WELLHEAD PROTECTION ORDINANCE

FOR

TOWN OF PARIS

ADOPTED JUNE 18, 1994

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TOWN OF PARIS, MAINE
WELLHEAD PROTECTION ORDINANCE

PREAMBLE

The purpose of this Ordinance is to provide protection for the municipal water supply for the Town of Paris. The Paris wellfield is located off High Street at the end of the Hathaway Road some 300 feet west of the Little Androscoggin River (LAR). The well-being of the citizens of Paris, particularly those who are serviced by the Paris Utility District, and the viability of economic development within the area, depend upon a safe, reliable drinking water supply. The goal of this Ordinance is to ensure the safety and reliability of the current Paris wellfield by seeking to manage new and existing land uses or other activities which might pose a potential threat to the Town's water supply.

The Towns of Paris, Oxford and Norway are closely linked geographically, economically and by the Little Androscoggin River Valley aquifer runs through all three towns. Therefore, it is also the purpose of this Ordinance to provide protection for the municipal water supply of the Town of Norway by managing the land use activities in those Wellhead Protection Areas of Norway located within the Town of Paris.

In order to protect the public water supplies of Paris, Norway and Oxford, cooperation among the three towns is essential. This Ordinance is the result of such a cooperative effort, and has been based on a model developed by a Committee of citizens and town officials from each of the three towns with consulting assistance under the funding of a Federal grant.

This Ordinance will regulate just those portions of land that lie within the designated Wellhead Protection Areas of the municipal water supplies of Paris and Norway. Because the Town of Paris does not have an overall zoning ordinance, this Ordinance is meant to stand alone, as it applies to those areas, and coordinates with existing ordinances and regulations, including "Town of Paris, Maine Site Plan Review Ordinance", standard appeal and variance procedures, and various existing State of Maine planning and land use laws and regulations. State of Maine Law (Title 22) gives towns broad powers to protect drinking water supplies, and enables the Town of Paris to consider the present Ordinance without a broader zoning or land use planning ordinance. Impetus for wellhead protection at the Federal and State levels resulted from 1986 amendments to the Federal Safe Drinking Water Act.

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A. Purpose

1. The purpose of the Wellhead Protection Ordinance is to protect the public, municipal water supplies from land uses which pose a threat to the quality and quantity of the groundwater being extracted from areas within the Town of Paris.

B. Applicability

1. This Ordinance applies to all land uses located or proposed within the areas delineated as the Wellhead Protection Area in the Town of Paris on maps included in the Ordinance (Figures 1 and 2) and available for inspection at the office of the Paris Utility District. The Wellhead Protection Area consists of WHPA 1, WHPA 2, and WHPA 3, described below in Section C.

C. Definition of Wellhead Protection Areas

1. For wells serving more than five hundred (500) persons and located in unconsolidated (sand and gravel) aquifers, the Wellhead Protection Area (WHPA) consists of three (3) areas (WHPA 1, WHPA 2, and WHPA 3) located within the Zones of Contribution defined by hydrogeological studies. These areas are listed and their hydrological characteristics described below:

a. WHPA 1
WHPA 1 extends from the wellhead to the 200-day groundwater Time-of-Travel boundary.

b. WHPA 2
WHPA 2 extends from the outer boundary of WHPA 1 to the 2500 day Time-of-Travel boundary.

c. WHPA 3
WHPA 3 extends from the outer boundary of WHPA 2 to the outer limit of the Zone of Contribution.

The Zones of Contribution for the Municipal Wells of Paris and Norway were determined in studies carried out and reported by BCI Geonetics, Inc. in 1990.

D. Land Uses

1. Within the Wellhead Protection Area, certain new land uses that may have potential to contaminate groundwater are either permitted, not permitted, or conditionally permitted. The third category of land uses is permitted subject to a

Site Plan Review and use of Best Management Practices (BMP) (see section F, G, and I). The Wellhead Protection Area Table, Table I, lists land uses and potential sources of contamination and indicates whether new instances of such uses are permitted, not permitted, or conditionally permitted.

2. Expansion of up to 25% of land uses previously existing at the time of adoption of the Ordinance and which do not conform to Table I is allowed, provided that:

a. Best Management Practices (Section I of this Ordinance) are followed.

b. The addition or expansion does not increase the non-conformity of the land use.

c. The expansion of the non-conforming land use may not be for the purpose of changing that use to another non-conforming use unless the applicant can demonstrate that the new use poses a lesser threat to groundwater than the current use.

Expansion of greater than 25% of such existing land uses is treated as a new use, i.e., it is (1) permitted, (2) prohibited, or (3) subject to Site Plan Review in accordance with Table I.

3. Many of the land uses in Table I are defined in Section K of this Ordinance. Where a certain volume, weight, or other quantity of a particular substance is involved, but not defined in Section K, the minimum quantity regulated by existing local, State, or Federal regulation shall apply.

4. Household activities which are normal in volume and scope are exempt from this Ordinance.

5. Examples of activities in the 15 categories of Land Uses in Table I are as follows:

a. Land Uses 1 and 2 shall include, but not be limited to, the following activities: (1) airport maintenance; (2) auto chemical supplies wholesalers; (3) auto repair; (4) auto washes; (5) beauty salons; (6) boat builders, refinishers; (7) body shops; (8) chemical reclamation; (9) chemical bulk storage; (10) dry cleaners; (11) furniture strippers; (12) heat treaters, smelters, annealers, descalers; (13) machine shops; (14) medical, dental, veterinary offices; (15) metal

plating/electroplating; (16) painters, finishers; (17) photo processors; (18) printers; (19) research laboratories; (20) rust proofers; (21) woodpreserving operations.

b. Land Use 3 shall include, but not be limited to, the following activities: (1) airport fueling and training areas; (2) fuel or heating oil; distributors, fuel oil storage; (3) other fuel storage; (4) gas stations, service stations; (5) junk, salvage yards, including tire storage; (6) oil pipelines; (7) small engine repair shops; (8) truck terminals; (9) underground storage tanks.

c. Land Uses 4 and 5 shall include, but not be limited to, the following activities: (1) construction sites/demolition activities; (2) landfills, dumps; (3) transfer stations and recycling facilities; (4) wastewater treatment plants.

d. Land Use 6 shall include, but not be limited to, the following activities: (1) construction equipment storage; (2) railroad yards; (3) truck terminals.

e. Land Use 7 shall include, but not be limited to, the following activities: (1) food processors; (2) industrial manufacturers; (3) laundromats; (4) machine shops; (5) mortuaries and graveyards; (6) meat packers, slaughter houses, abattoirs.

f. Land Use 8 shall include, but not be limited to, the following activities: (1) concrete, asphalt, tar, coal companies; (2) salt or sand/salt piles, both covered and uncovered; (3) snow dumps.

g. Land Use 15 shall include, but not be limited to, the following activities: (1) agricultural chemical spreading, spraying; (2) agricultural chemical storage; (3) golf courses; (4) manure piles; (5) nurseries (horticultural); (6) parks; (7) pesticide, herbicide, or fertilizer wholesalers, retailers or bulk storage; (8) silviculture, including clear cutting.

E. Lot Specifications

1. The lot size shall be as required by other existing Town of Paris Ordinances, including Paris Subdivision Regulations, and State of Maine laws and regulations.

2. The percentage of the lot which can be covered by impermeable surfaces, including parking areas, shall be limited as presented in the following table:

WHPA	Maximum Lot Coverage
1	30%
2	50%
3	50%

F. Application Requirements for Site Plan Review

1. For new land uses located in WHPA 1, WHPA 2, or WHPA 3 and regulated by the land uses listed in Table I the applicant for a Site Plan Review has the burden of proof that the proposed land use will not adversely affect groundwater. All applications shall be prepared and considered in accordance with current Town of Paris Site Plan Review Ordinance, and shall include written information and plan information. In addition, certain land uses may require Site Plan Review with additional information as described in Section G of this Ordinance and/or as required by the Planning Board (See Section G).

G. Additional Application Requirements

1. Sections G.2 through G.9 present additional information needed for applications for Site Plan Review for certain types of land uses within the wellhead protection areas (WHPA 1, WHPA 2, WHPA 3). These Sections include categories which apply to the land uses in Section D and Table I. 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.) In addition to standard information required under the Town of Paris Site Plan Review Ordinance (See Section F), the Planning Board has the authority to request that the applicant include the following items:

a. On-site sewage disposal report from licensed Site Evaluator or information from the Paris Utility District indicating capacity.

b. Special reports such as:

(1)-soils analysis
(2)-engineering design
(3)-erosion and sediment control plan
(4)-stormwater management plan
(5)-long-term maintenance provision
(6)-hydrogeologic assessment

c. Plan of existing water bodies, water courses, wetlands, and other significant natural features

d. Plan of WHPA boundaries

e. Plan of location and design of existing and proposed culverts, drains, and other stormwater control structures

f. Plan of location and design of proposed sewer and water lines

g. Engineering plans, profiles, and cross-sections

h. Plan of locations, dimensions and profiles of underground utilities

The level of effort and detail required by the Planning Board for such additional submissions shall depend upon the size and potential impact to groundwater of the proposed land use.

2. Construction/Demolition Activity: This category applies to the majority of applications. Even though construction activity is generally permitted, the Planning Board requires the following additional information for construction or demolition of the uses listed in Table I:

a. Provisions for solid waste handling, storage, and disposal

b. Provisions for sanitary facilities

c. Report which provides:

(1) information concerning storage and disposal of waste materials
(2) provisions for fuel storage and refueling
(3) provisions for storage of any liquid chemicals used in the construction process
(4) provisions for storage of any bulk chemicals

used in the construction process

3. Stormwater Management

a. Engineering calculations and plans which provide:

(1) design and capacity of subsurface collection facilities
(2) design of dry wells, storage, retention or detention facilities and other surface water impoundments stormwater system outlets
(3) delineation of post-development drainage areas
(4) plans for ice control, use of road salt, and snow removal

4. Other Impoundments

a. Engineering calculations and plans which provide:

(1) design and capacity of subsurface collection facilities
(2) design of dry wells, storage, retention or detention facilities and other surface water impoundments
(3) stormwater system outlets

b. Delineation of post development drainage areas

c. Plans for ice control, use of road salt, and snow removal

d. Description of source of water, use of water and final water quality of discharge (water quality parameters to be specified by the Planning Board)

e. Amount of consumptive water use

5. Hazardous Materials and Other Chemicals, Handling and Storage: This section pertains to any commercial site where chemical compounds are handled and/or stored:

a. Type and volume of chemical compounds handled and/or stored

b. Site Plan showing all storage, handling, and use areas for raw materials and wastes

c. For outside areas, details to contain spills, including:

(1) drainage and contour information for prevention of flow of runoff from entering the storage area and for keeping leaks or spills from flowing off-site
(2) provisions to collect chemicals should they enter the drainage system
(3) provisions to segregate underground systems to insure that there are no cross connections
(4) statement of emergency measures which can be implemented for surface drainage systems

d. For inside areas, details to contain spills, including:

(1) design of spill containment structures
(2) location of floor drains and floor drain outlets
(3) location of separators, holding tanks and/or drain outlets
(4) the specific location and design of underground storage structures
(5) the location and design of piping systems for wash waters and other waste liquids to insure that inappropriate wastes are not discharged and that wastes are discharged to appropriate sewers or treatment systems

e. A spill prevention and control countermeasure (SPCC) plan detailing:

(1) materials and equipment to be available
(2) a training plan and schedule
(3) a list of emergency contacts (e.g. EPA/DEP/local fire officials) with phone numbers
(4) an inspection schedule

f. A report by an industrial engineer or other competent professional, experienced in such matters, detailing:

(1) steps which have been taken to reduce the use of hazardous materials

(2) actions which have been taken to control the amount of wastes generated
(3) any reports to provide information on the design theory or methodology for the above features

6. 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 Section G.5,(Hazardous and Other Chemicals, Handling and Storage):

a. Site plan showing storage, handling and use areas for all petroleum products

b. Provision for heating oil storage

c. For outside areas, details which provide drainage and contour information to prevent the flow of runoff from entering the storage areas and to prevent leaks or spills from discharging to surface waters or to areas where they could leach into the groundwater

d. Provisions to contain and clean-up petroleum products should they enter the drainage systems, including:

(1) separators for underground piping systems
(2) emergency measures which can be implemented for open drainage systems

e. Exact location of tanks, piping and separators so that inspection, detection, clean-up or other emergency measures can be accomplished in a timely and efficient manner

f. SPCC plan detailing:

(1) materials and equipment available
(2) training plan and schedule
(3) a list of emergency contacts (e.g. local fire officials, DEP) with phone numbers
(4) inventory recording method and an inspection schedule

g. Design of the containment system for bulk storage tanks prepared by a Professional Engineer registered in the State of Maine.

h. Hydrogeologic report. The hydrogeologic report may vary in scope depending on the general nature of the geology, the size and design of the

facility, and the need for groundwater monitoring. A typical hydrogeologic report should characterize the geology, determine the groundwater gradients, and analyze the potential for groundwater degradation from the activity. These elements might be determined from existing data or from new field investigations as available and appropriate. As stated in Section F, the applicant has the burden of proof that the proposed activity will not adversely affect groundwater. The analysis should contain a list of potential threats and recommend methods of controlling those threats.

7. Sewage Disposal and Subsurface Injection. This section pertains to subsurface injection activities as defined by State regulations and includes septic systems and other on-site sewage disposal.

a. Provisions for sewage disposal including:

(1) report and septic system design by a licensed Site Evaluator.
(2) in WHPA 1 and WHPA 2, for sites/uses producing more than 1,000 gallons per day of sewage, a hydrogeologic analysis of predicted nitrate concentrations at the property line.
(3) in WHPA 3, for sites/uses producing more than 2,000 gallons per day of sewage, a hydrogeologic analysis of predicted nitrate concentrations at the property line.
(4) in WHPA 1 and WHPA 2 evaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a Registered Engineer or the sewer system superintendent.

b. Provisions and design for all floor drains, grease traps, and holding tanks.

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

a. Hydrogeologic Report identical to that required for State approval of new water supply.

9. Installation of Monitoring Wells. This section pertains to all monitoring or observation wells.

a. Location and construction specifications

b. Intended purpose

c. Sampling schedule

d. Provisions for informing appropriate the Town of Paris and Paris Utility District of sampling results

H. Control of Existing Contaminant Threats

1. The Code Enforcement Officer shall have the right to enter, during reasonable hours and after reasonable notice, to inspect all premises which carry on uses listed in Table I and which require site review. The Code Enforcement Officer may be accompanied by a representative of the Paris Utility District, including a consultant employed by it. If the Code Enforcement Officer is denied the right to enter and inspect premises, the Code Enforcement Officer may seek an administrative warrant for entry and inspection.

Further, the Code Enforcement Officer shall have the right, upon 24 hour notice, to conduct such testing as the Paris Utility District may deem appropriate to determine that Management Practices and groundwater pollution control devices are in good condition and are working properly. Such testing shall be at the Town's or Utility District's expense. Should such initial testing reveal groundwater contamination, subsequent testing shall be at the expense of the Owner. Also, if contamination is present, the Owner shall reimburse the Town or Utility District for the initial testing.

2. When the Town or District determines that groundwater monitoring in a Wellhead Protection Area is required to protect the public water supply from existing or potential threats from uses requiring a Site Plan Review in Table I, the Town and the Utility District shall have the right to install groundwater monitoring wells on premises. The Town and Utility District shall further maintain the right to sample such wells.

3. Such well installation and sampling shall be at the expense of the Town or Utility District. Should initial testing reveal groundwater contamination, subsequent testing shall be at the expense of the Owner. Also, if

contamination is present, the Owner shall reimburse the Town or Utility District for the well installation, the initial testing, and all other associated expenses.

4. Facilities within the Wellhead Protection Areas which are used to conduct activities listed in Table I and which require a Site Plan Review, shall incorporate the Best Management Practices (BMPs) required in Section I of this Ordinance according to the schedule listed in Section I. For each BMP listed in Section I, a time for implementation is given. This time is generally referenced to the date of the adoption of this Ordinance.

I. Best Management Practices

1. All development located within the Wellhead Protection Area (WHPA 1, 2, and 3) shall comply with the Best Management Practices contained in Sections I.4 through I.12. Best Management Practices, as applied in the State of Maine, are management practices which will minimize the impacts of the activity on water quality and quantity. In some instances, there may be more than one management practice which could be chosen to 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 mitigate the problem fully.

2. The Planning Board may adopt, by reference, as 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, notice of 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 seven days prior to the date of the hearing. Buildings and containment structures must comply with the provisions found in the current edition of The Building Officials and Code Administrators (BOCA) National Building Code, in particular, Section 618, which contains the regulations for hazardous materials handling.

3. For existing facilities see Section H.3. For new facilities within the Wellhead Protection Area, the BMP shall be put into effect immediately.

4. 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, which are on raised pallets and protected from the weather.
Implement within: upon adoption

(2) Containers shall be removed (as required by State Hazardous Waste Rules or more frequently as may be determined by Planning Board) 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 for Site Plan Review 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

5. 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, including cleaning storm drains twice a year.
Implement within: 6 months

b. Chemicals and wastes shall be stored in such a manner to prevent rainfall from contacting them.
Implement within: 1 year

c. Runoff from paved parking lots should be diverted to stormwater drains, if present.
Implement within: 1 year

d. Reduced amounts of sand/salt should be used.
Implement within: 1 year

e. Snow melt from parking lots should be diverted to stormwater drains if present.
Implement within: 2 years

f. Parking lots should be maintained on a yearly basis, including cleaning catch basins and

sweeping the parking lots on a semi-annual basis. Cracks should be sealed on a yearly basis.
Implement within: upon adoption

6. 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 made to implement the plan.
Implement within: 1 year

b. Buildings, rooms, and areas where potential pollutants are used, handled or stored shall be designed to contain spills or leaks. Specifically, floor drains shall not be used except as required by fire regulations. A waterproof containment dike shall be placed around areas where potential pollutants are used, handled or stored to contain accidental spills. The dike shall have a containment volume greater than the amount of material stored or used in the room.
Implement 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.
Implement within: 6 months

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 Paris Fire Department is informed of clean-up procedures.
Implement within: 1 year

7. Septic/Sewage Disposal

a. Sewer/septic systems and on-site sewage disposal shall be designed by competent professionals, using sound engineering practices, in accordance

with State of Maine Plumbing Rules.
Implement within: upon system replacement

b. Construction of sewers and septic systems shall be carefully inspected by the Code Enforcement Officer to insure proper installation.
Implement within: upon system replacement

c. Sewer systems shall be tested for leakage, according to State rules, or the Paris Utility District Sewer Ordinance, whichever is more stringent.
Implement within: 1 year

d. Provisions shall be made to maintain sewer and septic systems.
Implement within: upon adoption

e. Sewers and drainage systems shall be designed to insure that stormwater does not enter sanitary sewers.
Implement within: upon adoption

f. For cluster systems, 1,000 gallon septic tank capacity shall be provided for each 300 gallons of flow. Design flows for leachfields shall be less than 2,500 gallons per day.
Implement within: upon adoption

g. Chemicals and industrial wastes shall not be discharged to septic system.
Implement within: upon adoption

h. Floor drains and stormwater drains shall not be discharged to septic systems.
Implement within: 6 months

8. Waste Disposal/Handling Facilities

a. Inert Fill

(1) For WHPA 1 and WHPA 2, disposal shall be setback 75 feet from wetlands as defined in the Natural Resources Protection Act (NRPA) and located a minimum of 2 feet above the seasonal high ground water table.
Implement within: 1 year

(2) For wastes other than concrete, stone and brick, the Planning Board shall be provided documentation from a U.S. EPA-certified

laboratory that wastes are inert.
Implement within: 1 year

b. Transfer Station/Recycling Facilities

(1) All facilities and storage areas shall be located such as to have a minimum of 5 feet above the seasonal high ground water table.
Implement within: 1 year

(2) Sanitary wastes shall be disposed into a public sewer or in accordance with State Plumbing Rules.
Implement within: upon adoption

(3) If water clean-up of facilities is used, the water shall be discharged to a public sanitary sewer. If no public sanitary sewer is available, dry clean-up procedures shall be used.
Implement within: upon adoption

(4) Gravel, asphalt, or concrete pads or steel or aluminum containers shall be used for storage facilities for white goods and tires.
Implement within: upon adoption

(5) Facilities shall not be located in a 100 year floodplain.
Implement within: upon adoption

(6) An Operating Manual shall insure that only nonhazardous municipal solid waste is accepted.
Implement within: upon adoption

(7) For Recycling Facilities, an Operating Manual shall insure that only clean, marketable recyclables are collected.
Implement within: upon adoption

(8) For Recycling Facilities, storage of residuals shall be accomplished to prevent spillage and leaking.
Implement within: upon adoption

c. Municipal, Commercial, Industrial and other special wastes

(1) All handling, storage and transfer shall comply with Department of Environmental Protection rules.
Implement within: upon adoption

d. Hazardous Wastes shall be limited to small quantity generators, as defined by the State Hazardous Waste Rules.
Implement within: upon adoption

e. Junkyards/Metal Processing

(1) Fluids shall be removed in a secure area and stored for appropriate disposal, as per State Hazardous Waste Rules.
Implement within: upon adoption
(2) Fluids shall be disposed in accordance with state and federal laws.
Implement within: upon adoption
(3) Records shall be maintained to indicate the quantities of fluid handled.
Implement within: upon adoption

9. Chemicals and Petroleum Handling and Storage

a. Nonhazardous chemicals shall be substituted for hazardous varieties whenever possible.
Implement within: 1 year

b. A detailed inventory shall be maintained.
Implement within: upon adoption

c. Provisions shall be made to clean up all spills immediately with an absorbent material or other methods and dispose of them properly.
Implement within: upon adoption

d. Hazardous materials shall be stored in secure, corrosion resistant containers.
Implement within: upon adoption

e. Bulk storage shall comply with all State laws and regulations or within the provisions below, whichever is more stringent.
Implement within: upon adoption

f. Bulk storage shall be in above-ground, corrosion resistant tanks in WHPA 1 or WHPA 2. In addition, where feasible, above-ground storage should be used in WHPA 3. The following provisions shall be complied with:

(1) A diked area shall be provided around tanks to contain spills. The storage volume of diked area shall equal 150% of 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.
Implement within: upon adoption

g. If underground storage is necessary in WHPA 3, corrosion resistant double-walled tanks with alarm systems shall be provided and records shall be kept in accordance with State of Maine Regulations. 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.
Implement within: upon adoption

h. All floors shall be concrete or an impermeable, hardened material.
Implement within: 1 year

i. In WHPA 1 and WHPA 2, non-bulk chemicals shall be stored inside. Such storage areas shall comply with the following:

(1) floor drains shall not be used in WHPA 1 and WHPA 2 and shall only be used in WHPA 3 when required by fire regulations;
(2) storage and handling areas shall have waterproof containment dikes around perimeter to contain spills.
Implement within: 6 months

j. Spill and leak detection programs shall be maintained and updated annually.
Implement within: upon adoption

k. If floor drains are required by the fire regulations, they shall be discharged to a holding tank. Tanks shall be pumped by a licensed oil or hazardous waste hauler, as appropriate. Tanks shall be equipped with gauges to determine used capacity.
Implement within: upon adoption

l. Tanks shall be equipped with automatic shutoffs or high level alarms.
Implement within: 6 months

m. Oil and waste separators shall not be used to remove dissolved compounds or oil and greases which have been subjected to detergents.
Implement within: 6 months

n. In WHPA 1 and WHPA 2, loading areas shall be covered to prevent the mixing of stormwater and spilled chemicals. Concrete or other impermeable pads shall be provided under transfer and handling area.
Implement within: 1 year

o. Procedures shall be established to catch and store chemicals spilled at loading docks and other transfer areas.
Implement within: upon adoption

p. Provisions shall be made to inspect and test tanks and lines periodically for leaks.
Implement within: upon adoption

q. The facility and equipment shall be designed to:

(1) prevent tank overflow; and

(2) Prevent line breakage due to collision.

Implement within: upon adoption

r. Provisions shall be made to have:

(1) emergency diking materials available;
(2) emergency spill cleanup materials available.
Implement within: upon adoption

s. Exterior transfer and handling areas shall be sloped as to prevent runoff from other areas from entering the handling area, but to contain small quantities of spilled product.
Implement within: 6 months

t. Residential storage tanks shall be located in cellars or on a concrete slab above-ground, if outside.
Implement within: 6 months

10. Mining, Including Sand and Gravel

a. Limit depth of excavation

(1) In WHPA 1 and WHPA 2, excavation shall be limited to 5 feet above the seasonal high water table.
Implement within: upon adoption

(2) In WHPA 3, if excavation is proposed such that there will be less than 5 feet separation between excavation limits and the ground water table, a hydrogeologic investigation at the expense of the Owner must be done to assess the potential adverse impact including potential contamination and reduction in recharge to the aquifer.
Implement within: 1 year

(3) If water supply wells are present within 500 feet of the proposed excavation, groundwater monitoring wells shall be installed at the expense of the Owner.
Implement within: 2 years

b. If dust control is needed for haul roads, water shall be used. Salting and oiling of roads is prohibited.
Implement within: upon adoption

c. Petroleum Storage

(1) WHPA 1 and WHPA 2, petroleum products shall not be stored in the pit. Refueling shall not occur within the pit unless the refueling occurs on an impervious surface with a berm sufficient to contain spills.
Implement within: upon adoption

(2) In WHPA 3, if petroleum storage is proposed, 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.
Implement within: upon adoption

(3) A spill prevention plan shall be maintained and updated.
Implement within: upon adoption

(4) A reclamation plan shall be provided, maintained and used.
Implement within: upon adoption

11. Agriculture and Intensive Open Space Uses (These provisions shall apply to WHPA 1 and WHPA 2 only.)

a. Soil tests shall be used to determine proper amount of nutrients and pH adjustment (e.g. limestone) to be applied. On the basis of the soil test results a Nutrient Management Plan (NMP) shall be developed by the University of Maine Cooperative Extension, Soil Conservation Service, or Oxford County Soil and Water Conservation District.

b. Nutrients shall be applied uniformly and only at levels required by the NMP.

c. Split fertilizer applications should be used for new planting, where possible.

d. Nutrients shall not be applied to very shallow soils or bedrock.

e. Chemical fertilizer application equipment shall be calibrated.

f. Irrigation shall be scheduled to minimize leaching potential.

g. Nutrients shall not be applied during winter months when ground is frozen or snow covered.

h. Fertilizers and manure shall be stored in properly located and constructed facilities.

i. All federal and state laws regulating pesticides and herbicides shall be followed.

j. Material safety data sheets shall be kept accessible.

k. Application of fertilizers and pesticides shall be accomplished by certified applicators.

l. Secure, safe storage shall be provided for used pesticides containers and disposal of containers shall be in accordance from federal and state law.

m. Records of fertilizer, pesticides and herbicide use shall be kept.

Implement within: upon adoption

proposed by the applicant will have no measurable effect on water table levels or recharge to the aquifer, and will either cause no contamination to groundwater or will cause contamination of such minute quantities as to be undetectable at the wellhead for the municipal well.

c. The applicant proposes an activity or land use in WHPA 3 and can demonstrate the technical and financial capabilities to both detect and remediate any groundwater contamination above then current Maximum Contaminant Levels (MCL) before such contamination can reach the outer boundary of WHPA 2. The more stringent of State of Maine and Federal MCL standards shall apply.

d. The applicant can demonstrate that groundwater beneath the site in question flows away from the Paris Utility District wellfield even under the maximum realistically expected pumping rate for the well during a time of drought.

3. Deadline Extension for Best Management Practices, Existing Uses

a. The Board of Appeals may double the time given for implementation of Best Management Practices in Section I of this Ordinance, if any one of the following conditions can be met by the applicant. Only one (1) such extension may be granted. If the Best Management Practice in Section I is to be implemented "upon adoption" of this Ordinance, the Board of Appeals may grant a one-time extension of one year from the time of application or two years from the time of adoption of this Ordinance, whichever occurs first. Criteria for deadline extension are listed below at least one of which must be met:

(1) The applicant meets at least one of the criteria in Section J.2.

(2) The applicant demonstrates that meeting the deadline stipulated <u>necessarily</u> jeopardizes employment levels associated with the business or the existence of the business carrying out the land use or activity.

(3) The applicant demonstrates that he/she has made all reasonable efforts, in good faith,

12. Silviculture

a. Silvicultural Chemical Handling and Storage

(1) In case of the spillage or disposal of oils, fuels, coolants or hazardous wastes on the ground during maintenance or repair, collection and appropriate disposal of such substance shall take place.
Implement within: upon adoption

(2) The BMP for Chemical Use and Storage should be followed.
Implement within: upon adoption

(3) The BMP for Waste Disposal shall be followed.
Implement within: upon adoption

J. Appeal and Variance Procedures

1. Types of Appeal and Appeal Procedures: Any landowner or other citizen who believes that he or she is adversely affected by the Wellhead Protection Ordinance or by a decision deriving from that Ordinance may make an appeal to the Board of Appeals, Town of Paris. This appeal shall follow established rules and procedures of the Paris Board of Appeals. Further appeals to the Superior Court shall follow established procedures of local and State laws. Two types of appeals may be considered, namely (i) Administrative Appeals and (ii) Variance or Waiver. Administrative Appeals shall be handled in accordance with current Paris Board of Appeals rules and procedures. Variance or Waiver are discussed in Section J.2 below. Also, for existing land uses and activities, delays in the implementation of Best Management Practices may be granted under the conditions outlined in Section J.3.

2. Variance or Waiver: Variance or Waiver shall be granted only when the applicant can show, by means of one or more of the criteria listed below, that the proposed activities or land uses will not adversely affect the groundwater quality or quantity for the Paris Utility District or Norway Water District wellfields. The burden of proof is with the applicant. Criteria are as follows:

a. Demonstration of an impervious confining layer in the subsurface, but above the water table, sufficient to prevent any activity proposed by the applicant from contaminating the groundwater beneath the confining layer.

b. Demonstration that the activities or land uses

to make or finance the necessary changes for Best Management Practices and that these efforts have been or will be unsuccessful within the prescribed deadline, but that these efforts would be successful within the extended deadline.

(4) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

(a) That the land in question cannot yield a reasonable return unless a variance is granted;

(b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

(c) That the granting of a variance will not alter the essential character of the locality; and

(d) That the hardship is not the result of action taken by the applicant or a prior owner.

K. Definitions

1. Construction of Language

a. In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration or table, the text shall control.

b. The words "shall" and "will" are mandatory, the word "may" is permissive.

c. The word "lot" includes the words "plot" and "parcel".

d. The word "building" includes the word "structure".

e. The words "Town" or "Municipality" means the Town of Paris, Maine.

f. The word "District" means The Paris Utility District.

2. DEFINITIONS

Aquifer
A permeable geologic formation, either rock or sediment, that when saturated with groundwater is capable of transporting water through the formation.

Best Management Practice
Operational procedures for handling, storage and disposal of regulated substances and procedures which are designed to minimize the impact of certain activities or land uses on groundwater quality and quantity.

Chemical Bulk Storage
Storage of a chemical or chemicals in a container or containers larger than those intended for normal homeowner or retail purposes. Proper, noncommercial, homeowner use of chemicals is not included.

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 and Commercial Equipment and Vehicle Storage
Storage of construction equipment or other commercial vehicles in excess of 30 consecutive days in which the equipment is not used.

Demolition of Uses Listed in This Table
Demolition of facilities, buildings, etc. associated with the land uses or activities listed in the Wellhead Protection Area Table, Table I, by a contractor or commercial operation. Expansion of existing land uses,

activities, or structures is defined and governed by Section D.2.c 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.

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.

Gas Station, Service Station
Any business at which gasoline, other motor fuels or motor oil are sold to the public for use in motor vehicles regardless of any other business on the premises.

Groundwater
The water contained within the interconnected pores, cracks or fractures located below the water table of a confined or unconfined aquifer.

Groundwater Contamination
Presence of any substance, designed by the U.S. EPA or the State of Maine as a primary or secondary water quality parameter, in excess of the Maximum Contaminant Level (MCL).

Hazardous Material
Any gaseous, liquid or solid materials, or substances designated as hazardous by the U.S. 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 materials which mean 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.

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

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

Industrial Waste
Wastes running from the processes employed in industrial manufacturing, trade, or business establishments.

Inert Fill
Materials 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.

Intensive Open Space Uses
Uses if open space, such as golf courses and power lines, which have the potential, because of their duration, frequency, or nature to significantly alter the environment, particularly the groundwater quality and quantity, associated with the open space.

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.
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 won-out tires which may or may not be useable now or in the near future.
5. Town garbage dumps, waste dumps and sanitary fills will not be considered junkyards for the purposes of this Ordinance.
6. Three or more unserviceable, worn-out vehicles.

Landfill
An area used for the placement of solid waste, liquid waste or other discarded material on or in the ground.

Leachable Material
Material, including salt and certain components of concrete, asphalt, tar, coal, etc., which is readily soluble in water and thus easily removed and transported in solution by meteoric and/or groundwater.

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.

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

Open Space
Land that is largely free of building or other permanent structures.

Parking Lot
Lot designed or used for the short or long-term parking of vehicles, when lots are 1/2 acre in size or greater.

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 noncommercial gardeners is not included.

Road
A route or tract 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 or 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.

Site Plan Review
An applicant-prepared document and associated procedure for certain proposed new or expanded developments as per Town of Paris existing Site Plan Review Ordinance.

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 snowplowing operations.

Solid Waste
Discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill materials and landscape refuse. For the purpose of this Ordinance, solid waste includes recyclable materials.

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

Storm Water Drainage
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.R.A., section 4401 and subsequent. 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 38MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA section 413, Subsection 1-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 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 the State of Maine regulations.

Waste Disposal, Industrial/Commercial
See Industrial Waste

Wastewater
Any combination of water-carried wastes from institutional, commercial and industrial establishments, and residences together with any storm, surface or groundwater as may be present.

Wastewater Treatment Plant
Any arrangement of devices and structures used for treating wastewater.

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.

Wellhead Protection Area (Map)
An area, consisting of 3 portions, WHPA 1, WHPA 2, and WHPA 3, delineated according to Section C of this Ordinance. WHPA 1, WHPA 2, and WHPA 3 are shown on a map at the Paris Utility District Office.

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 exempt.

Zone of Contribution
The area from which groundwater flows to a pumping well.

END OF ORDINANCE

TABLE I

APPLICABLE LAND USE IN WELLHEAD PROTECTION AREAS

KEY: Y = permitted N = not permitted
SP = permitted, subject to Site Plan Review and use of Best Management Practices

USES	WHPA I	WHPA 2	WHPA3
1. Use, storage, or manufacture of hazardous materials or waste[1]	N	N	SP
2. Use, storage, or manufacture of hazardous materials or waste - small quantities[2]	N[3]	N[3]	SP
3. Use, storage, or manufacture of petroleum products	N	N[4]	SP
4. Storage, handling and processing of solid waste, including sludge and ash utilization	N	SP	SP
5. Disposal of solid waste, sludge, ash	N	N	N
6. Storage[5], maintenance, refueling of commercial vehicles and equipment	N	SP	SP
7. Discharge of commercial or industrial wastewater or washwater to a septic system[6]	N	N	SP
8. Bulk storage of leachable material, including concrete, asphalt, tar, coal, and salt	N	N	SP[7]
9. Discharge and impoundment of waste-water and stormwater	N	N[8]	SP[7]
10. Transportation, including rail, and utility corridors	N[9]	SP	SP
11. Demolition of uses listed in table	SP	SP	SP
12. Sand and gravel mining; other mining	SP	SP	SP
13. Wells, abandoned or new[10]	SP[10]	SP[10]	Y[10]
14. Parking lots[11]	N	SP	Y
15. Use, storage, or manufacture of fertilizers, herbicides, pesticides	SP	SP	Y

ADOPTED JUNE 18, 1994

NOTES TO TABLE I

(1 Refers to large quantities used, stored, or manufactured, e.g., 1 Kg/month (2.2 lb/month) or greater.

(2) Less than 1 Kg/month (2.2 lb/month).

(3) Allowed only if facility is connected to the District sewer system and hazardous materials are legally stored and disposed of.

(4) Storage of petroleum products in underground storage tanks is allowed in WHPA 2 only if the tanks are dual-walled, with alarm systems as per State of Maine underground storage tank regulations.

(5) Storage of a vehicle is defined as storage without use for more than thirty consecutive days.

(6) Includes any discharge which could enter the ground.

(7) Subject to Best Management Practices. Specifically salt and sand/salt mixtures must be covered so that precipitation cannot reach them during storage or loading.

(8) Stormwater, but not wastewater, discharges and impoundments in WHPA 2 may be considered, subject to Site Plan Review and Best Management Practices.

(9) Municipal water and sewer lines are allowed if constructed and tested according to all regulations and codes, including Paris Utility District Sewer Ordinance.

(10) Abandoned wells must be filled with inert, compact natural soil material or as stipulated by National Groundwater Association regulations. Wells must be abandoned according to such regulations, and all piping must be removed. New wells must be constructed and secured so that contamination cannot enter groundwater via either the inside or the outside of the well. Wells must be constructed according to State of Maine regulations. Properly constructed new wells with withdrawals of less than 1000 gallons per day are exempt from this regulation. All properly constructed new wells are allowed in WHPA 3.

(11) Lots designed or used for the short or long-term parking of vehicles, when such lots are 1/2-acre in size or greater.

TOWN MEETING MINUTES OF
JUNE 14 & 18, 1994

In accordance with the foregoing warrant the voters of the Town of Paris, assembled at the time and place, and for the purposes therein mentioned. The meeting was called to order by Elizabeth M. Larson, Town Clerk. The reading of the warrant was omitted. The Town Clerk then proceeded to act on the first article.

Article 1. To choose a moderator to preside at said meeting.

Chosen by written ballot, Albert B. Soule of South Paris. Mr. Soule was sworn in by the clerk. Mr. Soule appointed Elizabeth Larson to oversee the elections.

Article 2. To choose by secret ballot the following:
One Selectman, who shall also be an assessor to serve for three years.
One Selectman, who shall also be an assessor to serve for one year.
Two Directors for School Administrative District #17 to serve for three years.
One Director for School Administrative District #17 to serve for one year.
Two Trustees for the Paris Utility District to serve for three years.

Gerald D. Kilgore for Selectman and Assessor for 3 years. Sworn to office by moderator.

Armond E. Norton for Selectman and Assessor for 1 year. Sworn to office by moderator.

Victor A. Hodgkins for Director for S.A.D. 17 for 3 years.

Edward W. Whittier for Director for S.A.D. 17 for 3 years. Sworn to office by moderator.

Barbara R. Farrar for Director for S.A.D. 17 for 1 year. Sworn to office by moderator.

Dennis R. Fournier for Trustee for Paris Utility District for 3 years. Sworn to office by moderator.

Edward P. Phillips for Trustee for Paris Utility District for 3 years.

Total votes cast: 505

The meeting then recessed until one o'clock in the afternoon of Saturday, June 18, 1994. The meeting was reconvened by moderator, Albert Soule at the Oxford Hills High School to act on the remaining articles.

Article 3. Shall an ordinance entitled "Wellhead Protection Ordinance for the Town of Paris" be enacted?

It was voted to have an ordinance entitled "Wellhead Protection" for the Town of Paris.