

SALT LAKE CITY ORDINANCE
No. 95 of 1998
(Relating to groundwater source protection)

AN ORDINANCE REPEALING IN ITS ENTIRETY SECTION 21A.34.060 OF THE SALT LAKE CITY CODE, DEALING GENERALLY WITH AQUIFER RECHARGE PROTECTION, AND ENACTING A NEW SECTION 21A.34.060 IMPLEMENTING AND RELATING TO A NEW LAND USE REGULATORY SYSTEM FOR THE PROTECTION OF GROUNDWATER DRINKING SOURCES FROM CONTAMINATION; ESTABLISHING ENFORCEMENT PROCEDURES; AND RELATED MATTERS.

BE IT ORDAINED by the City Council of Salt Lake City, Utah as follows:

SECTION 1. Section 21A.34.060 of the Salt Lake City Code is hereby repealed.

SECTION 2. A new Section 21A.34.060 of the Salt Lake City Code is hereby enacted,

to read as follows:

21A.34.060 Groundwater Source Protection

A. Title, Applicability And Authority.

1. **Title.** This Ordinance shall be known as the “Groundwater Source Protection Ordinance.”
2. **Applicability.** The provisions of this Ordinance shall be effective within the corporate boundaries of the City with respect to both City-owned and non-City-owned groundwater sources, and, to the fullest extent permitted by law, outside the corporate boundaries of the City with respect to City-owned groundwater sources. This Ordinance establishes certain standards and restrictions intended to prevent contamination of the public drinking water supply as a result of toxic substances entering the groundwater. It shall be the responsibility of any person owning real property and/or owning or operating a business within the protective zones or recharge areas established pursuant to this Ordinance to conform and comply with the applicable provisions contained in this Ordinance. Ignorance of this Ordinance shall not excuse any violations of the provisions hereof.
3. **Authority.** This Ordinance is adopted pursuant to authority provided in the Utah Municipal Land Use and Development Act (10-9-102 Utah Code Ann.), Section 10-8-15,

Utah Code Ann., the Utah Administrative Code, R309-113, and other applicable statutory and common law of the State of Utah.

B. Purpose And Intent.

The purpose of this Ordinance is to protect, preserve, and maintain existing and potential public drinking groundwater sources in order to safeguard the public health, safety and welfare of customers and other users of the City's public drinking water supply, distribution and delivery system. The intent of this Ordinance is to establish and designate drinking water source protection zones and groundwater recharge areas for all underground sources of public drinking water which enter the City's culinary drinking water supply, distribution and delivery system, whether such sources are located within, or outside of, the City's corporate boundaries. This Ordinance establishes criteria for regulating the storage, handling, use or production of hazardous waste, petroleum product and regulated 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 Ordinance apply to new development, changes or expansion of use, and/or handling, movement, and storage of hazardous waste, petroleum products and regulated substances.

The degree of protection afforded by this Ordinance is considered adequate at the present time to address the perceived actual and potential threat to underground drinking water sources. This Ordinance 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, or an officer or employee thereof, for any damages to the public water supplies from reliance on this Ordinance or any administrative order lawfully made hereunder.

Compliance with the terms of this Ordinance shall not relieve the person subject to the terms hereof of the obligation to comply with any other applicable federal, state, regional or local regulations, rule, ordinance or requirement .

C. Definitions.

Unless the context specifically indicates otherwise, the following terms used in this Ordinance shall have the following meanings:

Best Management Practices (BMPs) means a practice or combination of practices determined to be the most effective practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution to a level compatible with water, soil, and air quality goals.

City shall Salt Lake City Corporation.

Closure means the cessation of operation of a facility, or any portion thereof, and the act of securing such facility or portion thereof to ensure protection of groundwater in accordance

with the appropriate state, federal, regional and local regulations applicable to the specific facility and with the provisions of this Ordinance.

Collection Area means the area surrounding a groundwater source which is underlain by collection pipes, tile, tunnels, infiltration boxes, or other groundwater collection devices.

Continuous Transit means the nonstop movement of a mobile vehicle except for stops required by traffic laws.

Council means the Salt Lake City Council.

Director means the Director of the Public Utilities Department.

Discharge means and includes, but not be limited to, spilling, leaking, seeping, pouring, injecting, emitting, emptying, disposing, releasing, or dumping regulated substances, hazardous waste or petroleum products to the soils, air, groundwater, or surface waters of the City. Discharge does not include the use of a regulated substance in accordance with the appropriate use intended or specified by the manufacturer of the substances, provided that such use is not prohibited by federal, state, regional or local regulations. Discharge shall not include discharges specifically authorized by federal or state permits.

Drinking Water Source means a drinking water spring or well supplying water which has been permitted or intended for consumptive use.

Drinking Water Source Protection Zone (DWSP), or Protection Zone, means an area within which best management practices are mandated for restricted uses, or certain uses are prohibited, in order to protect groundwater flowing to public drinking water sources, and designated as a Protection Zone, level 1, 2, 3 or 4, pursuant to subsection D.2 hereof.

Groundwater means any water which may be drawn from the ground.

Groundwater Divide means a line on a water table on each side of which the water table slopes downward in a direction away from the line.

Groundwater TOT means time of travel for groundwater to a drinking water source.

Handle means to use, generate, process, produce, package, treat, store, or transport a regulated substance, hazardous waste or petroleum product in any fashion.

Hazardous Waste means all waste regulated under the following federal acts: the Reserve Conservation and Recovery Act, the Toxic Substance Control Act, the Clean Water Act, the Clean Air Act, the Solid Waste Disposal Act and the Atomic Energy Act of 1954.

Health Department means the Salt Lake City/County Health Department.

Operating Permit means a permit to operate a facility handling regulated substances , hazardous waste or petroleum products under this Ordinance. The permit will be issued by the Salt Lake City Division of Building Services and Licensing.

PCS means potential contaminant source.

Petroleum Product means fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils (new and used), hydraulic fluids, and other similar petroleum-based products.

Primary Recharge Area means each area by that name designated pursuant to subsection D.2 hereof.

Public Utilities Department means the Salt Lake City Department of Public Utilities.

PWS means Public Water System.

Regulated Person means each person, corporation, partnership, association or other legal entity subject to the provisions of this Ordinance.

Regulated Substances means substances (including degradation and interaction products) which, because of quantity, concentration, physical, chemical (including ignitability, corrosivity, reactivity and toxicity), infectious characteristics, radiomutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature, or any other characteristics relevant to a particular material, may cause significant harm to human health and/or the environment (including surface and groundwater, plants, and animals), including without limitation those substances set forth in the Generic Regulated Substances List which is included in this Ordinance as Appendix "A". Regulated substances shall include those set forth in the following lists, as the same may be amended from time to time: *Identification and Listing of Hazardous Materials* (40 CFR Part 261, Subpart D) and *List of Extremely Hazardous Substances* (40 CFR Part 355, Appendix A and B) and which are in a form capable of entering the groundwater .

Recharge Area means either a primary recharge area or a secondary recharge area.

Recharge Area and Protection Zone Map means the map by that name designated in subsection D.1 hereof.

Residential Use means any building or structure or portion thereof that is designed for or used for residential purposes and any activity involving the use or occupancy of a lot for residential purposes. Residential use shall include those customary and accessory residential activities associated with the principal permitted use of a lot for residential purposes as set out in the Zoning Ordinance of the City.

Secondary Containment means any system that is used to provide release detection and release prevention, such as trays under containers, floor curbing or other systems designed to

hold materials or liquids that may discharge from containers holding regulated substances, petroleum products or hazardous waste. Examples include a double-walled tank, a double-walled integral piping system, or a single-walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.

Secondary as such Recharge Area means the areas depicted on Appendix “C” of this Ordinance.

Septic Holding Tank means a water-tight receptacle, used to contain septic waste, the contents of which are removed and disposed of at a waste disposal facility.

Septic Tank System means a generally water-tight receptacle connected to a drain field that allows liquid from the tank to enter the soil. The system is constructed to promote separation of solid and liquid components of domestic wastewater, to provide decomposition of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

Sludge, or Biosolids, means the solids separated from wastewater during the wastewater treatment process.

Travel Time Contour means the locus of points that form a line of any configuration in space from which groundwater particles on that line theoretically take an equal amount of time to reach a given destination, such as a well or a wellfield, as predicted by the Refined Salt Lake Valley MODFLOW/MODPATH model.

USGS means the United States Geological Survey.

Well means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for which the intended use of such excavation is the location, acquisition, development, or artificial recharge of groundwater.

Wellfield means an area of land which contains one or more drinking water supply wells.

D. Extent And Designation Of Recharge Areas And Protection Zones.

- 1. Recharge Area and Protection Zone Map.** The extent of the recharge areas and the protection zones may be seen on the Recharge Area and Protection Zone Map, Appendix “C”. The Recharge Area and Protection Zone Map is incorporated and made a part of this Ordinance. 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. Amendments, additions, or deletions to this map may be made by the City Council following public notice and after approval by the Public Utilities Department. This notice shall be published at least 30days prior to consideration by the Public Utilities Department.

2. Designation of Recharge Areas and Protection Zones. The following recharge areas and protection zones are hereby designated within the City:

- a. Primary Recharge Area, as determined by the USGS (see Appendix “C”).
- b. Secondary Recharge Area, as determined by the USGS (see Appendix “C”).
- c. Protection Zone 1 shall be the area within a 100-foot radius from the margin of the collection area.
- d. Protection Zone 2 shall be area within a 250-day groundwater TOT to 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.
- e. Protection Zone 3 shall be the area within a 3-year TOT to 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.
- f. Protection Zone 4 shall be the area within a 15-year TOT to 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.

3. Determination of Applicable Standards. In determining the location of properties and facilities within the recharge areas and protection zones depicted on the Recharge Area and Protection Zone Map, the following rules shall apply.

- a. Property located wholly or partially within a single recharge area or a protection zone on the overlay map shall be governed by the restrictions applicable to that recharge area or protection zone.
- b. Properties located within more than one recharge area or protection zone as shown on the overlay map shall be governed by the restrictions applicable to the most restrictive protection zone.

4. Review of Recharge Area and Protection Zone Map. The Public Utilities Department shall review the Recharge Area and Protection Zone Map at least once every five years, or more frequently as determined appropriate by the Public Utilities Department, and may recommend changes as deemed appropriate. Failure to conduct this review shall not affect the validity of the existing approved map. The basis for updating the map may include, but is not limited to, the following:

- a. Changes in technical or scientific knowledge in the areas of geohydrology, hydraulics, and geology;
- b. Changes in wellfield configuration;

- c. Changes in pumping rates for the wellfield;
- d. Development of new wells, wellfields, and/or springs; or
- e. Changes in water quality.

E. Uses and Restrictions Within Recharge Areas and Protection Zones.

1. **Prohibitions and Restrictions.** A list of uses which may constitute potential contamination sources is attached hereto as Appendix “B”. The list categorizes each use as either “restricted” or “prohibited” within the protection zones referenced in Section D.2 of this Ordinance, and includes BMPs, if available, for each use. Permit requests for restricted uses shall be processed as outlined in subsection F below. The Public Utilities Department shall update and/or revise Appendix “B” from time to time as uses, technology, and BMPs evolve over time.
2. **Discharges.** No person shall discharge, or permit the discharge of any regulated substance, hazardous waste or petroleum product, whether treated or untreated, 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 discharge is in compliance with federal, state, and local regulations.

F. Review of Development Plans; Permits.

1. **Application.** Permit applications for all new restricted uses, or expansion of an existing restricted use, shall be submitted to the Salt Lake City Division of Building Services and Licensing for review, issuance of building permits (if applicable), and issuance of an operating permit. The review process shall include referral of proposed plans and specifications to the Public Utilities Department for review.
2. **Approval of Permit.** If the Public Utilities Department finds that the proposed use will not have an adverse impact on groundwater quality, or that the potential adverse impacts can be mitigated by implementing Best Management Practices or other strategies, the permit may be approved. If approved, all recommendations of the Public Utilities Department shall be attached to the permit as conditions of approval.
3. **Denial of Permit.** If the Public Utilities Department determines that the proposed use may have an adverse effect upon groundwater quality, and that the adverse effect cannot be adequately mitigated through use of BMPs or other methods, the permit shall be denied.

G. Management Strategies; Best Management Practices.

1. **Toxic, Hazardous, and Other Materials Handling Regulations.**

- a. Storage Containers. All regulated substances, hazardous waste and petroleum products shall be stored in suitable containers to reduce the chance for such substances to be accidentally introduced into the environment. These storage containers shall be product-tight and, except where provided elsewhere in this Ordinance, shall be provided with a means to control spillage and to contain or drain off spillage and fire-protection water discharged in the storage area. Storage containers and secondary containment areas must be covered and/or elevated to prevent the accumulation of rain or other water. Defective storage containers shall be removed from service for repair or disposal in accordance with local, state, and federal standards.
- b. Secondary Containment. Secondary containment 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, hazardous waste or petroleum product 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 (a) 10percent of the volume of all containers and 100percent of the volume of the largest single container, whichever is greater, plus (b)the design flow rate of the automatic fire extinguishing system (for 20minutes) 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 Title40 Part261 of the Code of Federal Regulations, it must be managed as a hazardous waste in accordance with all applicable requirements of Parts262 through 266 of that regulation.

Vacuum suction devices, absorbent scavenger materials or other devices approved by the Public Utilities Department, 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, hazardous waste or petroleum product that the containment system is designed to contain. Emergency containers shall be present and of such capacity as to hold the total quantity of regulated substances, hazardous waste or petroleum product plus absorbent material.

- c. Regulated Substances Emergency Management Plan. An emergency plan shall be prepared and filed with the Health Department, the City's Fire Department, the City's Police Department, and the Public Utilities Department indicating the procedures that will be followed in the event of the release of a regulated substance, hazardous waste or petroleum product so as to control and collect all such spilled

material in such a manner as 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 Public Utilities Department to submit a Regulated Substances Management Plan for the facility. The written Plan will be used to demonstrate to the Public Utilities Department that the facility owner or operator understands the procedures and has the proper equipment to handle regulated substances, hazardous waste or petroleum product within the guidelines of this Ordinance. The Plan should not be implemented without the approval of the Public Utilities Department.

- d. Reporting of Spills. Any spill of a regulated substance, hazardous waste or petroleum product in excess of the nonaggregate quantity thresholds established by the List of Hazardous Waste (40CFR Part261), SubpartD), 40CFR AppendixVIII—Hazardous Constituents and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances under CERCLA (40CFR 302, effective July3, 1986), shall be reported by telephone to the Public Utilities Department, the Health Department and the local water utility within 1hour of discovery of the spill. Cleanup shall commence immediately upon discovery of the spill. A full written report shall be submitted to the Public Utilities Department, the Health Department and the local water utility within 15days of discovery of the spill.

2. **Best Management Practices.** Under the provisions of this Ordinance, all potential contamination sources shall incorporate and utilize Best Management Practices 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 Ordinance to include, but not be limited to, structural and nonstructural practices, conservation practices, and operation and maintenance procedures as specified by the Utah Department of Environmental Quality and the U.S. Environmental Protection Agency. BMPs outlined in Appendix “B” supplement those outlined below. It is the responsibility of the applicant to comply with the most recent, updated version of BMP provisions.

- a. Underground Storage Tanks. Installation of any new underground storage tanks (“USTs”) used to store regulated substances, hazardous waste or petroleum products for either residential or nonresidential activities in recharge areas and protection zones designated under subsection D.2 of this Ordinance, shall require a secondary containment system for the tank and associated underground piping, and an automatic leak detection system. A permit from Utah State Division of Environmental Remediation and Response 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 USTs.
- b. Septic Tank Systems. No person shall place, maintain, or operate on-site sewage disposal from a septic tank within the primary recharge area, Protection Zones 1 and 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”, Parts IV and V. Non residential 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 Public Utilities Department 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 a septic holding tank shall be removed, as necessary, and treated or disposed of at an approved facility.

- c. Sewage Collection, Transmission and Disposal. No person shall discharge treated or untreated sewage in any area not specifically designated for that purpose by the City. The owner or operators of any waste water treatment plant, sanitary sewer, force main, gravity sewer, or lateral shall notify the Public Utilities Department within one hour 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 recharge 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, as determined by the Utah Department of Environmental Quality and the City, and shall have routine inspections during and after construction. No wastewater treatment plants shall be placed, maintained, or operated within protection zones 1 or 2.
- d. General Stormwater Management. All future stormwater management systems to be constructed and implemented for restricted uses within the protection zones and recharge areas shall obtain permits in accordance with applicable local, state, and federal laws and regulations.
- e. Deicing Salt Storage and Application. Deicing salt shall be stored on an impermeable pad and shall be covered. Deicing salt application shall use Best Management Practices and shall evaluate substitute products and technologies.
- f. Landfills. Expansion or creation of new landfills is prohibited in the primary recharge area and zones 1 and 2. Existing landfills in the primary recharge area or in protection zone 1 shall be required to comply with the provisions of Utah Administration Code 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:
 - i. Cover the landfill with suitable low-permeability materials and minimize the application of supplemental water to reduce infiltration of moisture.

- ii. Install groundwater containment and treatment actions, additional monitoring, and erosion controls as required.

3. Environmental Quality Monitoring. Facilities which have had, or appear to have had, unauthorized releases to soil or groundwater shall be required by the Public Utilities Department to monitor soil and groundwater in and adjacent to the facility. At the request of the Public Utilities Department, the facility will submit a monitoring plan for Public Utilities Department review. The plan shall be implemented with the approval of the Public Utilities Department. 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.

H. Exclusions And Exemptions

- 1. Qualifying Statement.** The exclusions and exemptions contained in this subsection H shall not apply to protection zone 1: i.e. sites within a 100-foot radius from a well.
- 2. 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.
 - a. Regulated substances stored at residences that do not exceed 10 pounds (dry) or 5 gallons (liquid) (except as allowed in H.2.d below) and are used for personal, family, or household purposes.
 - b. Fertilizers, treated seed (except as noted in this Ordinance), pesticides, herbicides, erosion control products, and soil amendment, in quantities normally available at retail outlets, when stored, handled and applied in accordance with the manufacturer's instructions, label directions, and nationally recognized standards.
 - c. Commercial products limited to use at a commercial or industrial site solely for office or janitorial purposes when stored in total quantities of less than 50 pounds for dry products, or 55 gallons for liquids.
 - d. Prepackaged consumer products available through retail sale to individuals for personal, family, or household use, that are properly stored.
 - e. Water-based latex paint, or oil based finishes, in quantities normally available at retail outlets, when stored, handled and applied in accordance with the manufacturer's instructions, label directions, and nationally recognized standards.
 - f. Compressed gases.
 - g. Substances or mixtures which may pose a hazard but are labeled pursuant to the Federal Food, Drug, and Cosmetic Act.

- h. Substances which, in the judgment of the Director, pose no hazard to groundwater.
3. **Continuous Transit.** The transportation of any regulated substance(s), hazardous waste or petroleum products through any protection zone or recharge area shall be allowed provided that the transporting vehicle is in continuous transit.
 4. **Vehicular and Yard Maintenance Fuel and Lubricant Use.** The use of any petroleum product solely as an operational fuel in the vehicle or yard maintenance fuel tank or as a lubricant in such a vehicle shall be exempt from the provisions of this Ordinance. These spent products shall be properly disposed of in compliance with applicable federal, state, and local regulations.

I. Enforcement, Violation And Penalties

1. **Notification of violation.** Whenever the Director finds that any regulated person has violated or is violating any provision of this Ordinance, or any order, rule or regulation issued or promulgated hereunder, the Director may serve upon said regulated person a written Notice of Violation. Such written notice shall be served in person or by certified mail, return receipt requested. Within five (5) days after the receipt of such notice, an explanation for the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted by the regulated person to the Director. Submission of this plan in no way relieves the regulated person of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
2. **Consent orders.** The Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any regulated person responsible for noncompliance. Such orders will include specific action to be taken by the regulated person. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsections 4 and 5 below, and shall be judicially enforceable.
3. **Order to Show Cause Hearing.** The Director may order any regulated person which causes or contributes to violation(s) of any provisions of this Ordinance, or any order, rule or regulation issued or promulgated hereunder, to appear before the Director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the regulated person, which notice shall specify the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the regulated person show cause why this proposed enforcement action should not be taken. Such written notice shall be served in person on any authorized representative of the regulated person, or by certified mail, return receipt requested, at least seven (7) days prior to the hearing. Whether or not the regulated person appears as ordered, immediate

enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other actions against the regulated person.

- 4. Compliance orders.** When the Director finds that a regulated person has violated or continues to violate any provision of this Ordinance, or any rule or regulation issued or promulgated hereunder, he may issue an order to the regulated person responsible for the violation directing that the regulated person come into compliance within thirty (30) days. If the regulated person does not come into compliance within thirty (30) days, any and all available remedies may be pursued and service may be discontinued. Compliance orders may also contain other requirements to address noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants released. A compliance order may not extend the deadline for compliance established for a federal standard or requirement, nor does a compliance order release the regulated person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the regulated person.
- 5. Cease and desist orders.** When the Director finds that a regulated person is violating any provision of this Ordinance, any rule or regulation issued or promulgated hereunder, or that the regulated person's past violations are likely to recur, the Director may issue an order to the regulated person directing it to cease and desist all such violations and directing the regulated person to:

 - a. Immediately comply with all requirements; and
 - b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation. Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the regulated person.
- 6. Administrative fines.**

 - a. Notwithstanding any other section of this Ordinance, any regulated person found to have violated any provision of this ordinance, or any order, rule or regulation issued or promulgated hereunder, may be fined in an amount not greater than \$10,000 per day, as determined by the Director in his reasonable discretion. Such fines shall be assessed on a per day, per violation basis. The City may also assess penalties as outlined in Section 21A.20.040 and 21A.20.050 of the Salt Lake City Code.
 - b. The City may charge a regulated person for the costs of preparing administrative enforcement actions, such as notices and orders, which charge may be assessed whether or not a fine under subsection (a) is also imposed.
 - c. Assessments for fines and/or administrative costs may be added to the regulated person's next scheduled water service charge, and the Director shall have such other collection remedies as may be available for other service charges and fees.

- d. Unpaid charges, fines, assessments and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten (10) percent of the unpaid balance. Thereafter, interest on any unpaid balances, including penalties, shall accrue at a rate of 1% per month. A lien against the individual regulated person's property will be sought for unpaid charges, fines, and penalties.
 - e. Regulated persons desiring to dispute such fines or assessments must file a written request for the Director to reconsider the fine or assessment, along with full payment thereof within thirty (30) days of being notified of the fine or assessment. The Director shall convene a hearing on the matter within fourteen (14) days of receiving the request from the regulated person. In the event the regulated person's appeal is successful, any amounts paid by the regulated person to the City shall be returned to the regulated person, without interest.
 - f. The imposition of an administrative fine, assessment or other charge shall not be a prerequisite for taking any other action against the regulated person.
7. **Emergency suspensions.** The Director may order the immediate suspension of a regulated person's actions (after informal notice to the regulated person), whenever such suspension or shut-off is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause a risk of an imminent or substantial endangerment to the health or welfare of the City's culinary water customers. Any regulated person notified of a suspension of its activities shall immediately stop conducting such activities. In the event of a regulated person's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary to enforce such order. The Director shall allow the regulated person to recommence operations when the regulated person has demonstrated to the satisfaction of the Director that the period of endangerment has passed. A regulated person that is responsible, in whole or in part, for any discharge presenting imminent endangerment, shall submit to the Director a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of any show cause hearing under Sections I.3. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.
8. **Injunctive relief.** Whenever a regulated person has violated or continues to violate a provision of the Ordinance, or continues to violate any order, rule or regulation issued or promulgated hereunder, the City may petition any court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Ordinance provision, order, rule, regulation or other requirement. In addition, the City may recover reasonable attorney's fees, court costs, and other expenses of litigation by appropriate legal action against the regulated person found to have violated any provision hereof, or of any order, or any other rule or regulation issued or promulgated hereunder. Such other action as appropriate for legal and/or equitable relief may also be sought by the City. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a regulated person.

9. Civil fine pass through recovery. In the event that a regulated person releases such pollutants which cause the City to violate any conditions of any applicable laws, rules or ordinances to which the City is subject, and the City is fined or held liable regarding such violations, then such regulated person shall be fully liable for the total amount of the fines and civil penalties assessed against the City, and any administrative costs incurred.

10. Public nuisances. Any violation of the provisions of this Ordinance, or of any order, rule or regulation issued or promulgated hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of the Salt Lake City Code governing nuisances, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

11. Enforcement by Other Agencies. The City may request the Health Department, and the Health Department is hereby granted the authority upon such request, to enforce or administer any and all provisions of this Ordinance and prosecute any violations thereof. To the extent of any such request, references in this Ordinance to the Public Utilities Department and the City shall be deemed to mean the Health Department, and references in this Ordinance to the Director shall be deemed to mean the Director of the Health Department. In addition, the City may refer to the State of Utah or the United States Government, for civil or criminal prosecution, any violations of this Ordinance which also violate applicable provisions of state or federal law, orders, administrative rules or permits. It is the intent of the City that this Ordinance shall be construed to the greatest extent possible to be consistent with the provisions of applicable county, state and/or federal laws, ordinances, rules, regulations or permits. In the event of any conflict, the more restrictive provisions shall apply.

12. Nonexclusive Remedies. The provisions of subsections I.1 through 11 are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant regulated person. However, the City reserves the right to take other action against any regulated person when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant regulated person. These actions may be taken concurrently.

13. Disputes; Appeals

a. Persons objecting to the configuration of the Recharge Area and Protection Zone Map, or the inclusion of specific property within any recharge areas or protection zones, or to the denial of a permit or the conditions attached hereto, or any rulings of the Public Utilities Department under this subsection I, may make appeal to the Land Use Appeals Board by filing a written notice of appeal with such Board not later than thirty (30) days following the action appealed from.

b. The written appeal shall contain:

i. Documentation of compliance, or

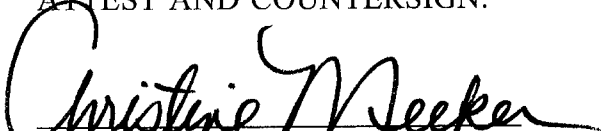
- ii.
 - A. Response to specific violations cited in the cease and desist order and the remedial actions planned in order to bring the facility into compliance; and
 - B. A schedule for compliance.
- c. Upon receipt of the written appeal, the Land Use Appeals Board shall review the appeal within 10 days of its receipt and respond to the appellant. If the Land Use Appeals Board determines that the written response from the appellant is adequate and noncompliance issues are addressed, the appellant will be notified by mail and no further action is required. If the Land Use Appeals Board determines that the appeals response is inadequate, the appellant may request a hearing before the Land Use Appeals Board. This hearing shall be held within 30 days of receiving the cease and desist order. The cease and desist order shall remain in effect until the hearing is conducted.

SECTION 3. Effective Date. This ordinance shall take effect on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this 1st day of December, 1998.


CHAIRPERSON

ATTEST AND COUNTERSIGN:


CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on December 1, 1998.

Mayor's Action: xx Approved Vetoed


MAYOR

ATTEST AND COUNTERSIGN:

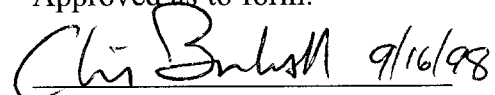

CHIEF DEPUTY CITY RECORDER

(SEAL)



Bill No. 95 of 1998.
Published: December 11, 1998.

Approved as to form:


Assistant City Attorney

APPENDIX "A" - Generic Regulated Substance List

Acid and basic cleaning solutions	Laboratory chemicals
Antifreeze and coolants	Liquid storage batteries 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	Reagents and standards
Engraving and etching solutions	Refrigerants
Explosives	Roofing chemicals and sealers
Fertilizers	Sanitizers, disinfectants, bactericides, and algacides
Fire extinguishing chemicals	Soaps, detergents and surfactants
Food processing wasters	Solders and fluxes
Formaldehyde	Stripping compounds
Fuels and additives	Tanning industry chemicals
Glues, adhesives and resins	Transformer and capacitor oils and fluids
Greases	Wastewater
Hydraulic fluid	Water and wastewater treatment chemicals
Indicators	
Industrial and commercial janitorial supplies	
Industrial sludges and stillbottoms	
Inks, printing, and photocopying chemicals	

APPENDIX "B"

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 as follows:

Restricted Uses (R) - The nature of the use, or some element of the use, represents a "Potential Contamination Source". The use may be permitted only after review and approval by the Division of Building Services and Licensing after having received comments and recommendations from the Public Utilities Department and the Salt Lake City/County Health Department. Approval is subject to implementation of Best Management Practices and compliance with other reasonable conditions as may be established by these agencies.

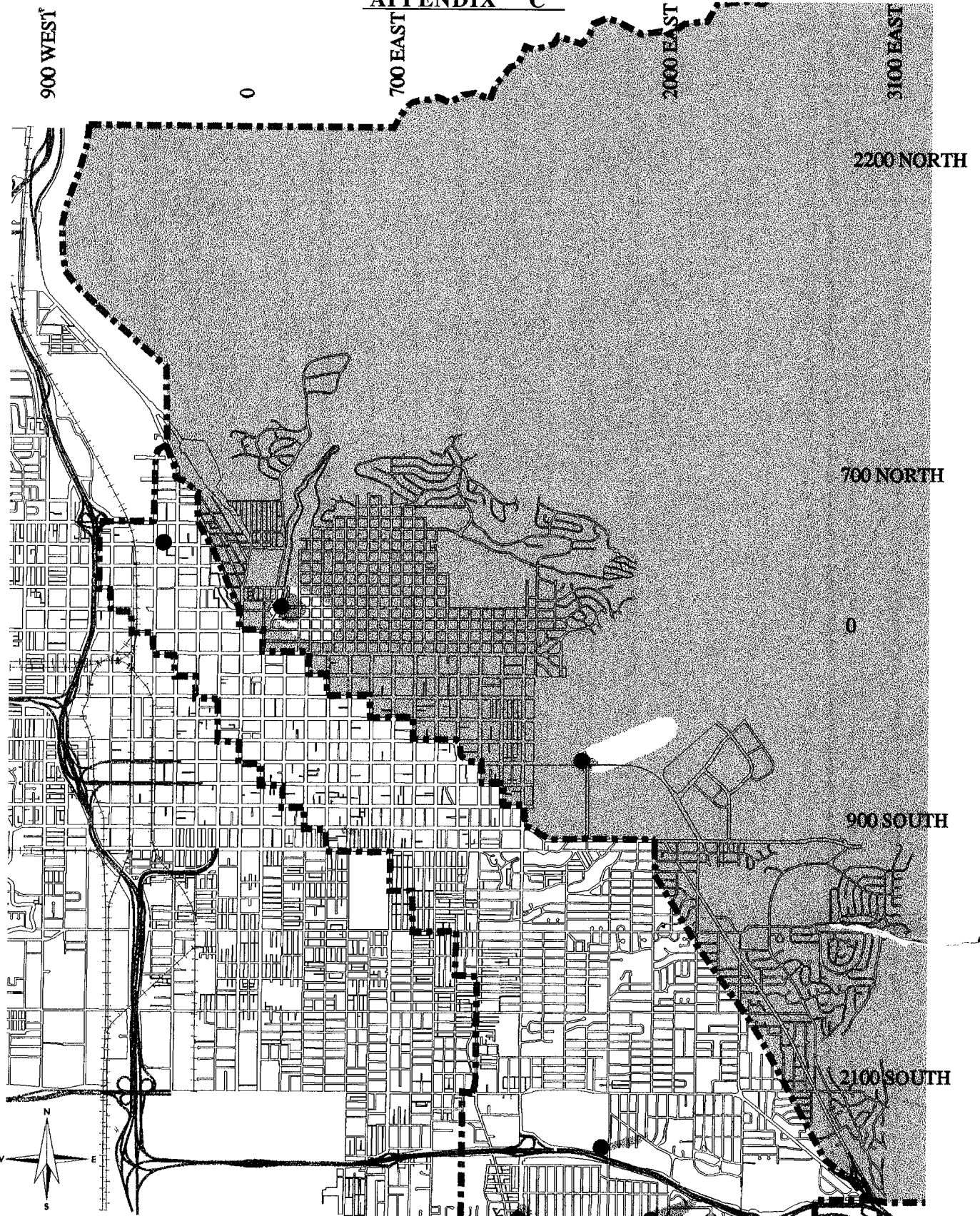
Prohibited Uses (X) - The risk of contamination is very high in the specified zone. The use is not permitted.

Potential Contamination Source	Protection Zone				Related Regulations	Best Management Practice(s)
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2 & Zone 3 & 4		
Abandoned wells	X	X	X	X	UAC R655-4, 12.1 to 1.2 - Requirements for Abandoned Wells	Shall be sealed.
Agricultural pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	R	R	X	R	FIFRA - 40 CFR 152-157, RCRA Subtitled C, Utah Pesticide Control Act	BMP - Department of Agriculture
Appliance repair	R	R	X	R	RCRA Subtitled C	
Automobile operations: - Fleet vehicle maintenance facilities - Dealership maintenance departments - Tire shops - Auto body shops - Engine repair - Rust-proofing facilities - Oil & lube shops - Vehicle rental w/ maintenance - Service stations w/ underground storage tanks	R	R	X	R	RCRA Subtitled C, UST Guidelines, Pretreatment, UAC R315-5 (Used Oil)	BMP - Salt Lake City/County Health Department

Potential Contamination Source	Protection Zone					Related Regulations	Best Management Practice(s)
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zone 3 & 4		
Beauty salons	R	R	X	R	R		
Car washes	R	R	X	R	R	Pretreatment	
Cemeteries, golf courses, parks, and plant nurseries	R	R	X	R	R	FIFRA	
Chemigation wells	R	R	X	X	R	UIC	
Concrete, asphalt, tar, and coal companies	R	R	X	R	R		
Dry cleaners (with on-site chemicals)	R	R	X	X	R	RCRA Subtitled C, Pretreatment, BMP - Salt Lake City/County Health Department	
Dry cleaners (without on-site chemicals)	R	R	X	R	R		
Farm operations: - Dairy farms - Animal feed lots - Farm dump sites - Farm machinery maintenance garages - Manure piles	R R X R R	R R R R R	X X X X X	X X R R X	R R R R R	UPDES - R317-8, UAC R315-5 (Used Oil), Solid & Hazardous Waste, RCRA Subtitled C	
Food processing, meat packing, and slaughter houses	R	R	X	X	R	UPDES - R317-8, Pretreatment	
Fuel, oil, and heating oil distribution and storage facilities	X	R	X	R	R		
Furniture stripping, painting, and finishing	R	R	X	R	R	RCRA Subtitled C	
Hospitals, medical offices, and dental offices	R	R	X	R	R	Solid & Hazardous Waste	
Industrial manufacturers of: chemicals, pesticides, herbicides, paper products, leather products, textiles, rubber, plastics, fiberglass, silicone, glass, pharmaceuticals, and electrical equipment	X	R	X	R	R	FIFRA, RCRA Subtitled C	

Potential Contamination Source	Protection Zone				Related Regulations	Best Management Practice(s)
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2		
Junk and salvage yards						BMP - Salt Lake City/County Health Department
Laundromats	R	R	X	R	Pretreatment	
Machine shops, metal plating, heat treating, smelting, annealing, and descaling facilities	X	R	X	R	Pretreatment, RCRA Subtitled C	
Mortuaries	R	R	X	R	Pretreatment	
Photo processing & print shops	R	R	X	R	Pretreatment	
Residential pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas (except as excluded under Section 8.2)	R	R	X	R		Follow manufacturer's directions for use and storage.
RV waste disposal stations	R	R	X	X	UAC R392	
Salt and salt/sand piles	R	R	X	R		DEQ / UDOT BMP
Sand & gravel excavation and processing	R	R	X	R	UAC GW R317-6, UAC R313-25	
Septic tank drain fields systems	X	R	X	X	UDWQ, Individual Wastewater Disposal Systems, UAC R317-501 through R317-513, State Department of Health Code of Waste Disposal Regulations - Parts IV and V	
Stormwater impoundment and snow storage sites	R	R	X	R	UPDES	
Toxic chemical and oil pipelines	X	X	X	X		
Underground storage tanks	X	R	X	R	UAC R311-203, 205, 206	
Veterinary clinics	R	R	X	R	Solid & Hazardous Waste	
CFR			UDSW	Utah Division of Solid Waste		
DEQ			UDWQ	Utah Division of Water Quality		
FIFRA			UIC			
GWR			UPDES	Utah Pollution Discharge Elimination System		
RCRA			UST	Underground Storage Tanks		
UAC						

APPENDIX "C"



- WELLS
- 15 YEAR TIME-OF-TRAVEL
- 3 YEAR TIME-OF-TRAVEL
- PRIMARY RECHARGE AREA
- SECONDARY RECHARGE AREA
- DISCHARGE AREA

0' 5,000' 10,000'



Salt Lake City
Department of Public Utilities
GIS Section

By Nick Kruger 8-29-08
 FILE:PU/GIS/WATER_WELLS/WELLS/LORANCE/WB/RECHARGE_S.M