

ATTACHMENT 5
SDC SECTION 3.3-200 DRINKING WATER PROTECTION OVERLAY DISTRICT

Commentary. *The amendment to the Drinking Water Overlay District is primarily necessitated by the recently adopted Springfield Fire Code which supersedes the current Uniform Fire Code. This requires amending the appropriate Fire Code references specified in this Section. In addition to the specific Fire Code references, there are several instances where text is added from the current Uniform Fire Code because the Springfield Fire Code does not have any requirements equivalent to the inspection and record-keeping requirements (see Sections 3.3-235A.7., B.7., and C.5.). This is necessary in order to preserve the existing inspection and record-keeping requirement for drinking water protection. The inserted text does not represent a policy change since these requirements in the Uniform Fire Code have been and continue to be the standard used for drinking water protection. Also, the phrase “hazardous materials that pose a risk to groundwater” is changed to “hazardous or other materials that pose a risk to groundwater.” (See Sections 3.3-205 through 3.3-225 and 3.3-235) because while the SDC defines hazardous materials according to Fire Code definitions, some materials that pose a risk to groundwater (e.g., certain pharmaceuticals, fertilizers) may not currently be regulated by this Section. This amendment is considered to be a clarification of current practice. Only those specific Sections being amended are listed below.*

Section 3.3-200 Drinking Water Protection Overlay District

3.3-205 Purpose

- A.** The Drinking Water Protection (DWP) Overlay District is established to protect aquifers used as potable water supply sources by the City from contamination. This Section establishes procedures and standards for the physical use of hazardous or other materials harmful to groundwater within TOTZ by new and existing land uses requiring development approval. The provisions of this Section are designed to:
1. Protect the City’s drinking water supply which is obtained from groundwater resources from impacts by facilities that store, handle, treat, use, produce, or otherwise have on premises substances that pose a hazard to groundwater quality; and
 2. Provide standards for hazardous or other materials that pose a risk to groundwater within the TOTZ.
- B.** In order to accomplish this purpose, the DWP Overlay District includes methods and provisions to:
1. Restrict or prohibit the use of hazardous or other materials which are potential groundwater contaminants;
 2. Set standards for the storage, use, handling, treatment, and production of hazardous or other materials that pose a risk to groundwater within TOTZ; and

3. Review new or expanded uses of hazardous or other materials that pose a risk to groundwater.

3.3-220 Time of Travel Zones

- A. The DWP Overlay District includes 4 TOTZ: 0-1 year; 1-5 years; 5-10 years; and 10-20 years. The locations of the TOTZ for each wellhead are shown on Drinking Water Protection Area Maps on file with the City's Development Services, Public Works, and Fire and Life Safety Departments; and Springfield Utility Board (SUB) and Rainbow Water District (RWD).
- B. The areas within specified wellhead TOTZ are those drinking water protection areas certified by the Oregon Health Division, under the Oregon Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program, in Oregon Health Division Delineation Certification #0002R, March 18, 1999.
- C. In determining the location of a property within a TOTZ, the following criteria apply:
 1. The Lane County Department of Assessment and Taxation maps shall be used as a base map with the addition of TOTZ boundaries.
 2. That portion of a tax lot that lies within a TOTZ is governed by the restrictions applicable to that TOTZ.
 3. Tax lots having parts lying within more than one TOTZ are governed by the standards of the more restrictive TOTZ.

EXCEPTION: The Director may waive the requirement that the more restrictive standards apply when all of the following apply:

- a. Storage, use, handling, treatment, and/or production of hazardous or other materials that pose a risk to groundwater will not take place within the portion of the tax lot having the more restrictive TOTZ standards; and
 - b. Storage, use, handling, treatment, and/or production of hazardous or other materials that pose a risk to groundwater will not take place within 50 feet of the portion of the tax lot having more restrictive TOTZ standards; and
 - c. The tax lot is 20,000 square feet or larger.
4. A property owner may request the TOTZ be modified by submitting a Zone Change application to the City. Any request for modification of the TOTZ shall be accompanied by certification of the TOTZ as proposed to be modified by the Oregon Health Division, under the Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program.

3.3-225 Review

- A.** A DWP Overlay District Development Application is required when the criteria of both Subsections A.1. and 2., below are met:
- 1.** A site is affected by one of the following:
 - a.** There is a change of land use, occupancy or tenancy of a property, including, but not limited to: a change from vacant to occupied; or
 - b.** During the Building Permit process; or
 - c.** In conjunction with any development application, including, but not limited to: Site Plan review and Minimum Development Standards.
 - 2.** The action in Subsection A.1., above will:
 - a.** Affect the storage, use, and/or production of hazardous or other materials that pose a risk to groundwater; or
 - b.** Increase the quantity of hazardous or other materials that pose a risk to groundwater that are stored, used and/or produced.
- B.** Prior to the submittal of a DWP Overlay District Development Application, an exemption request may be submitted to the Director as specified in Section 3.3-230B.1.
- C.** DWP Overlay District applications shall be reviewed under Type I procedures.
- D.** Prior to undertaking an activity covered by Section 3.3-225 A., the owner or tenant shall submit a DWP Overlay District Application to the City for review and approval. Applications shall include the following information:
- 1.** A Hazardous Material Inventory Statement and a Material Safety Data Sheet for any or all materials entered in the Statement unless exempted under Section 3.3-230. Hazardous material weights shall be converted to volume measurement for purposes of determining amounts - 10 pounds shall be considered equal to one gallon as specified in [~~Uniform Fire Code 8001.15.1~~] Springfield Fire Code 2703.1.2.;
 - 2.** A list of the chemicals to be monitored through the analysis of groundwater samples and a monitoring schedule if ground water monitoring is anticipated to be required;
 - 3.** A detailed description of the activities conducted at the facility that involve the storage, handling, treatment, use or production of hazardous materials in quantities greater than the maximum allowable amounts as stated in Section 3.3-235 A.;

4. A description of the primary and any secondary containment devices proposed, and, if applicable, clearly identified as to whether the devices will drain to the storm or sanitary sewer;
 5. A proposed Hazardous Material Management Plan for the facility that indicates procedures to be followed to prevent, control, collect and dispose of any unauthorized release of a hazardous material;
 6. A description of the procedures for inspection and maintenance of containment devices and emergency equipment;
 7. A description of the plan for disposition of unused hazardous materials or hazardous material waste products over the maximum allowable amounts including the type of transportation, and proposed routes.
- E. For those development proposals requiring Site Plan Review (Section 5.17-100) or Minimum Development Standards review (Section 5.15-100), applications may be submitted concurrently.
- F. The Director shall review the application and make a decision based on the standards contained in Section 3.3-235, after consulting with the Building Official, Fire Marshal, Public Works Director, and the managers of SUB and RWD, as appropriate.

3.3-235 Standards for Hazardous Materials within Time of Travel Zones

Applications shall comply with the following standards. Where the following standards are more restrictive than the standards of the ~~[Uniform]~~ Springfield Fire Code, the following standards apply:

- A. 0 -1 year TOTZ Standards.
1. Within the 0-1 year TOTZ, hazardous materials that pose a risk to groundwater may be stored in aggregate quantities of no more than 500 gallons if in original containers not exceeding 5 gallons* in size. Within that aggregated 500-gallon inventory, no more than 150 gallons of hazardous materials that pose a risk to groundwater may be on the premises in opened containers for handling, treatment, use production, or dispensing on site. Hazardous materials that pose a risk to groundwater are allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

*A waiver of the 5-gallon maximum size may be given by the Director if the applicant can demonstrate that a larger size container would pose less risk to the aquifer.
 2. Unless exempted, all hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place [~~(Uniform Fire Code Articles 2 and 8003.1.3.3)~~ Springfield Fire Code 2702.1 and 2704.2.2].

3. All new uses of Dense Non-Aqueous Phase Liquids (DNAPLs) are prohibited.
4. Any change in type of use or an increase in maximum daily inventory quantity of any DNAPL shall be considered a new use and prohibited.
5. The following certain types of new facilities or changes in use and/or storage of hazardous or other materials that pose a risk to groundwater are prohibited:
 - a. Underground hazardous material storage facilities;
 - b. Hazardous material product pipelines used to transport the hazardous material off of the tax lot where it is produced or used;
 - c. Injection wells
EXCEPTION: Dry wells for roof drainage;
 - d. Solid waste landfills and transfer stations;
 - e. Fill materials containing hazardous materials;
 - f. Land uses and new facilities that will use, store, treat, handle, and/or produce DNAPLs.
6. Requirements found in [~~Uniform Fire Code Appendix II-E 3.2.6~~] Springfield Fire Code 2704.2.2.5) for a monitoring program and [~~in 8003.1.3.3 for~~] monitoring methods to detect hazardous materials in the secondary containment system shall be met for all amounts of hazardous or other materials that pose a risk to groundwater unless exempted.
7. The following requirements [found in Uniform Fire Code Appendix II-E Section 3.2.7] for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.
8. Application of fertilizers containing nitrates are restricted to no more than the amount recommended by the Lane County, Oregon State University Extension Service for turf grass and are prohibited within 100 feet of a wellhead. In no event shall a single application exceed one half pound per

1,000 square feet of area per single application or a total yearly application of 5 pounds nitrogen fertilizer per 1,000 square feet.

B. 1-5 year TOTZ Standards.

1. The storage, handling, treatment, use, application, or production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs are allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.
2. Unless exempted, all hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place [~~Uniform Fire Code Articles 2 and 8003.1.3.3~~ Springfield Fire Code 2702.1 and 2704.2.2].
3. All new use of DNAPLs are prohibited.
4. Any change in the type of use or an increase in maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.
5. The following certain types of facilities or changes in chemical use and/or storage of hazardous or other materials that pose a risk to groundwater are prohibited:
 - a. Hazardous material product pipelines used to transport the hazardous material off of the tax lot where it is produced or used;
 - b. Injection wells.
EXCEPTION: Dry wells for roof drainage;
 - c. Solid waste landfills and transfer stations;
 - d. Fill materials containing hazardous materials;
 - e. Land uses and new facilities that will use, store, treat handle, and/or produce DNAPLs.
6. Requirements found in [~~Uniform Fire Code Appendix II-E 3.2.6 for a monitoring program and in 8003.1.3.3 for~~ Springfield Fire Code 2704.2.2.5 for a monitoring program and monitoring methods to detect hazardous or other materials in the secondary containment system shall be met for all amounts of hazardous materials that pose a risk to groundwater unless exempted.
7. The following requirements [~~found in Uniform Fire Code Appendix II-E Section 3.2.7~~] for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk

to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

C. 5-10 year TOTZ Standards.

1. The storage, handling, treatment, use, production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs is allowed upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City
2. All hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (~~Uniform Fire Code Articles 2 and 8003.1.3.3~~ Springfield Fire Code 2702.1 and 2704.2.2).
3. All new use of DNAPLs are prohibited.
4. Any change in type of use or an increase in the maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.
5. The following requirements [found in Uniform Fire Code Appendix II-E Section 3.2.7] for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

D. 10-20 year TOTZ Standards. The storage, handling, treatment, use, production or keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities is allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.