 5. LAND USES

1. The following Wellhead Protection Zone Table supplements the existing ordinances in the Town of New Sharon Where a land use is not permitted in the existing ordinances, it is not permitted. Where a land use is permitted in the existing ordinances, the Wellhead Protection Zone table shall control. Unless otherwise noted with an *, all of the following activities are assumed to be for commercial purposes.

Adopted March 1, 2003

Ellen M. Grant Town Clerk¹

2. KEY:

- y = permitted
 n = not permitted
 SP = permitted subject to Site Plan Review and use of Best Management Practices (BMP)

POTENTIAL SOURCES OF CONTAMINATION

Uses	WHPA	SWHPA
1. abandoned wells ⁶ *	n	n
2. agricultural chemical spreading spraying	SP ¹	SP ¹
3. agricultural chemical storage	SP ¹	SP ¹
4. airport fire fighter training areas	n	SP
5. airport fueling areas	n	SP
6. airport maintenance	n	SP
7. auto chemical supplies wholesalers	SP ³	SP
8. auto repair	SP ³	SP
9. auto washes	SP ²	SP
10. beauty salons	SP	SP
11. boat builders, refinishes	SP ³	SP
12. body shops	SP ³	SP
13. chemical reclamation	n	n
14. chemical bulk storage	n	n
15. concrete, asphalt, tar, coal companies	SP	SP
16. construction sites/demolition activities	y	y
17. covered salt or sand/salt piles	SP	SP
18. demolition of uses listed in this table *	SP	SP
19. dry cleaners	SP ³	SP
20. feed lots	SP ¹⁺³	SP ¹⁺³
21. fertilized fields, agricultural	SP ¹⁺³	y
22. food processors	SP ³	SP
23. fuel oil distributors, fuel oil storage	SP ³	SP
24. furniture strippers	SP ³	SP
25. gas stations, service stations	SP ³	SP
26. golf courses	SP	SP
27. parks	SP	y
28. graveyards	SP	y
29. hazardous or special waste disposal	n	n
30. heat treaters, smelters, annealers, descalers	n	n
31. heating oil storage (consumptive use)	y ⁴⁺⁵	y ⁴⁺⁵

Uses	WHPA	SWHPA
32. industrial manufactures	SP ³	SP
33. industrial waste disposal	n	n
34. junk, salvage yards (including tire storage)	n	n
35. landfills, dumps *	n	n
36. transfer stations and recycling facilities	n	SP ¹⁺³
37. laundromats	SP ²	SP
38. machine shops	SP ³	SP
39. manure piles *	SP ¹⁺³	SP
40. meat packers, slaughter houses, abattoirs	SP ²	SP
41. medical, dental, vet offices	SP	SP
42. metal plating/electroplating	n	SP ³
43. nurseries (horticultural)	SP	SP
44. oil pipelines	n	SP
45. painters, finishers	SP ³	SP
46. pesticide, herbicide, wholesalers or retailers	SP ³	SP
47. pesticide, herbicide bulk storage	n	n
48. photo processors	SP ^{2 or 3}	SP
49. printers	SP ^{2 or 3}	SP
50. railroad yards	SP ³	SP
51. research laboratories	SP ^{2 or 3}	SP
52. residential homes *	y	y
53. rust-proofers	n	SP
54. open salt or sand/salt piles *	n	SP ³
55. sand and gravel, mining, other mining	SP	SP
56. silviculture	SP ¹⁺³	SP ¹⁺³
57. sludge utilization	n	SP
58. small engine repair shops	SP	SP
59. snow dumps	n	SP
60. stormwater impoundment	SP ³	SP
61. subdivisions	4	4
62. transportation corridors including rail	SP	SP
63. truck terminals	SP ³	SP
64. utility corridors	SP ³	SP
65. wastewater impoundment areas	n	n
66. wastewater treatment plants	n	n
67. wood preserving operations	n	SP

- ¹ Existing agricultural operations may continue if using State approved BMPs.
- ² If connected to public sewer system which is in compliance with state and federal law and regulations.
- ³ Permitted only after assessment by Planning Board, that potential impact on water quality is within acceptable risk limits.
- ⁴ Shall be reviewed under subdivision regulations (ordinance) to insure that ground water quality meets the preliminary and secondary drinking water standards at the property line.
- ⁵ Must comply with BMP in Section 14.
- ⁶ Wells must be filled with inert, compact natural soil material and all piping disconnected

SECTION 6. PREAPPLICATION MEETING

1. Submission

The Preapplication Sketch Plan shall show, in simple sketch form, the proposed development area, and other features (in scale) in relation to existing conditions. The Sketch Plan, which may be an accurate free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Town Tax Map(s) on which the land is located.

2. The Board may waive the requirement of the preapplication meeting when it finds that the proposed development activity is of such scale and intensity that a thorough review can be conducted without the preapplication meeting.
3. The Board may waive specific application submission requirements when an applicant can show that such requirements are not relevant to the proposed project.
4. Within 30 days of the preapplication meeting, the Board shall conduct an on-site inspection of the property.

SECTION 7. APPLICATION PROCEDURE

1. Applications in Writing

All applications for site plan approval shall be made in writing to the Board on the forms provided for this purpose. All applications shall be made by the owner of the property or his agent, as designated in writing by the owner.

2. Fees

An application for site plan approval shall be accompanied by a fee of \$50.00.

3. Site Plan

A Site Plan, meeting the standards of this Ordinance, shall be submitted for review by the Board and shall be approved by the Board before any building, construction activity, or site preparation may commence.

4. Notice to Abutters

Abutting property owners shall be notified by certified mail, by the Town, at least seven days prior to initial Board considerations, of a pending application for the Site Plan Review. This notice shall indicate the time, date and place of Board consideration of the application.

5. Initial Review

The applicant, or his duly authorized representative, shall attend the meeting of the Board to discuss the Development Plan. The Board shall provide the applicant a dated receipt of a Site Plan Review application at the Board meeting where the application is first presented and heard by the Board.

6. Completed Application

Within 30 days of receipt of a Site Plan Review application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application. The Board shall determine whether to hold a public hearing on the Site Plan Review application.

7. Public Hearing

If the Board decides to hold a public hearing, it shall hold the hearing within 30 days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least 7 days prior to the hearing. Notice of the public hearing shall be sent by certified mail to all abutters of the proposed development 7 days prior to the hearing by the Town of New Sharon.

8. Approval, Conditions, Findings, Denial

Within 30 days of a public hearing, or within 60 days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application and approve, approve with conditions, or deny the development plan. The Board shall specify, in writing, its findings of facts and reasons for any conditions or denial.

SECTION 8. PROFESSIONAL REVIEW

1. Professional Services

The Board may require that an expert consultant or consultants review one or more submissions of an application and report as to compliance or noncompliance with this Ordinance and advise, if necessary, of procedures which will result in compliance. The consultant shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost which the Town shall place in an escrow account. The Town shall pay the consultant from the escrow account and reimburse the applicant if funds remain after payments are completed. If escrowed funds are insufficient, the applicant shall deposit additional funds with the Town, based on consultant estimate, sufficient for completion. The consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the Town and the applicant.

2. Additional Studies

The Board may require the applicant to undertake any study which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.

SECTION 9. CONDITIONS

The Board may attach reasonable conditions to the Review approvals to ensure conformity with the standards and criteria of this Ordinance.

SECTION 10. EXPIRATION OF APPROVALS

All Site Plan Review approvals shall expire within one year of the date of issuance unless work thereunder is commenced. Completion of 30% of planned physical improvements within one year constitutes commencement. If work is not completed within two years from the date of issuance, a new application must be made. The CEO shall make determinations regarding commencement and completion.

All approved plans which expire are subject to any subsequent changes in requirements under Town Ordinances or State/Federal laws when reapplication is made.

SECTION 11. APPLICATION REQUIREMENTS

All applications shall contain the following information:

- a. Written information:
 - (1) name of development; municipality, tax map and lot numbers
 - (2) owner and applicant's names and addresses; name and addresses of person who prepared plan
 - (3) name and address to where correspondence should be sent
 - (4) if applicant is a corporation, state whether the corporation is licensed

to do business in Maine, and attach a copy of Secretary of State's Registration

- (5) copy of deed for property; verification of ownership or legal interest
- (6) interest the applicant has in any property abutting the parcel to be developed
- (7) state whether the development covers the entire or contiguous holdings of applicant
- (8) location of property: book and page (from Registry of Deeds)
- (9) location of property: map and lot (from Assessor's Office)
- (10) on-site sewage disposal report from licensed site evaluator
- (11) special reports
 - soils
 - engineering design
 - erosion and sediment control plan
 - stormwater management plan
 - long term maintenance provisions
- (12) traffic and parking assessment
- (13) hydrogeological assessment
- (14) necessary state and/or federal permits and date of application (please list)
- (15) list of construction items, cost estimates
- (16) construction schedules
- (17) proposed method of performance guarantee
- (18) restrictions, conditions, covenants and easements

b. Plan Information:

- (1) existing and proposed streets
- (2) outline of development and remaining portion of portion
- (3) scale; written and graphic; date; north point
- (4) perimeter survey (bearings and distances; surveyor's seal; number of acres; existing and proposed monuments; abutters names)
- (5) lot lines, numbers and sizes; building setback lines
- (6) existing water bodies, watercourses, wetlands, and other significant natural features
- (7) public and private rights-of-way and easements
- (8) zoning boundaries
- (9) location of test pits keyed to site evaluators or soil scientist's report
- (10) base flood evaluation, if applicable
- (11) written request for waivers or variances
- (12) contours of 5 feet or other interval; refer to USGS bench if within 500 feet
- (13) location and design of culverts, drains and other storm water control structures, existing and proposed
- (14) location and design of proposed sewer and water lines
- (15) typical engineering plan, profiles, and cross-sections
- (16) medium intensity- or high intensity soils maps
- (17) location of parking, open space, conservation and/or recreation areas

- (18) landscaping plan
- (19) surface drainage plan
- (20) soil erosion and sedimentation control features
- (21) landscaping details
- (22) locations, dimensions and profiles of underground utilities
- (23) profile and typical cross-sections of streets and other public works
- (24) location/identification of buffers, lots or areas to be restricted or dedicated for common or public use

SECTION 12. ADDITIONAL APPLICATION REQUIREMENTS FOR SITE PLAN REVIEW FOR CERTAIN ACTIVITIES WITHIN WELLHEAD PROTECTION ZONE

Sections 12.1 - 12.5 present additional information needed for applications for Site Plan Review for certain types of activities within the Wellhead Protection Zone. These Sections include categories which apply to the land uses (Potential Sources of Contamination) in Section 5. Uses are grouped by category. More than one of the categories may apply to a particular use. (Applicants should request assistance from the Planning Board should there be questions as to which categories apply.)

1. Construction/Demolition Activity.

This category applies to the majority of applications. Even though construction activity is generally permitted, the Board needs additional information for construction or demolition of the uses listed. On "Potential Sources of Contamination" table, these activities include # 16 and # 18. Additional land uses may also fall under this category.

- provisions for solid waste handling, storage and disposal
- provisions for sanitary facility
- An engineering report which provides:
 - information concerning storage and disposal of waste materials
 - provisions for fuel storage and refueling
 - provisions for storage of any liquid chemicals used in the construction process
 - provisions for storage of any bulk chemicals used in the construction process

2. Stormwater Management.

This category includes items 60 and 61 from the table in Section 5, but may also be associated with several additional items on the table or with activities not included on the table.

- Engineering calculations and plans which provide
 - design and capacity of subsurface collection facilities
 - design of dry wells, storage, retention or detention facilities and other surface water impoundments
 - stormwater system outlets
- delineation of post development drainage areas

- plans for ice control, use of road salt, and snow removal

3. Other Impoundments

- Engineering calculations and plans which provide
 - design and capacity of subsurface collection facilities
 - design of dry wells, storage, retention or detention facilities and other surface water impoundments
 - stormwater system outlets
- delineation of post development drainage areas
- plans for ice control, use of road salt, and snow removal
- description of source of water, use of water and final water quality (water quality parameters to be specified by applicant)
- amount of consumptive water use

4. Hazardous Materials and other Chemicals: Handling and Storage.

This section pertains to any commercial site where chemical compounds are handled and/or stored.

- Type of volume of chemical compounds handled and/or stored.
- Site plan showing all storage, handling and use areas for raw materials and wastes.
- For outside areas, details to contain spills including
 - drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from flowing off site.
 - provisions to collect chemicals should they enter the drainage system.
 - provisions to segregate underground systems to insure that there are no cross connections.
 - statement of emergency measure which can be implemented for surface drainage systems.
- For inside areas, details to contain spills including the:
 - design of dikes around rooms;
 - the location of floor drains and floor drain outlets;
 - the location of separators, holding tanks and/or drain outlets.
 - the specific location and design of underground storage structures.
 - the location and design of piping systems for wash waters and other waste liquids to insure that inappropriate wastes are discharged and that wastes are discharged to appropriate sewers or treatment systems.
- A spill prevention and control and countermeasure (SPCC) plan detailing:
 - materials and equipment to be available

- a training plan and schedule
 - a list of contacts (EPA/DEP/local fire officials) with phone numbers
 - an inspection schedule
- A report by an industrial engineer or other competent professional detailing:
- steps which have been taken to reduce the use of hazardous materials; and
 - actions which have been taken to control the amount of wastes generated.
 - any reports to provide information on the design theory or methodology for the above features

5. Petroleum Handling and Storage.

This section pertains to sites where petroleum products (fuels, solvents and lubricants) are handled in bulk quantities of over 1,000 gallons. For the use of petroleum products for machinery or equipment maintenance, or for quantities stored in smaller quantities such as 55 gallon drums, reference should be made to the Chemical Storage and handling category.

- Site plan showing storage, handling and use areas for all petroleum products.
- Provisions for heating oil storage.
- For outside areas, details which provide drainage and contour information to prevent the flow of runoff from entering the storage area and to prevent leaks or spills from flowing to surface waters or to areas where they could leach into ground water.

Provisions to contain and clean-up petroleum products should they enter the drainage system.

- separators for underground piping systems
 - emergency measures which can be implemented for open drainage systems
- Exact location of tanks, piping and separators so that inspection, detection, clean-up or other emergency measures can be accomplished in a timely efficient manner.
- A SPCC plan detailing:
- materials and equipment to be available;
 - a training plan and schedule;
 - a list of contacts (local fire officials, DEP) with phone numbers; and
 - the inventory recording method and an inspection schedule.
- A design of the containment system for the bulk storage tanks prepared by a

Professional Engineer registered in the State of Maine.

- A hydrogeological report. The hydrogeological report will vary in scope depending on the general nature of the geology, the size and design of the facility, and the need for ground water monitoring. At a minimum, the hydrogeologic report should characterize the geology, determine the ground water gradients, and analyze the potential for ground water degradation from the activity. The analysis should contain a list of potential threats and recommend methods of controlling those threats.

6. Sewage Disposal and Subsurface Injection

(This section pertains to subsurface injection activities as defined by State regulations and including septic systems and other on-site sewage disposal.) Additional land uses may also fall under this category.

- provisions for sewage disposal including:
 - soil evaluator's report and septic system design
 - in WHPA, for sites/uses producing more than 1,000 gallons of sewage per day, a hydrogeologic analysis of nitrate concentrations at the property line
 - in SWHPA, for sites/uses producing more than 2,000 gallons of sewage per day, a hydrogeologic analysis of nitrate concentrations at the property line
 - in WHPA & SWHPA, an upevaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a Registered Engineer of the sewer system superintendent.
- provisions and designs for all floor drains, grease traps, and holding tanks

7. Other Water Supplies

This section pertains to all surface water or groundwater supplies other than domestic wells. Other water uses (except domestic) may also be included in this category.

- hydrogeologic report identical to that required for State approval of new water supply

Installation of Monitoring Wells

This Section pertains to all monitoring of observation wells. Other activities may also include monitoring wells.

- location and construction specifications
- intended purpose
- sampling schedule
- provisions for informing appropriate Town body of sampling results

SECTION 13. CONTROL OF EXISTING THREATS

1. The Code Enforcement Officer shall have the right to enter and inspect all premises which carry on the uses listed in the preceding table and requiring Site Review due to their location in one of the Wellhead Protection Districts. With permission of the property owner or under administrative warrant, the Code Enforcement Officer may be accompanied by a representative of the water district including a consultant employed by them.

Further, the Code Enforcement Officer shall have the right, upon 24 hour notice, to conduct such testing as the municipality may deem appropriate to determine that Best Management Practices and groundwater pollution control devices are in good condition and are working properly. Such testing shall be at the municipality's or water district's expense. If such testing indicates that the groundwater has been contaminated above the State Primary or Secondary Drinking Water Standards, then further testing shall be at the expense of the existing owner of the land in question. Additionally, if nonconforming, the owner shall reimburse the municipality and/or district for expenses incurred in the initial well installation and testing.

2. With the permission of the property owner or under administrative warrant, the municipality and the water district shall have the right to install groundwater monitoring wells and shall further maintain the right to sample such wells on properties within the Wellhead Protection Districts when the municipality or district can clearly show that groundwater monitoring in the area will serve to protect the public water supply from existing or potential threats as listed in the preceding table (or for the alternative table: for uses requiring a Site Review Permit in the preceding table).
3. Uses listed in the preceding table (or for the alternative table: uses requiring a Site Review Permit in the preceding table) shall install the Best Management Practices required in Section 1 of this ordinance according to the schedule listed in Section 1.

SECTION 14. BEST MANAGEMENT PRACTICES FOR WELLHEAD PROTECTION ZONES

1. All development located within the Wellhead Protection Zone shall comply with the Best Management Practices contained in this Section. Best Management Practices, as applied in the State of Maine, are management practices which will mitigate the impacts of the activity on water quality. In some instances, there may be more than one management practice which would accomplish the same result. In other instances, depending on the site location and on-site conditions, more than one management practice may be needed to fully mitigate the problem. Therefore, discretion is needed in determining which management practices to apply.
2. The Planning Board may adopt, by reference, as a part of this section, additional Best Management Practices which have been published by or in conjunction with the Maine Department of Environmental Protection.

In so doing, the Planning Board shall hold a public hearing which shall be posted in the Town Office and advertised in a paper of general circulation at least twice with the first notice being at least 7 days prior to the date of the hearing.

1 **Chemicals, petroleum and waste handling on construction sites**

a. The collection and disposal of petroleum products, chemicals and wastes used in construction shall conform to the following.

(1) Collect and store in closed, clearly marked water tight containers.
Implement within: upon adoption

(2) Containers shall be removed regularly for disposal to prevent spills and leaks which can occur due to corrosion of containers. A schedule for removal should be contained in the application and in any construction specifications for the project.
Implement within: upon adoption

b. Fertilizers and landscaping chemicals such as herbicides and pesticides shall be applied following appropriate Best Management Practices developed by the Maine Department of Agriculture in conjunction with the Maine Department of Environmental Protection.
Implement within: upon adoption

2. **Storm Water Runoff/Snow and Ice Control**

a. Drainage systems, including detention basins, drainage ways, and storm sewer systems, shall be maintained in order to insure they function properly.
Implement within: 6 months

b. Chemicals and wastes shall be stored in such a manner to prevent rainfall from contacting them.
Implement within: upon adoption

c. Runoff and snowmelt from parking lots should be diverted to stormwater drains where possible.
Implement within: upon parking lot reconstruction

d. Parking lot cracks should be repaired on an annual basis.
Implement within: upon adoption

- e. Sand/salt mixtures with a lowest effective proportion of salt should be used.
Implement within: upon adoption

4. **Industrial and Maintenance Operations**

- a. A plan detailing the reuse, recycling, or proper disposal of waste chemicals shall be maintained, and updated as needed. Provisions shall be provided for implementing the plan.
Implemented within: upon adoption
- b. Buildings, rooms and areas where chemical potential pollutants are used, handled or stored shall be designed to contain spills or leaks.
 - (1) Specifically, floor drains shall not be used except as required by fireregulations.
 - (2) A waterproof dike shall be placed around areas to contain accidental spills. The dike shall have an equivalent volume to the amount of material stored or used in the room.

Implemented within: 6 months

- c. Spill/leakage prevention and detection programs shall be maintained and updated.
 - (1) Plans shall insure the regular collection and transport of chemicals;
 - (2) Plans shall provide for inspection of containers and storage areas on a regular basis.

Implemented within: upon adoption

- d. A spill clean-up plan shall be maintained and updated annually. The plan shall:
 - (1) Insure adequate materials and equipment are available;
 - (2) Insure that personnel are trained;
 - (3) Insure that the local fire department is knowledgeable of clean-up procedures.

Implemented within: upon adoption

- e. Wash waters and other dilute wastes shall be adequately treated consistent with State law and the current pretreatment ordinances.
 - (1) Wastes shall be discharged to sewer systems where possible;
 - (2) Grease traps and oil separators shall be installed where necessary and shall be

maintained on a regular basis.

Implemented within:

1 year

5. Septic/Sewage Disposal

- a. Sewer/septic systems shall be designed by competent professionals using sound engineering practices. On-site sewage disposal shall be according to the State of Maine Subsurface Wastewater Disposal Rules.
- b. Construction of sewers and septic systems shall be carefully inspected to insure proper installation.
- c. Septic systems and related piping shall be tested for leakage and certified by the LPI that they are water tight prior to use. Sewer systems shall be tested for leakage, according to State standards or municipal ordinance/district regulations.
- d. Provisions shall be made to maintain sewer and septic systems.

Implemented within: upon adoption

- e. Sewers and drainage systems shall be designed to insure that stormwater does not enter sanitary sewers.
- f. For cluster systems, 1,000 gallon septic tank capacity shall be provided for each 300 gallons of daily flow. Design flows for leachfields shall be less than 2,500 gallons per day.

Implemented within: upon adoption

- g. Chemicals, industrial wastes, floor drains and stormwater drains (i.e. roof drains) shall not be discharged to septic systems.

Implemented within: upon adoption

6. Waste Disposal Handling

a. Solid Fill

- (1) Waste disposal areas shall be setback 75 feet from wetlands as defined in the Maine Natural Resources Protection Act (NRPA). Wastes shall be placed a minimum of 2 feet above the seasonal high ground water table.
- (2) For solid fill other than concrete, stone, brick, sand, gravel, and topsoil, documentation from a laboratory that wastes are inert shall be provided.

7. Commercial Petroleum Handling and Storage

- a. A detailed inventory shall be maintained.

Implemented within: upon adoption

- b. Provisions shall be made to clean up all spills immediately with an absorbent material or other methods and dispose of them properly.
Implemented within: upon adoption
- c. Hazardous materials shall be stored in secure, corrosion resistant containers.
Implemented within: upon adoption
- d. In WHPA bulk storage shall be in above-ground, corrosion resistant tanks. The following provisions shall be complied with.
 - (1) A diked area shall be provided around tanks to contain Spills. The volume of diked area shall equal the volume of product stored.
 - (2) A roof shall be provided over containment areas to prevent collection of rain water.
 - (3) Drains shall not be installed in containment areas.
Implemented within: 2 years
- e. In SWHPA, if underground storage is necessary, corrosion resistant double walled tanks shall be provided. The system including piping shall be tested prior to use. Underground piping and transmission lines shall be inspected and tested upon installation and on an annual basis, thereafter.
Implemented within: 2 years
- f. In WHPA, all floors shall be concrete or an impermeable, hardened material. In other districts, subfloor synthetic containment liners shall be installed to contain spills or leaks which occur inside buildings with earth or gravel floors.
Implemented within: 2 years
- g. Tanks shall be equipped with automatic shutoffs or high level alarms.
Implemented within: 2 years
- h. Spill and leak detection programs shall be maintained and updated annually.
Implemented within: upon adoption
- i. Exterior transfer and handling areas shall be sloped to contain small quantities of spilled product while preventing runoff from other areas entering the handling area.
Implemented within: 2 years
- j. Provisions shall be made to periodically inspect and test tanks and lines for leaks.
Implemented within: upon adoption

k. The facility and equipment shall be designed to:

- (1) prevent tank overflows; and
- (2) prevent line breakage due to collision.

Implemented within: upon adoption

l. Provisions shall be made to have:

- (1) emergency diking materials available;
- (2) emergency spill cleanup materials available.

Implemented within: upon adoption

8. Sand and Gravel Mining

a. Shall follow Best Management Practices as cited under Section 15.

b. Haul roads shall be watered to control dust. Salting and oiling of roads is prohibited.

Implemented within: upon adoption

c. Petroleum Storage

(1) In WHPA, petroleum products shall not be stored in the pit.

Implemented within: upon adoption

(2) In SWHPA, if petroleum is proposed for storage provide above ground fully contained storage and refueling area. Provisions must be made for rain falling in the containment area. A roof is preferable. For large operations, a covered, impermeable refueling/maintenance area shall be provided.

Implemented within: upon adoption

(3) A spill prevention plan shall be maintained and updated.

Implemented within: upon adoption

(4) A reclamation plan shall be provided, maintained and used.

Implemented within: upon adoption

9. Power Lines (These provisions shall apply to WHPA only.)

a. All federal and state laws regulating pesticides shall be followed.

b. Material safety data sheets shall be kept accessible.

c. Nonhazardous chemicals shall be substituted for hazardous varieties whenever

possible.

10. **Silviculture**

a. **Silvicultural Chemical Handling and Storage**

- (1) The spillage or disposal of oils, fuels, coolants or hazardous wastes on the ground during maintenance or repair. Collection and appropriate disposal of such substances shall take place.
- (2) The BMPs for Chemical Use and Storage should be followed.
- (3) The BMPs for Waste Disposal shall be followed.
- (4) Salt/sand storage areas shall be covered.

12. **Agriculture**

- a. Agricultural activities shall follow Best Management Practices as cited in Section 15.

SECTION 15. DEFINITIONS

Airport Fire Fighter Training Area

Area in which airport fire fighting training exercises take place, and where foams and often fire fighting chemicals are sprayed during such exercises.

Airport Fueling Area

Area in which aircraft refueling occurs and in which aircraft fuel is stored.

Aquifer

A permeable geologic formation, either rock or sediment, that is capable of transporting water through the formation.

Auto Chemical Supplies Wholesaler

A commercial establishment which sells chemicals used for automobile operation, repair, or maintenance to retailers; an establishment where such chemicals are stored in bulk quantities.

Auto Repair Shop

A business establishment engaged in general repair, engine rebuilding, parts replacement. Automotive repair shall not mean body, frame, or fender straightening and repair of painting and undercoating, nor the sale of gasoline, other motor fuels or motor oil.

Best Management Practice

Common sense operational procedures for handling, storage and disposal of regulated substances; procedures designed to minimize the impact of certain

activities or land uses on groundwater. BMP's include but are not limited to the following documents:

The Maine Forest Service - Erosion and Sediment Control Handbook for Maine Timber Harvesting Operations Best Management Practices. Maine Forest Service, June 1991

State of Maine Strategy for Managing Nonpoint Source Pollution from Agricultural Sources and Best management System Guidelines. NPS Agricultural Task Force, October, 1991

Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices. Cumberland County SWCA/DEP, March 1991

Body Shop

A business establishment engaged in body, frame, or fender straightening and repair or painting and undercoating of automobiles and other vehicles.

Chemical Bulk Storage

Storage of a chemical or chemicals in a container or containers larger than those intended for normal homeowner or retailer purposes. Proper, non-commercial, homeowner use of chemicals is not included.

Chemical Reclamation

Commercial processing or storage of used chemicals intended for re-use.

Code Enforcement Officer

A person appointed by the municipal officers to administer and enforce this Ordinance.

Conforming

A building, structure, activity or land use which complies with the provisions of this Ordinance.

Construction

Includes building, erecting, moving or any physical operations on the premises which are required for construction. Excavation, fill, paving and the like shall be considered part of construction.

Construction/Demolition of Uses Listed in This Table

Construction or demolition of facilities, buildings, etc. associated with the land uses or activities listed in the Wellhead Protection Zone Table by a contractor or commercial operation. Expansion of existing land uses, activities, or structures is defined and governed by part 1b of Section D of this Ordinance.

Dump (see landfill)

Floor Drain

An opening in the floor that leads to the ground and/or is not permitted under other State, Federal, or local regulations; work sinks which lead to such drains are included.

Food Processor

A commercial establishment which processes, treats, bottles, cans or otherwise modifies food in preparation for wholesale.

Fuel Oil Distributor; Fuel Oil Storage

The storage of fuel for distribution or sale. Storage of fuel oil not for domestic use, i.e., not in tanks directly connected to burners.

Furniture Stripper

A commercial operation which strips and/or refinishes furniture.

Gas Station, Service Station

Any place of business at which gasoline, other motor fuel or motor oil are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

Golf Course

An area developed and maintained specifically for playing golf including 9-hole and 18-hole laid-out courses and driving ranges, but excluding miniature golf courses in which no fertilizers, herbicides, pesticides, or other chemicals are used or stored.

Groundwater

The water contained within the interconnected pores, cracks or fractures located underground.

Hazardous Material

Any gaseous, liquid or solid materials, or substances designated as hazardous by the Environmental Protection Agency and/or the Maine Department of Environmental Protection.

Hazardous Waste

Any substance identified under chapter 850, Identification of Hazardous Wastes, of the rules of the State of Maine, Department of Environmental Protection, effective date July 1, 1980, including revisions or amendments thereto, and any radioactive waste material which means any solid, liquid, or gas residue, including but not limited to spent fuel assemblies prior to processing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiations. The generation, use, or disposal of one hundred (100) kilograms (220 pounds) or more of hazardous waste in one calendar

month is covered by this Ordinance.

Heat Treater, Smelter, Annealer, Descaler

Commercial metal-working establishments involved with these processes on a regular basis.

Heating Oil Storage (Consumptive Use)

Storage for heating of heating oil in excess of 660 gallons. (Tanks with capacity between 50 gallons and 660 gallons are regulated by the Oil and Solid Fuel Board.)

Identified New Well Site

A test well or test well location located in the field and/or on an map by a qualified geologist, hydrogeologist, or engineer which is deemed to have high potential for serving as a public water supply.

Industrial

Any activity which includes the assembling, fabrication, servicing, manufacturing, storage, packaging, processing or shipping of goods, or the extraction of minerals.

Industrial Waste

Wastes resulting from the processes employed in industrial manufacturing, trade, or business establishments.

Intensive Open Space Uses

Uses of open space which have the potential, because of their duration, frequency, or nature, to significantly impact the environment, particularly the groundwater quality and quantity. Uses include, but are not limited to, power lines and golf courses.

Junk, Salvage Yard

A yard, field, or other area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture.
2. Discarded, scrap and junked lumber, or
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap or ferrous or non ferrous material.
4. Used tires, discarded tires, or worn-out tires which may or may not be usable now or in the future.
5. Town garbage dumps, waste dumps and sanitary fills will not be considered junkyards for the purpose of this Ordinance.

Landfill

An area used for the placement of solid waste, liquid waste or other

discarded material on or in the ground.

Mining or Mineral Extraction

The removal of geologic materials such as soil, topsoil, loam, sand, gravel, clay, metallic ores, rock, peat or other like material from its natural location and transportation of the product removed, away from the extraction site.

Mobile Home Park

An area designed or planned for the placement of two or more mobile homes or manufactured housing units.

Nonconforming Use

A building, structure, use of land, or portion thereof, existing at the effective date of adoption or amendment of this Ordinance which does not conform to all applicable provisions of this Ordinance.

Nursery (horticultural)

Commercial establishment for cultivation of flowering plants, shrubs, trees, etc.

Open Space

Land that is free of buildings and other permanent structures.

Park

Land area set aside for public recreation, conservation, wildlife, or other similar purpose.

Pesticide, Herbicide Wholesaler or Retailer

Commercial establishment which sells pesticides and/or herbicides.

Pesticide, Herbicide Bulk Storage

Storage of herbicides or pesticides intended for sale or intended for application on commercial premises or intended for application on cash crops. Homeowner storage or storage related to non-commercial gardeners is not included.

Railroad Yard

Area with multiple railroad tracks intended for transfer or storage of railroad cars or freight.

Residential Dwelling Unit

A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, temporary living quarters for only one family. This term shall include mobile homes.

Residential Home (see all Residential Dwelling Unit)

A structure containing one or more residential dwelling units.

Road

A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Salt of Sand/Salt Piles (covered)

Storage of salt or sand/salt mix intended for municipal, commercial or other use except for homeowner sidewalks, steps, or driveways beneath a roof or other structure capable of preventing precipitation from reaching the salt or sand/salt.

Salt or Sand/Salt Piles (uncovered)

Storage of any amount of salt or sand/salt, for any purpose, without a roof or other structure capable of preventing precipitation from reaching the salt or sand/salt.

Silviculture

The art of cultivating a forest; forestry.

Site Plan Review

An applicant-prepared document and associated procedure for certain proposed new or expanded developments.

Sludge

Residual material produced by water or sewer treatment processes, industrial processes, or domestic septic tanks.

Sludge Utilization

The spreading of sludge on the ground or other use of sludge which might expose surface or groundwater to the sludge.

Snow Dump

A location to which snow is transported and dumped by commercial, municipal, or State snow-plowing operations.

Solid Fill

Material placed on or into the ground as fill; the material will not react chemically with soil, geologic material, or groundwater that may be present at the site.

Solid Waste

Discarded solid material with insufficient liquid contact to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill materials and landscape refuse.

SPCC Plan

Spill Prevention Control and Countermeasure Plan as described in 40CFR, Part 112 of Federal Oil Pollution Prevention Regulations.

Storm Water Damage

A sewer or other system for conveying surface runoff due to storm events and unpolluted ground or surface water, including that collected by cellar drains, but excluding sanitary sewage and industrial waste.

Stormwater Impoundment

Any structure designed and constructed to contain stormwater runoff.

Subdivision

A subdivision shall mean the division of a tract or parcel of land as defined in Title 30, M.S.I.A., section 4956 and as hereafter amended. The term subdivision shall also include such developments as mobile home parks, multiple-family dwelling(s), shopping centers, condominiums, and industrial parks where there are three or more units involved.

Subsurface Disposal System

A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA section 413, Subsection I-A, or any public sewer.

Time of Travel Boundary

A boundary, beyond which, groundwater will take more than a set period of time (i.e., 200 days) to travel to a given point (i.e., a pumping well). Pumping conditions for defining a time of travel boundary are defined in the proposed Maine wellhead protection program (November, 1991).

Transfer Station; Recycling Facility

Facility designed for temporary storage of discarded material intended for transfer to another location for disposal or re-use; facility which processes discarded material for re-use.

Utility Corridor

Right-of-way, easement, or other corridor for transmission wires, pipes or other facilities for conveying energy, communication signals, fuel, water, wastewater, etc. Municipal water supply distribution mains, operational, or maintenance facilities, are excluded from restrictions in the Wellhead Protection Table.

Underground Storage Tank

As defined by State of Maine regulations.

Variance

A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the actions of the applicant, and where literal enforcement of this Ordinance would result in unnecessary or undue hardship. The crucial points of variance are undue hardship and unique circumstances, applying to the property. A variance is not justified unless both elements are present in the case.

Waste Disposal, Industrial/Commercial - see Industrial Waste

Waste Water Treatment Plant

Any arrangement of devices and structures used for treating waste water.

Watershed

Land lying adjacent to water courses and surface water bodies which creates the catchment or drainage area of such water courses and bodies; the watershed boundary is determined by connecting topographic high points surrounding such catchment or drainage areas.

Wellhead

The specific location of a well (a hole or shaft dug or drilled to obtain water) and/or any structure built over or extending from a well.

Well, New

A shaft or pipe placed in the ground for extraction or monitoring of groundwater. Extractions of less than one thousand (1000) gallons per day are except.

Well sites, identified - see identified new well site

Zone of Contribution

The area from which groundwater flows to a pumping well.

CERTIFICATION: We the Board of Selectmen of the Town of New Sharon hereby certify to the Town Clerk that the foregoing document is a document entitled "New Sharon Wellhead Protection Ordinance", and subject of a Town Meeting for its adoption, said Town Meeting to take place on March First at Cape Cod Hill School

9.00 A.M, New Sharon, Maine.

Date of Certification Feb 19, 2003

TOWN OF NEW SHARON BOARD OF SELECTMEN

James W. Smith
James Smith, First Selectman

Maynard Webster
Maynard Webster, Second Selectman

William Lane
William Lane, Third Selectman

ATTEST: A true copy of an ordinance entitled "New Sharon Wellhead Protection Ordinance", as certified to me by the municipal officers of New Sharon.

Signature: Ellen Grant
Ellen Grant, Town Clerk

Date: 2/20/2003

