

**TITLE 6
ELMORE COUNTY
ZONING and DEVELOPMENT ORDINANCE**

CHAPTER 25 – WELLHEAD PROTECTION ORDINANCE

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Section 6-25-1: Purpose and Goals:

- A. It is the purpose of this Chapter to promote the public health, safety, and general welfare of the residents of Elmore County by minimizing public and private losses due to contamination of the public water supply, through a formalized ground water protection/pollution abatement and control plan.
- B. The specific goals of the wellhead protection Ordinance, and the formalized ground water protection/pollution abatement and control plan are to:
 - 1. Protect Public water system; and
 - 2. Protect human life and health; and
 - 3. Ensure that the public is provided with a sustainable safe potable water supply; and
 - 4. Minimize expenditure of public money for pollution remediation projects; and
 - 5. Minimize regulations and land use; and
 - 6. Minimize business interruptions.

Section 6-25-2: Applicability:

- A. This Chapter and these regulation contained herein shall only apply to public and private water system regulated by the Division of Environmental Quality areas within a Public Water System's Source Water Protection Area, as established and certified by the Idaho Department of Environmental Quality, within the jurisdiction of Elmore County, Idaho and registered with the Elmore County Recorder.
- B. Private or individual wells shall be exempt from this Chapter and regulation.

Section 6-25-3: Establishment of Wellhead Zones Established:

- A. This Chapter shall establish four (4) wellhead zones:
 - 1. Wellhead Protection Zone IA, defined as a minimum fixed radius extending no less than one hundred (100') feet radius from the wellhead supplying potable water to the public water supplies; and
 - 2. Wellhead Protection Zone IB, defined as a three (3) year Time Of Travel district (TOT) as defined in this Title, which is the time required for ground water to move in the ground from a specific point to a well; and
 - 3. Wellhead Protection Zone II, defined as six (6) year Time Of Travel district (TOT); and
 - 4. Wellhead Protection Zone III, defined as a ten (10) year Time Of Travel district (TOT).

Section 6-25-4: Notice of Proposed Action To Operator of Public Or Community Water Supply:

- A. Whenever there is a request which requires approval from the Commission for land lying within a wellhead protection zone, written notice of the hearing shall be given to the entity operating the public or community water supply within that district. The Commission may require a granting of easements for monitoring wells if the Commission deems it appropriate for protection of the public water supply.

Section 6-25-5: Allowed Uses and Notice Requirements by Zone:

- A. Wellhead Protection Zone IA: Uses permitted within Zone IA shall be limited to:

1. Necessary public water supply wellhead equipment including, wellhead facility buildings, water storage tanks, disinfections equipment, disinfections chemical storage and landscaping as required by this Title. All other uses shall be prohibited.
- B. Wellhead Protection Zone IB: Notice of proposed action to operator of public or community water supply shall be required in a Wellhead Protection Zone IB if any of the following uses are proposed within a wellhead Zone IB:
1. Sanitary landfills; and
 2. Livestock confinement operations; and
 3. Hazardous waste disposal facility; and
 4. Injection well is a prohibited use except for the following:
 - a. Closed systems or as approved by IDEQ.
 5. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous solid or liquid material or waste having potential impact on ground water; and
 6. Existing sewer lines shall not be closer than one hundred (100') feet of a wellhead or of a new sanitary system and sewer lines shall not be closer than one hundred fifty (150') feet of a wellhead; and
 7. Existing septic tanks or drain fields shall not be closer than one hundred (100') feet of a wellhead and new installation of septic tanks or drain fields shall not be closer than two hundred (200') feet away from the wellhead; and
 8. Junk or salvage yards; and
 9. Disposal of waste oil, oil filters, tires and all other petroleum products; and
 10. Land use activities posing a hazard or threat to existing ground water quality as deemed by the Director, Commission, or Board during review process of Zoning and Development applications may be prohibited.
- C. Wellhead Protection Zone II: Notice of proposed action to operator of public or community water supply shall be required in a Wellhead Protection Zone IB if any of the following uses are proposed within a wellhead Zone II:
1. Sanitary landfills; and
 2. Hazardous waste disposal facility; and

3. Injection well is a prohibited use except for the following:
 - a. Deep well injection (below eighteen (18') feet in depth):
 - (1) Geothermal heat; or
 - (2) Heat pump return; or
 - (3) Cooling water return;
 - b. Shallow well injection only (less than eighteen (18') feet in depth), including:
 - (1) Storm runoff; or
 - (2) Agricultural runoff wastewater; or
 - (3) Special drainage water; or
 - (4) Aquifer recharge; or
 - (5) Aquifer remediation; or
 - (6) Septic systems (general).
4. Land use activities posing a hazard or threat to existing ground water quality as deemed by the Director, Commission, or Board during review process of Zoning and Development applications may be prohibited.

D. Wellhead Protection Zone III: Notice of proposed action to operator of public or community water supply shall be required in a Wellhead Protection Zone IB if any of the following uses are proposed within a wellhead Zone III:

1. Injection wells except for the following:
 - a. Deep well injection (below eighteen (18') feet in depth):
 - (1) Geothermal heat; or
 - (2) Heat pump return; or
 - (3) Cooling water return.
 - b. Shallow well injection only (less than eighteen (18') feet in depth):
 - (1) Storm runoff; or

- (2) Agricultural runoff wastewater; or
 - (3) Special drainage water; or
 - (4) Aquifer recharge; or
 - (5) Aquifer remediation; or
 - (6) Septic systems (general).
2. Land use activities posing a hazard or threat to existing ground water quality as deemed by the Director, Commission, or Board during review process of Zoning and Development applications may be prohibited.

Section 6-25-6: Amendments:

- A. Proposed amendments shall require notice to all entities operating public or community water supplies as defined by this Chapter.