

Aquifer Protection Overlay (APO) District

3.07 APO District Intent, Effect on Uses, and Effect on Standards

District Intent	Effect on Land Uses	Effect on Development Standards
<p>The Aquifer Protection Overlay (APO) The intent of this District is to guide development and existing uses in those areas where an aquifer has been identified as deserving of detailed standards because of the existence of a wellfield providing potable water to the local water utility. This District also stems from <i>Section 1428 of the 1986 Amendment to the Federal Safe Drinking Water Act</i> that mandates that every State develop a Wellhead Protection Program to protect public water supplies which utilize a groundwater source.</p> <p>Land Use Restrictions</p> <ul style="list-style-type: none"> • Uses that utilize or contain volatile, poisonous, toxic, or other material hazardous to the potability of water are restricted or prohibited <p>Development Standard Restrictions</p> <ul style="list-style-type: none"> • Prevent the contamination of groundwater resources • Prevent excessive extraction of the groundwater resources • Regulate land-use activities that store, handle, or produce hazardous material • Require the use of best management practices (regulatory and non-regulatory) for the protection of existing and future groundwater sources of drinking water • Identify the responsibility of the City of Richmond, as the local governmental unit, and the Department of Metropolitan Development, as the responsible agent for the City, in protecting groundwater resources in the City of Richmond • Prevent any increase in the risk of contamination of the aquifer from existing or future uses <p>Application of District</p> <ul style="list-style-type: none"> • Two Zoning Districts, designated as the East Aquifer Protection District and the West Aquifer Protection District are designated on the Official Zoning Map. 	<p>All permitted uses in the base zoning district are permitted in the APO District except as prohibited in <i>Section 3.10(G)</i>. All special exception uses permitted in the base zoning district are allowed as such in the APO District except as prohibited in <i>Section 3.10(G)</i>.</p>	<p>The development standards from the base zoning district shall apply to the APO District in addition to the development standards described in <i>Section 3.10</i>.</p>

Aquifer Protection Overlay (APO) District

3.08 APO District Applicability

The following requirements apply to all land within the APO District as defined in *Section 3.09: APO District Boundary*. Under no circumstances shall a planned development or rezoning of property change the applicability of the APO District's land use restrictions and additional development standards.

3.09 APO District Jurisdictional Boundary

Two Aquifer Protection areas are hereby established the Aquifer Protection Overlay (APO) District; An East Aquifer Protection District, and a West Aquifer Protection District and shall be noted independently on the Official Zoning Map.

3.10 APO District Development Standards

- A. **Exemptions:** Notwithstanding any prohibition or other requirements under this Ordinance, special exemptions and limited exclusions are authorized for:
1. Transportation of any regulated substances through the Aquifer Protection Districts, provided the transporting vehicle is in continuous transit;
 2. Storage of fuel and lubricants for on-site vehicle and/or machinery operations, either in above ground storage facilities or in underground storage tanks that meet U.S. EPA standards as set forth in IDEM requirements and regulations (*329 IAC 9-1-1*);
 3. The use, storage, handling and/or production of regulated substances associated with non-routine maintenance or repair of property or equipment, shall be limited to normal business use, as identified in the information supplied for the Certificate of Conformance;
 4. Regulated substances provided they are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public. In no case shall regulated substances claimed under this exclusion include hydrocarbons or halogenated hydrocarbon solvents. The inventory of such regulated substances shall be limited to normal business use, as identified in the information supplied for the Certificate of Conformance;
 5. Office supplies that are used for the operation of on-site administrative offices, provided such supplies are prepackaged in a form ready for use;
 6. Sales or distribution establishments that store and handle regulated substances for resale in their original containers;
 7. Geotechnical borings; and
 8. Facilities used in the transmission and distribution of electricity by an electric utility authorized to provide service in the Aquifer Protection District.
- B. **Water Recharge:** Any storm water structure within the East Aquifer Protection District shall be designed to provide for a maximum rate of recharge into the groundwater system. Any recharge system shall be constructed to the satisfaction of the Engineer of the City of Richmond, Indiana preferably using low impact development techniques that serve to both detoxify pollution and provide for infiltration to recharge the aquifer. Acceptable examples include, but are not limited to, permeable pavements, bio-retention areas, constructed wetlands and grassy swales. The use of dry wells, French drains and gravel-lined ditches that do not provide for detoxification is prohibited. Site plans exceeding five acres must:
1. Include an approval by a licensed professional qualified in the field of groundwater hydrology; and
 2. Be acceptable to the City Engineer.
- C. **Sanitary Sewers:** Except where service is not currently available, all sewage disposal within the Districts must be through sanitary sewers and the publicly owned treatment works or holding tanks. Infiltration and leach field systems are prohibited. Sanitary sewer lines shall be inspected by the Richmond Sanitary District for exfiltration and/or infiltration at least once every five (5) years.
- D. **Paved Surfaces:** The use of salt and other substances for ice control shall be minimized consistent with public highway safety requirements.

Aquifer Protection Overlay (APO) District

- E. Outside Storage: Hazardous substances as defined in *Section 3.10(G)* and regulated substances in storage containers totaling fifty-five (55) gallons or greater in whole or in part which have the potential to contaminate the aquifer and could leach or diffuse by rain or wind into the sub-surface soils either directly or indirectly shall be permitted to be stored outside only in areas with secondary containment and/or diversionary structures designed so that said leaching or diffusion of said materials or substances does not occur and an accidental spill is contained on an impermeable surface for total recapture.
- F. Restrictions within the Districts:
1. No facility shall be permitted to construct or cause to be constructed, any underground storage tanks, except as set out in *Section 3.10(A)(2)*.
 2. Fertilizers, pesticides (including, but not limited to: herbicides, insecticides, fungicides, rodenticides), or other leachable materials shall not be used in amounts which result in groundwater contamination and shall be used and disposed of in accordance with the state Pesticide Review Board and all federal label instructions;
 3. Disposal of liquid or leachable wastes on or in the land is prohibited;
 4. Extractive operations, except for potable quality water, are prohibited, except for construction, which may replace topsoil and re-vegetate as quickly as possible.
- G. Special Restrictions within the Districts: Except as allowed in *Section 3.10(A)*, the following uses remain prohibited in the Aquifer Protection Districts, even if they shall be allowed by right in the underlying zoning district:
1. *Regulated Substances*: The manufacturing, compounding, processing, packaging and/or assembling and storage of any federally regulated pesticides (including, but not limited to: herbicides, insecticides, fungicides, rodenticides and disinfectants), acids, radioactive materials, coke or gas, metal electroplating exclusively, chemical packaging facilities, composting, sanitary and/or demolition landfills, battery and/or tire storage and collection facilities, paper pulp, or the tanning of hides or the rendering of animals;
 2. *Land Application*: Land application of waste water, surface impoundments for waste treatment or storage, waste burning areas, pipelines except natural gas and water, and all classes of injection wells except geothermal heat pumps utilizing a “closed loop” system;
 3. *Hazardous Material Storage*: The manufacturing, compounding, processing, packaging and/or assembling and storage of hazardous materials, excluding manufacturing, compounding, processing, packaging and/or assembling and storage for on-site usage. These hazardous materials, as periodically updated, include:
 - a. Any hazardous substance, toxic, chemical or hazardous waste as listed in the following federal regulations:
 - i. Superfund Amendments and Reauthorization Act (SARA) of 1986, *Section 302 Extremely Hazardous Substances List (40 Code of Federal Regulations (C.F.R.) 300, App. A and B)*;
 - ii. Comprehensive Environmental Response Compensation and Liability Act Superfund (CERCLA) of 1980, Hazardous Substances List (40 C.F.R. 302, Table 302.4);
 - iii. SARA of 1986, *Section 313, Toxic Chemicals List (40 C.F.R. Section 372.45)*; and
 - iv. Resource Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Wastes List (P and U Categories) (*40 C.F.R. Section 261.33 (e) and (f)*).
 - b. Note: The lists referenced in *Section 3.10(G)(3)(a)(i to iv)*, are summarized on the *Title III List of Lists – Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Action (SARA) of 1986*, published July 1987, U.S. EPA. (See www.epa.gov/ceppo/pubs/title3.pdf).
 - c. If it can be demonstrated that the chemical characteristics of a specific hazardous material set forth in *Section 3.10(G)* above (such as, but not limited to, gases and insoluble solids) pose no risk to the aquifer, an exemption may be granted by the Department of Metropolitan Development in consultation with the Wayne County Emergency Management Agency.
 4. *Manufacturing of Regulated Substances*: The manufacturing, compounding, processing, packaging and/or assembling and storage of regulated substances not included in *Section 3.10(G)(3)* above must be in accordance with Best Management Practices.

Aquifer Protection Overlay (APO) District

- H. Best Management Practices Plan: Businesses, facilities or activities that use or store regulated substances in excess of five (5) gallons of a liquid, or twenty-five (25) pounds of a solid, shall develop and maintain a Best Management Practices Plan that includes:
1. A list of Regulated Substances
 2. Secondary containment for storage and use area
 3. Disposal procedures
 4. Emergency spill procedures and notification
 5. Appropriate training for workers
 6. The management plan, which may include forms or information prepared for other governmental agencies, shall be placed on file with the Department of Metropolitan Development and the Wayne County Emergency Management Agency, and shall be updated in a timely manner whenever a change affecting the management plan occurs.

3.11 Process Supplement

- A. Requirement for Conformance Certificate: Prior to Preliminary Plan Approval by the Department of Metropolitan Development, the applicant shall provide a "Certificate of Conformance" with the Aquifer Protection District Ordinance, issued by the City Engineer of the City of Richmond, in a timely manner, for all proposed land-use activities in the East and West Districts within the City of Richmond. A building permit in conformity with this Ordinance shall be required prior to the commencement of any development activity.

3.12 Monitoring

- A. Inspections: Inspections, during normal business hours, may be required to verify compliance with the Aquifer Protection Ordinance. Such inspections shall be performed by the City of Richmond or its designee.
- B. Reporting of Discharges: The discharge of greater than ten (10) pounds or one (1) gallon of any regulated substance shall be reported immediately by the facility owner, operator, or responsible party by calling 911. Discharges of hazardous materials shall comply with Federal EPA reporting requirements.

3.13 Administration

- A. Review and Administration: The Department of Metropolitan Development shall be responsible for the review of all development plans within the Aquifer Protection Districts, and other related matters that may arise in the administration of this Ordinance.
- B. Reporting Requirements: It shall be the responsibility of the City of Richmond Department of Metropolitan Development to provide the Wellhead Protection Local Planning Team with copies of Conformance Certificates, Regulated Substances registration information and Facilities Inspection Reports.