

SECTION 17
AQUIFER PROTECTION REGULATIONS

Purpose. The purpose of this Section 17 is to protect existing and future public water supplies and the quality of both surface and subsurface waters by (1) protecting those aquifers within the Town that currently provide, or have the potential to provide in the future, water in sufficient quantities to support high volume public or community wells; and (2) protecting the quality of groundwater that replenishes individual private wells; and (3) protecting the quality of surface waters that flow to the ponds, streams, and rivers of the Town and thence to Long Island Sound. [Added effective 3-7-08.]

17A WATER RESOURCE ZONE

17A.1 General. The purpose of the Water Resource Zone is to protect the public health by preventing contamination of groundwater resources providing existing and potential potable water supply within the Town of Old Lyme. The Water Resource Zone is established as provided in Section 2.4. Special definitions applicable within the Water Resource Zone are as follows:

17A.1.1 Hazardous Material. any substance which because of quantity, concentration, or physical, chemical, or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed into or on any land or water in the Town of Old Lyme; any substance designated a Hazardous Material by any federal, state or local agency having jurisdiction shall also be deemed a Hazardous Material for purposes of these Regulations. [Revised 4-3-1995.]

17A.1.2 Impervious. impenetrable by surface water.

[Preceding from former Section 34.1, Revised Effective 3-7-08, except as otherwise noted.]

17A.2 Permitted and Prohibited Uses. Within the Water Resource Zone, land, Buildings and Structures may be used for one or more of the Uses permitted in the underlying District, provided, however, that the following Uses, facilities and activities are prohibited (Code N) or are permitted subject to the securing of a Special Permit from the Zoning Commission (E-Z) as provided in Section 13B and this Section 17: [Revised 4-1-99]

	<u>Use, Facility, Activity</u>	<u>Code</u>
17A.2.1	The manufacture, use, storage, transport or disposal of Hazardous Material as a principal activity.	N
17A.2.2	A sanitary landfill, septage lagoon or wastewater treatment facility for municipal or industrial wastes.	E-Z

17A.2.3	Any exposed road salt stockpile.	N
17A.2.4	A junk yard, or truck terminal with more than 10 trucks.	N
17A.2.5	A retail dealer's station for the sale of motor fuels; motor vehicle service facility or repairer's garage having either a limited or a general repairer's license issued by the State of Connecticut; or car wash.	E-Z
17A.2.6	Marine repair shop or facility for storage or sale of marine fuels.	E-Z
17A.2.7	Dry cleaning shop.	E-Z
17A.2.8	Photography processing.	E-Z
17A.2.9	Underground storage of fuel oil, gasoline, or other Hazardous Material, except as may be permitted under Section 17B of these Regulations. [Revised 4-3-1995]	N
17A.2.10	Above-ground storage of Hazardous Material in quantities greater than associated with normal household use, other than fuel storage for building heating purposes.	E-Z
17A.2.11	Any use generating hazardous wastes in quantities greater than associated with normal household use.	E-Z
17A.2.12	A parking area for more than 200 cars.	E-Z
17A.2.13	Rendering impervious more than 30% of the total area of any lot, regardless of size.	E-Z
17A.2.14	Any use resulting in less than 30% of the total area of any lot being retained in its natural vegetative state except for minor removal of existing trees and vegetation.	E-Z
17A.2.15	Any use, other than for a single-family dwelling, having an estimated sewage discharge greater than 1,500 gallons per day.	E-Z

[Preceding from former Section 34.2, Revised Effective 3-7-08, except as otherwise noted.]

17A.3 Application for Special Permit. The application for a Special Permit under this Section 17A shall be accompanied by those materials specified in Section 13A.2 of these Regulations, and by the following as applicable to the particular use, facility, or activity:

- 17A.3.1 a complete list of all chemicals, pesticides, fuels or other potentially hazardous materials to be used or stored on the premises in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all storage containers from vandalism, corrosion and leakage, and to provide for control of spills;
- 17A.3.2 a description of all potentially hazardous wastes to be generated on the premises, including provisions for storage and disposal methods as provided in Paragraph 17A.3.1;
- 17A.3.3 for above-ground storage of hazardous materials or wastes, evidence of professional supervision of design and installation of such storage facilities or containers;
- 17A.3.4 underground piping of hazardous materials or wastes, the construction details and specifications which will allow failure determination without need for substantial excavation;
- 17A.3.5 for runoff from impervious surfaces greater than 30% of total lot area, evidence that such runoff will be recharged on site and diverted towards areas covered with vegetation for surface infiltration to the maximum extent possible; dry wells shall be used only where other methods are infeasible and shall be preceded in the course of flow by oil, grease, and sediment traps to facilitate removal of contaminants;
- 17A.3.6 for disposal on site of domestic wastewater, other than from a single-family dwelling, having an estimated sewage discharge greater than 1,500 gallons per day, evidence of qualified professional supervision of design and installation, including a narrative assessment of nitrate, coliform, and hazardous material impact on groundwater quality; and
- 17A.3.7 any additional information deemed necessary by the Planning Commission.

[Preceding from former Section 34.3]

17A.4 Criteria for Special Permit. After due notice and public hearing as required by law, the Special Permit under this Section 17A shall be granted by the Planning Commission, if the Commission determines that the purpose and intent of the Water Resource Zone has been met and that groundwater quality resulting from the proposed use, facility or activity, including on-site wastewater disposal, will not fall below State of Connecticut standards for drinking water, as defined by the requirements of Section 22a-426 of the Connecticut General Statutes and Public

Health Code Section 19-13-B102. In making such determination, the Planning Commission shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to groundwater quality which would result if the control measures failed. [From former Section 34.4.]

17A.5 Nonconformity. The provisions of Section 9 of these Regulations shall apply to uses, facilities and activities which fail to conform to this Section 17A, or its predecessor Section 34, but which were legally and actually existing on January 4, 1988, the effective date of this Section as initially adopted. [From former Section 34.5, Amended Effective 3-7-08]

[From former Section 34, Amended Effective 3-7-08]

17B TOWN-WIDE REGULATIONS FOR THE PROTECTION OF SURFACE AND GROUND WATER

17B.1 Purpose. No use of land or structure shall be permitted which could pose a threat to the quality of the Town's surface waters, its ground water or its aquifers as identified and mapped by the U.S Geological Survey and classified G.A. and G.A.A. under Connecticut's water quality standards as stated in Section 22a-426 of the Connecticut General Statutes, as amended. [From former Section 48.1.]

17B.2 Prohibited Hazardous Materials. Manufacture, use, above-ground or underground storage or disposal of hazardous materials in significant quantities is prohibited, except as allowed in Section 17B.4 of these Regulations. For the purpose of this Regulation, hazardous materials are defined as those substances identified by the U.S. Environmental Protection Agency in Table 302.4 as listed in 40 C.F.R. Section 302.4 (1981) as amended. The amount of any substance which shall constitute a "significant quantity" of such substance is as listed in said Table 302.4. [From former Section 48.2, Amended Effective 3-7-08]

17B.3 Prohibited Outdoor Above and Below Ground Storage of Oil and Oil-Based Derivatives. The outdoor above-ground or below-ground storage of oil and oil-based derivatives as listed in 40 C.F.R. Section 112.2 (1981) as amended, is prohibited, except as provided in Section 17B.4 of these Regulations. [From former Section 48.3]

17B.4 Installation or Replacement of Heating Oil and Motor Vehicle Fuel Storage Tanks.

17B.4.1 Non-residential underground storage tanks for heating oil and motor vehicle fuels as regulated by Section 22a.-449 of the Connecticut General Statutes and Section 22a.-449(d)1. of the Regulations of the Connecticut Department of Environmental Protection may be installed or replaced with approved double-wall storage tanks, when the installations are designed and constructed in conformance with Connecticut Department of Environmental

Protection Standards and when a permit for such work is issued by the Old Lyme Building Official.

- 17B.4.2 Existing residential and non-residential underground and outdoor above-ground fuel storage tanks, not regulated under 17B.4.1., may not be replaced. Below-ground and outdoor above-ground storage tanks must be replaced with storage tanks located in the basement, garage or similar part of a building, provided such structure has a concrete floor. If to the satisfaction of the Zoning Enforcement Officer this required placement is not feasible, existing residential and non-residential outside above-ground fuel storage tanks not larger than 275 gallons may be replaced, provided that they are located on a solid concrete slab. This concrete slab must extend one (1) foot beyond all sides of the tank and must be sufficient in bearing the weight of the tank.

All piping shall connect to the top of the fuel oil tank and valves shall not be installed on return piping. The system shall be designed for the maximum pressure required by the fuel oil burning equipment.

All work may only commence after the issuance of a permit by the Old Lyme Building Official.

[Preceding from former Section 48.4.]

- 17B.5 Failures. Whenever a failure of a tank is discovered, it shall be reported to the Department of Environmental Protection, the Old Lyme Fire Marshal and the Town Building Official and shall have its contents emptied into an approved tank or container within twenty-four (24) hours. Replacement of a failed tank must be completed within thirty (30) days. Replacement shall include the removal and proper disposition of all contaminated materials and/or soils. [From former Section 48.5.]

- 17B.6 Abnormal Change in Tank Contents. Any abnormal loss, gain or use of stored materials shall require the immediate testing of the installation. [From former Section 48.6, Amended Effective 3-7-08]

[Preceding Section 17B from former Section 48, revised effective April 3, 1995; Amended Effective 3-7-08]