

Chapter 13A-17 – DRINKING WATER SOURCE PROTECTION OVERLAY ZONE

13A-17-01 Title, Applicability, and Authority 1
 A. Title
 B. Applicability
 C. Authority

13A-17-02 Purpose and Intent..... 1

13A-17-03 Extent and Designation of Recharge Areas and Protection Zones..... 1
 A. Drinking Water Source Protection Zone Map
 B. Designation of Recharge Areas and Protection Zones
 C. Determination of Location of Properties
 D. Review of DWSPZ Map

13A-17-04 Permitted Uses, Public Utilities Approval, and Not Permitted Within Recharge Areas and Protection Zones 3
 A. Releases
 B. Not Permitted and Restrictions
 C. Review of Development Plans

13A-17-05 Management Strategies and Performance Standards 3
 A. Toxic, Hazardous, and Other Materials Handling Regulations
 B. Storage Containers
 C. Secondary Containment
 D. Regulated Substances Emergency Management Plan
 E. Reporting of Spills
 F. Best Management Practices
 G. Underground Storage Tanks
 H. Septic Tank Systems
 I. Sewage, Collection, Transmission, and Disposal
 J. General Storm Water Management
 K. Deicing Salt Storage and Application
 L. Landfills
 M. Environmental Quality Monitoring

13A-17-06 Table – Land Use Matrix for Potential Contamination Sources 6
 A. Permitted Uses (P)
 B. Required Public Utilities Approval (R)
 C. Not Permitted (N)

13A-17-07 Exclusions and Exemptions..... 10
 A. Exclusions
 B. Continuous Transit
 C. Vehicular and Lawn Maintenance Fuel and Lubricant Use

13A-17-08 Enforcement, Violation, and Penalties..... 10

- A. Inspections
- B. Notice of Violations
- C. Appeals

13A-17-09 Other 12

- A. Abrogation and Greater Restrictions
- B. Disputes

13A-17-10 Liability 12

13A-17-11 Administration 13

13A-17-12 Exhibit 1. Generic Regulated Substance List 13

Chapter 13A-17 – DRINKING WATER SOURCE PROTECTION OVERLAY ZONE

13A-17-01 Title, Applicability, and Authority

- A. **Title.** This Chapter shall be known as the Drinking Water Source Protection Overlay Zone. The provisions of this zone shall be effective within the City and shall set prohibitions and restrictions to prevent contamination of the public drinking water supply in the City as a result of hazardous and toxic substances entering the groundwater, including wells not owned by the City. This zone shall be liberally construed to effect the purposes set forth herein.
- B. **Applicability.** It shall be the responsibility of any person owning real property and/or owning or operating a business within the City boundaries to conform and comply with the applicable provisions contained in this zone. Ignorance of this provision shall not excuse any violations of the provisions of this zone.
- C. **Authority.** The City has the authority to adopt this zone to facilitate compliance and management with drinking water source protection regulations pursuant to the Land Use and Development Act of the Utah Code Ann., the Utah Administrative Code, and other such authorities and provisions as in the statutory and common law of the State of Utah.

13A-17-02 Purpose and Intent

The purpose of this zone is to protect, preserve, and maintain existing and potential public drinking water sources in order to safeguard the public health, safety, and welfare of City residents and visitors. The intent of this zone is to establish and designate drinking water source protection zones and groundwater recharge areas for all sources of public drinking water within City boundaries. This zone establishes criteria for regulating the storage, handling, use, or production of hazardous or toxic substances within identified areas where groundwater is or could be affected by the potential contaminant source. This shall be accomplished by the designation and regulation of property uses and conditions that may be maintained within such zones or areas. Unless otherwise specified, the provisions of this zone apply to new development/redevelopment and/or handling, movement, and storage of potentially hazardous materials.

The degree of protection afforded by this zone is considered adequate for regulatory purposes. This zone does not ensure that public drinking water sources will not be subject to accidental or intentional contamination, nor does it create liability on the part of the City, any officer, or employee thereof for any damages to the public water supplies from reliance on this zone nor any administrative order lawfully made thereunder.

A notice to cease or an exemption issued under this zone shall not relieve the owner of the obligation to comply with any other applicable federal, state, regional, or local regulations, rules, ordinances, or requirements, nor shall said notice or exception relieve any owner of any liability for violation of such regulations, rules, ordinances, or requirements.

13A-17-03 Extent and Designation of Recharge Areas and Protection Zones

- A. **Drinking Water Source Protection Zone Map.** The extent of the recharge areas and the protection zones may be seen on the most current Drinking Water Source Protection Zone Map (DWSPZ Map) on file in the City. The recharge area boundary lines have been located along streets and/or section lines for convenience of assessing which prohibition and restrictions apply to a specific property. This map shall be maintained by the applicable public utility providers, whose groundwater resources lay within the City boundaries and jurisdiction.
- B. **Designation of Recharge Areas and Protection Zones.** The following recharge areas and protection zones are hereby designated within the City:
1. **Primary Recharge Area** – as determined by the USGS (See DWSPZ Map)
 2. **Secondary Recharge** – as determined by the USGS (See DWSPZ Map)
 3. **Protection Zone 1** – area within a 100 foot radius from a well
 4. **Protection Zone 2** – area within a 250 day groundwater time of travel (TOT) to a well. The margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer (see DWSPZ Map).
 5. **Protection Zone 3** – area within a 3 year TOT to a well. The margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer (see DWSPZ Map).
 6. **Protection Zone 4** – area within a 15 year TOT to a well. The margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer (see DWSPZ Map).
- C. **Determination of Location of Properties.** In determining the location of properties and facilities within the areas and zones depicted on the DWSPZ Map, the following rules shall apply:
1. Property located wholly or partially in a recharge area or a protection zone on the DWSPZ Map shall be governed by the restrictions applicable to that recharge area or protection zone.
 2. Property located within more than one recharge area or protection zone as shown on the DWSPZ Map shall be governed by the restrictions applicable to the most restrictive protection zone.
- D. **Review of DWSPZ Map.** The DWSPZ Map shall be reviewed as deemed necessary. The basis for updating the map may include, but is not limited to, the following:
1. Changes in technical or scientific knowledge in the areas of geohydrology, hydraulics, and geology.
 2. Changes in well field configuration.
 3. Changes in pumping rates for the well field.
 4. Development of new wells, well fields, and/or springs.
 5. Changes in water quality.

13A-17-04 Permitted Uses, Public Utilities Approval, and Not Permitted Within Recharge Areas and Protection Zones

- A. **Releases.** No person shall discharge or permit the discharge of any regulated substances or petroleum products, whether treated or untreated, in to soils, air, groundwater, or surface water in any recharge area or protection zone that may have a deleterious effect upon the groundwater in the City unless the release is in compliance with federal, state, and local regulations.
- B. **Not Permitted and Restrictions.** Table 1 is a summary matrix of Potential Contamination Sources and their not permitted, permitted, or if permitted, City approval in the protection zones referenced in this Chapter.
- C. **Review of Development Plans.** All development plans that lie within the primary recharge area shall be reviewed by a registered geologist who has demonstrated expertise in the assessment of recharge rates. Any development that will result in a loss of the beneficial use of groundwater or that may have an adverse or negative effect upon local groundwater quality shall be rejected. Plans that are rejected may be revised by the developer and resubmitted to the City for subsequent review by a registered geologist.

13A-17-05 Management Strategies and Performance Standards

- A. **Toxic, Hazardous, and Other Materials Handling Regulations.** The general classes of substances to be regulated under this zone shall be those set forth in the Generic Regulated Substances List which is presented as Exhibit 1 of this zone. The regulated identification and Listing of Hazardous Materials (40 CFR Part 261, Subpart D) and List of Extremely Hazardous Substances (40 Code of Federal Regulations CFR Part 355, Appendix A and B) and which are in a form that they are, all or in part, capable of entering the groundwater. The use and storage of regulated substances in designated protection zones and recharge areas shall be allowed provided that the quantities of these substances do not exceed the reportable quantity for each regulated substance as designated in 40 CFR 302 (pursuant to Section 311 of the Clean Water Act). An applicant may be exempted from the provisions of this section provided that he demonstrates to the City and to the Utah Division of Drinking Water Quality that the regulated substances pose no hazard to groundwater.
- B. **Storage Containers.** All regulated substances shall be stored in suitable containers to reduce the chance for the substances to be accidentally introduced into the environment. These storage containers shall be product tight and, except where provided elsewhere in the zone, shall be provided with a means to control spillage (primary containment) and to contain or drain off spillage and fire protection water discharged in the storage area (secondary containment).

Storage containers which are stored outside must be covered or mounted to prevent the accumulation of rain or other water on the top of the container, or the degradation of the top, sides, or bottom of the container, in a manner that would lead to the reduction of the integrity of the container. Defective storage containers shall be removed from service for repair or disposal in accordance with local, state, and federal standards.

- C. **Secondary Containment.** Where secondary containment is required, it shall be constructed of a material of sufficient structural integrity and composition to contain the required capacity of liquids and not be structurally weakened as a result of contact with the discharge of the regulated substance

to be contained. The material shall be free of cracks, joints, gaps, or other imperfections which would allow leakage through the containment material.

The secondary containment system shall have sufficient capacity to contain 10 percent of the volume of all containers and 100 percent of the volume of the largest single container, whichever is greater, plus the design flow rate of the automatic fire extinguishing system (for 20 minutes) for the area or room in which the storage is located. If the storage area and/or containment area are open to rainfall, the secondary containment system must also accommodate the volume of a 24 hour rainfall as determined by a 25 year storm frequency. Liquid that accumulates in the secondary containment system shall be removed in as timely a manner as necessary to prevent overflow of the system. Non-hazardous liquids may be drained in accordance with applicable local regulations. If the collected material is a hazardous waste under Title 40 Part 261 of the Code of Federal Regulations, it must be managed as a hazardous waste in accordance with all applicable requirements of Parts 262 through 266 of that regulation.

Vacuum suction devices, absorbent scavenger materials, or other devices approved by the applicable public utility providers shall be present on site or available to facilitate the removal or further containment of spilled regulated substances. Devices or materials shall be available in sufficient magnitude so as to at least control and collect the total quantity of regulated substances that the containment system is designed to contain. Emergency containers shall be present and of such capacity to hold the total quantity of regulated substances plus absorbent material.

- D. **Regulated Substances Emergency Management Plan.** An emergency plan shall be prepared and filed with the City indicating the procedures that will be followed in the event of the release of a regulated substance so as to control and collect all such spilled material in such a manner to prevent it from discharging into any storm or sanitary drains or the ground. Facilities which have had, or appear to have had, unauthorized discharges to soil or groundwater shall be required by the City to submit a Regulated Substances Management Plan for the facility. The written Plan will be used to demonstrate to the City that the facility owner or operator understands the procedures and has the proper equipment to handle regulated substances within the guidelines of this zone. The Plan should not be implemented without the approval of the City.
- E. **Reporting of Spills.** Any spill of a regulated substance in excess of the nonaggregate quantity thresholds established by the List of Hazardous Waste (40 CFR Part 261, Subpart D), 40 CFR Appendix VIII – Hazardous Constituents and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances under CERCLA (40 CFR 302, effective July 3, 1986), shall be reported by telephone to the City and designated water utility within one hour of discovery of the spill. Cleanup shall commence immediately upon discovery of the spill. A full written report shall be submitted to the City within 15 calendar days of discovery of the spill.
- F. **Best Management Practices.** Under the provisions of this zone, all potential contamination sources within the City shall incorporate and utilize Best Management Practices (BMPs) in their operations. BMPs that reduce the potential for spills and leaks at a site to occur and enter groundwater shall be construed within the context of this zone to include, but not be limited to, structural and nonstructural practices, conservation practices, and operation and maintenance procedures as specified by the Utah Division of Drinking Water Quality and the U.S. Environmental Protection Agency.
- G. **Underground Storage Tanks (USTs).** Installation of any new underground storage tanks used to store regulated substances for either residential or nonresidential activities in recharge areas and

protection zones designated under this Chapter shall require a secondary containment system for the tank and associated underground piping and an automatic leak detection system.

A permit from the Utah Department of Environmental Quality, Environmental Remediation and Response Division shall be required for the removal or closure of USTs. The permit shall require that leaking tanks be pumped dry and removed from the ground by a State-licensed company. If removal of the UST(s) is not feasible, the lines shall be disconnected and capped, and the tank shall be filled with an inert substance such as washed sand.

Best management practices implementation is required for all underground storage tanks.

- H. **Septic Tank Systems.** No person shall place, maintain, or operate on-site sewage disposal from a septic tank within the primary recharge area, Zone 1, Zone 2, or within 300 feet of any public street in which a public sewer is laid. Septic systems in Zones 3 and 4 shall comply with the Utah State Department of Health Care of Waste Disposal Regulations, Part IV and Part V.

Nonresidential activities which have septic tank systems shall have installed a 4-inch-diameter vertical pipe with a locked cap or locked top in the top of the septic tank. This monitoring pipe shall be located in a manner which will permit ready access by City or its designee personnel to extract representative samples to check for improper/unauthorized disposal of regulated substances.

A septic holding tank that does not discharge into the soil would be preferred. The contents of such a septic holding tank are removed and can be treated or disposed of at an appropriate facility.

- I. **Sewage Collection, Transmission, and Disposal.** No person shall discharge treated or untreated sewage in any area not specifically designated for that purpose by the applicable public utilities providers. The owner of sanitary sewer, force main, gravity sewer, or lateral shall notify the City within 24 hours of discovering a break that may or does result in the leakage of sewage. Emergency telephone numbers will be prominently displayed on all sewage lift stations within Zones 1, 2, 3, and 4, and the primary recharging area.

All leaking sewage collection and transmission pipes shall be repaired or replaced. New sewage collection and transmission pipes shall be installed according to acceptable construction standards and shall have routine inspections during and after construction.

No person shall place, maintain, or operate a wastewater treatment plant within Zones 1 or 2.

- J. **General Storm Water Management.** All future storm water management systems to be constructed and implemented for facilities within the protection zones and recharge areas shall be permitted in accordance with applicable local, state, and federal laws and regulations.

The discharge of storm water into drainage wells, open sinkholes, or sumps shall be prohibited without some form of treatment. This treatment shall be applied to at least the first 0.5-inch of runoff from the area tributary to the well or open sinkhole.

The Clean Water and Storm Water Regulations require municipalities and industries to identify, monitor, and limit urban runoff that may enter rivers, thus potentially affecting groundwater quality.

- K. De-icing Salt Storage and Application.** De-icing salt shall be stored on an impermeable pad and shall be covered or comply with an approved storm drain plan. Deicing salt application shall use best management practices and shall evaluate substitute products and technologies.
- L. Landfills.** Expansion or creation of new landfills is prohibited in the primary recharge area, Zone 1, and Zone 2. Existing landfills in the primary recharge area or in Zone 1 shall be required to comply with the provisions of UAC R315-301-1 through 301-5. Landfills shall develop and implement a landfill monitoring program. The monitoring shall include the vadose zone and groundwater. If the monitoring detects contamination, the following corrective measures may be required:
1. Cover the landfill with suitable low-permeability materials and minimize the application of supplemental water to reduce infiltration of moisture.
 2. Install groundwater containment and treatment actions, additional monitoring, and erosion controls as required.
- M. Environmental Quality Monitoring.** Facilities which have had, or appear to have had, unauthorized releases to soil or groundwater shall be required by the City to monitor soil and groundwater in and adjacent to the facility. At the request of the City or public utility provider, the facility will submit a monitoring plan for review. The plan shall be implemented with the approval of the City. Facilities that undergo closure may be required to monitor soil and groundwater in and adjacent to the facility subject to closure. All costs associated with the closing and monitoring of the site will be paid for by the operator of the facility.

13A-17-06 Table – Land Use Matrix for Potential Contamination Sources

The following table identifies uses which have varying potentials to contaminate groundwater sources. These uses have been classified according to the risk of contamination in each protection zone as follows:

Permitted Uses (P) – The risk of contamination is considered relatively low in the specified zone if regulatory requirements and best management practices are implemented and, therefore, the use is permitted.

Requires Approval (R) – The risk of contamination is moderate in the specified zone. The use may be permitted only after review and approval by the City Engineer and applicable public utility providers. Approval is subject to implementation of best management practices and compliance with other reasonable conditions as may be established by the applicable public utility providers. The Utah Division of Drinking Water Quality shall review all requests before City approval is given.

Not Permitted (N) – The risk of contamination is very high in the specified zone. The use is not permitted.

Storm Water: R-317-8-3.8(1)(a)
R-317-8-3.8(b)(c)+(d)

Pretreatment: Contact Local Wastewater Plant

Table 13A-17-06 – Land Use Matrix for Potential Contamination Sources						
Potential Contamination Source	Protection Zone					Best Management Practice(s)
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 and 4	
Abandoned Wells	N	N	N	N	N	
Agricultural pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	R	R	N	R	R	BMP – Department of Agriculture
Airport maintenance and fueling sites	R	R	N	R	R	
Appliance repair	P	P	N	P	P	
Auto operations and fleet vehicle maintenance facilities (commercial):	R	R	N	R	R	BMP – SL Co. Health
• Dealership maintenance departments						
• Tire						
• Auto body						
• Engine repair						
• Rust proofing						
• Oil and lube shops						
• Vehicle rental with maintenance						
Beauty salons	R	P	N	R	P	
Boat building and refinishing	R	P	N	R	R	
Car washes	R	R	N	R	R	Contact City
Cemeteries, golf courses, parks, and plant nurseries	R	R	N	R	R	
Chemical reclamation facilities	R	R	N	R	R	
Chemigation wells	R	R	N	R	R	
Concrete, asphalt, and tar companies	R	R	N	R	R	

Table 13A-17-06 – Land Use Matrix for Potential Contamination Sources						
Potential Contamination Source	Protection Zone					Best Management Practice(s)
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 and 4	
Dairy farms and animal feed lots (more than 10 animal units)	R	P	N	N	P	
Dry cleaners (with onsite chemicals)	R	R	N	N	P	
Dry cleaners (without onsite chemicals)	P	P	N	P	P	
Embalming services	R	R	N	R	R	
Farm operations						
• Dump sites	N	R	N	R	R	
• Maintenance garages	R	R	N	R	R	
• Manure piles (< 20 cubic feet)	R	R	N	R	P	
Food processing, meat packing, and slaughter houses	R	R	N	N	P	
Fuel, oil, and heating oil distribution and storage facilities	N	R	N	R	R	
Furniture stripping, painting, and finishing businesses	R	R	N	R	R	
Gasoline service stations (including underground storage tanks)	R	R	N	R	R	
Hospitals and medical, dental, and veterinary offices	R	R	N	R	R	
Industrial manufactures of: chemicals, pesticides, herbicides, paper products, leather products, textiles, rubber, plastic, fiberglass, silicone, glass, pharmaceuticals, and electrical equipment, etc.	N	R	N	R	R	
Industrial waste disposal/impoundment areas	N	R	N	R	R	
Junk and salvage yards	N	R	N	R	R	SL Co. BMP
Landfills and transfer stations	N	R	N	R	P	
Laundromats	R	P	N	P	P	
Machine shops, metal plating, heat treating, smelting, annealing, and descaling facilities	N	R	N	R	R	
Mining Operations						

Table 13A-17-06 – Land Use Matrix for Potential Contamination Sources						
Potential Contamination Source	Protection Zone					Best Management Practice(s)
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zones 3 and 4	
• Radiological	R	R	N	P	P	
• Sand and gravel excavation and processing	R	P	N	P	P	
Municipal wastewater treatment plants	R	R	N	N	P	
Photo processing and print shops	R	R	N	R	R	
Railroad yards	R	P	N	P	P	
Residential pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	R	P	N	R	R	Follow manufacturer’s directions for use and storage
Residential underground storage tanks	N	R	N	R	P	
RV waste disposal stations	R	R	N	N	P	
Salt and salt-sand piles	R	R	N	R	R	DEQ/UDOT BMP
Septic tank drain field systems	N	R	N	N	R	
Sumps	R	R	N	N	R	
Stormwater detention basin and snow storage sites	R	R	N	R	P	
Toxic chemical storage and oil pipelines	N	N	N	N	N	
Wood preservative treatment facilities	N	R	N	R	R	
UAC: Utah Administrative Code UDDWQ: Utah Division of Drinking Water Quality UDOGM: Utah Division of Oil, Gas, and Mining UDSW: Utah Division of Solid Waste RCRA: Resource Conservation and Recovery Act						

13A-17-07 Exclusions and Exemptions

Exclusions and exemptions shall not pertain to Zones 1 and 2 within 100 feet from the well field in the recharge areas.

- A. **Exclusions.** The following substances are not subject to the provisions of this Ordinance provided that these substances are handled, stored, and disposed of in a manner that does not result in an unauthorized release or cause contamination of the groundwater.
1. Required substances stored at residences that do not exceed 10 pounds or 5 gallons and used for personal, family, or household purposes.
 2. Commercial products limited to use at the site solely for office or janitorial purposes when stored in total quantities of less than 20 pounds or 10 gallons.
 3. Prepackaged consumer products available through retail sale to individuals for personal, family, or household use that are properly stored.
 4. Water based latex paint.
 5. Fertilizers and treated seed (except as noted in this Section).
 6. Pesticide products and materials intended for use in weed abatement, pest control, erosion control, soil amendment, or similar applications when applied in accordance with manufacturer's instructions, label directions, and nationally recognized standards.
 7. Compressed gases.
 8. Substances or mixtures which may pose a hazard but are labeled pursuant to the Federal Food, Drug, and Cosmetic Act.
- B. **Continuous Transit.** The transportation of any regulated substance(s) through any protection zone or recharge area shall be allowed, provided that the transporting vehicle is in continuous transit.
- C. **Vehicular and Lawn Maintenance Fuel and Lubricant Use.** The use of any petroleum product solely as an operational fuel in the vehicle or low maintenance fuel tank or as a lubricant in such a vehicle shall be exempt from the provisions of this Section. These spent products shall be properly disposed of in compliance with applicable federal, state, and local regulations.

13A-17-08 Enforcement, Violation, and Penalties

- A. **Inspections.** An authorized officer of the City or the Salt Lake Valley Health Department has the right to conduct inspections of facilities to determine compliance with this Section. The authorized officer or the Salt Lake Valley Health Department shall inform the City, applicable public utility providers and other entities, as deemed appropriate, of the results of the inspection and whether violations were noted. The authorized officer of the City and/or the Salt Lake Valley Health Department shall enforce the provisions of this Section. Noncompliance with the provisions of this Section is a violation. If the facility is not complying with the requirements of this Section, penalties

(e.g., citations of noncompliance, orders to cease operations or administrative penalties) may be assessed. This Section regulates businesses within the protection zones and primary and secondary recharge areas within the City.

B. Notice of Violations. Whenever it is determined that there is a violation of this Section or the regulations promulgated pursuant hereto, the Notice of Violation shall:

1. Be in writing.
2. Be dated and signed by the authorized city agent that made the inspection or determined the violation.
3. Specify the violation(s).
4. Provide a specific date that the violation(s) will be corrected.
5. State that if the violation is not corrected by a specific date, a hearing may be requested.

If a Potential Contaminant Source (PCS) is out of compliance with the provisions of this Section, but does not pose an immediate threat to public health, then a written warning of violation may be issued within 30 days. The person has the opportunity to show a good faith effort to correct an unintentional violation within a reasonable amount of time. A cease and desist order shall be issued by the City if the PCS is found not to employ BMPs, and there is an immediate threat to public health and safety or if the violation is not corrected within the time frame specified in a written warning previously issued to the PCS. In the event the PCS fails to comply with a cease and desist order within the specified time period, the City has the authority to pursue legal action.

Any PCS or person found in violation of any provisions of this Section will be served with a written notice stating the nature of the violation and providing a reasonable time frame for compliance. Violations of the provisions of this Section constitute a misdemeanor, punishable as provided by law. In the event of a spill, leak, or discharge of a regulated substance and the City deems the activity to pose a real and present danger of contaminating surface or groundwater which would normally enter the public water supply, the City has the authority under this Section to cause cessation of said activity or use of regulated substance, require administrative controls to mitigate said danger and/or cause the provision of pollution control and abatement activities. A facility is in violation of this Section if use of regulated substances in a protection zone or a primary or secondary recharge area exceeds 20 gallons or 160 pounds at any time. The total use of regulated substances may not exceed 50 gallons or 400 pounds in any 12-month period.

C. Appeals. Persons cited under the enforcement provisions of subsections A and B above shall be afforded a process for appealing the ruling of the City. If the appeal pertains to a written warning of violation requesting the PCS to correct an unintentional violation in a reasonable amount of time, the PCS can submit to the City a written statement demonstrating compliance or explaining a process for coming into compliance. This written response is required no later than 30 days from the date of issuance of the warning.

If the appeal pertains to a cease and desist order issued by the City, the PCS can submit a written appeal response no later than 10 days from the date of issuance of the order. The written appeal shall contain:

1. Documentation of compliance; or
2. Response to specific violations cited in the cease and desist order and the remedial actions planned to bring the facility into compliance; and
3. Schedule for compliance.

Upon receipt of the written appeal, the City shall be required to review the appeal within 10 days of its receipt and respond to the PCS. If the City determines that the written response from the PCS is adequate and noncompliance issues are addressed, the PCS will be notified by mail and no further action will be required. If the City determines that the appeals response is inadequate, the PCS may request a hearing pursuant to the process set forth in Chapter 34 of this Development Code.

13A-17-09 Other

- A. **Abrogation and Greater Restrictions.** This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and other restrictions, including land use codes or development regulations conflict or overlap, whichever imposes the most stringent restrictions, shall prevail.
- B. **Disputes.** Disputes arising from the delineation of DWSP Zones and primary and secondary recharge areas shall be directed to the City Engineer to review specific detailed delineation maps showing the boundaries. The boundaries have been defined for ease of implementation of this Section, according to major City streets.

13A-17-10 Liability

Any person subject to regulation under this Section shall be liable with respect to regulated substances emanating on or from the person's property for all cost of removal or remedial action incurred by the City, Salt Lake Valley Health Department, and/or applicable public utility providers and for damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction, or loss from the release or threatened release of a regulated substance as defined by this Section. Such removal or remedial action by the City and/or Salt Lake Valley Health Department and/or applicable public utility providers may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and cleanup, or disposal of regulated substances resulting from spilling, leaking, pumping, pouring, emitting, or dumping of any regulated substance or material which creates an emergency hazard or is expected to create an emergency hazardous situation.

13A-17-11 Administration

The policies and procedures for administration of any protection zone or primary and secondary recharge area established under this Section, including without limitation those applicable to nonconforming uses, exceptions, enforcement, and penalties, shall be the same as provided in any existing zoning ordinance in the City, as the same is presently enacted or may from time to time be amended.

13A-17-12 Exhibit 1. Generic Regulated Substance List

Acid and basic cleaning solutions	Liquid storage batteries
Antifreeze and coolants	Medical, pharmaceutical, dental, veterinary, and hospital solutions
Animal dips	Mercury and mercury compounds
Arsenic and arsenic compounds	Metal finishing solutions
Battery acids	Oils
Bleaches and peroxide	Paints, primers, thinners, dyes, stains, wood preservatives, varnishing, and cleaning compounds
Brake and transmission fluid	Painting solvents
Brine solution	Pesticides and herbicides
Casting and foundry chemicals	Photo development chemicals
Caulking agents and sealants	Plastic resins, plasticizers, and catalysts
Cleaning solvents	Poisons
Corrosion and rust preventatives	Polishes
Cutting fluids	Polychlorinated biphenyls (PCBs)
Degreasing solvents	Pool chemicals
Disinfectants	Processed dust and particulates
Dyes	Radioactive sources
Electroplating solutions	Refrigerants
Engraving and etching solutions	Roofing chemicals and sealers
Explosives	Sanitizers, disinfectants, bactericides, and algaecides
Fertilizers	Soaps, detergents, and surfactants
Fire extinguishing chemicals	Solders and fluxes
Food processing waste	Stripping compounds
Formaldehyde	Tanning industry chemicals
Fuels and additives	Transformer and capacitor oils and fluids
Glues, adhesives and resins	Wastewater
Greases	Water and wastewater treatment chemicals
Hydraulic Fluid	
Indicators	
Industrial and commercial janitorial supplies	
Industrial sludges and still bottoms	
Inks, printing, and photocopying chemicals	
Laboratory chemicals	