

Part IV
Article XXXVII

WELLHEAD PROTECTION OVERLAY ORDINANCE

Section 3700: Purpose

The purpose of this ordinance is to provide for the protection of the Valparaiso area's designated Wellhead Protection Areas (WHPA's) by creating WHPA Overlay Districts. These WHPA's are ground water resources that serve as a source of drinking water for the Valparaiso public water system. WHPAs are located within the designated wellhead protection areas as delineated on attached maps, and consistent with the Indiana Wellhead Protection Rule (Indiana, 1997), IC 8-4-1.1 et seq. IC 13-18-17-6, and the federal Safe Drinking Water Act 42.

The regulations adopted in this ordinance are to safeguard the public health, safety, and general welfare of the community and its water customers, and to protect the community's potable water supply against contamination from existing and future potential contamination sources. This ordinance seeks to protect through regulating the storage, handling, use and/or of those substances which are presently regulated by Indiana statutes, regulations, and/or rules and/or federal statutes, regulations and/or CFRs, and could pose a threat to the Valparaiso wellheads and well fields located in the City of Valparaiso and Porter County.

Section 3701: Definitions

The following definitions apply throughout this ordinance.

1. *Applicant* – any person or entity applying for subdivision plat, Planned Unit Development approval, rezoning approval, Special Exception, variance to use or developmental standards, and/or building permit.
2. *Community Public Water Supply System* – CPWSS, a public water supply system that serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.
3. *Effective Date of Ordinance* - 05-08-2000
4. *Federal Statutes, Regulations and CFRs* – as listed in attachment
5. *IDEM* – Indiana Department of Environmental Management
6. *Indiana statutes, Regulations and Rules* – as listed in attachment
7. *Overlay* - district designated by the Wellhead Protection Area
8. *Porter County Haz-Mat Regulations* – regulations as defined in this document
9. *Public Water Supply System* – PWSS is a public water system for the provision to the public of piped water for human consumption if such a system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year.
10. *Wellhead Protection Administrator* – WHP is an official appointed by the CPWSS who administers and implements the CPWSS's WHP Program.

11. *Wellhead Protection Area* – WHPA is the surface and subsurface area, delineated by a CPSS and approved by IDEM under 327 IC 8-4.1-1 et seq., which contributes water to a CPWSS production well or wellfield and through which contaminants are likely to move through and reach the well within a specified period.
12. *Wellhead Protection Program* - a WHPP is a program to sustain drinking water quality in ground waters that supply public water supply wells and wellfields, as mandated by the 1986 amendments to the federal Safe Drinking Water Act, Title II, Section 205, Subsection 1428.
13. *Wellhead Protection Zone* – the land area encompassing a Wellhead Protection Area established by the Valparaiso Plan Commission as set forth in Section 3710.

Section 3710: Designation Of Overlay For Wellhead Protection Areas

A properly designated WHPA is hereafter designated as a WHPA Overlay District, as described on the attached maps. A WHPA, as designated on maps, is not considered a zoning map, and shall not effect the uses or developmental standards applicable to any land located within a WHPA. All amendments to current WHPAs and any new WHPAs have to be filed with the Valparaiso Plan Commission for approval if any section is outside the city limits.

Section 3712: Current Environmental Federal, Indiana, And Local Statutes, Regulations, Rules, Codes And/Or Ordinances

Attached to this ordinance are a list of federal and state statutes, regulations and/or rules that regulate, in some fashion the storage, handling, mixing and/or use (and/or misuse) of hazardous substances. The list is not necessarily all-inclusive. All activities within the WHPA are to be in compliance with these and other regulations that may be in effect. The WHP Administrator shall monitor and inspect activities within the WHPA for compliance of such regulations.

Section 3720: Construction In WHPA Overlay District

All new construction or reconstruction in a WHPA will require site review by the CPWSS. All site reviews will require a site plan that designates the area that is in the WHPA of any wellhead. All subdivision plats and Planned Unit Development plats in the WHPA will have to designate the WHPA area on the Secondary Plat that is recorded. The Wellhead Protection Administrator will be notified of all such plats, site plans, and site reviews. This section applies to – Planned Unit Developments as defined in Article VIII; Subdivisions as defined in Article XXVII, Special Exceptions, variances, and building permit processes as defined in Article XII, and rezonings as defined IC 36-7-4-600 et seq.

Section 3730: Reporting Requirements For Regulated Substance Activity Document to Porter County Regulations Chapter 18.20 – Hazardous Spillage Reporting System.

Section 3740: Violations

The WHP Administrator shall monitor and inspect for compliance to the existing environmental and WHP regulations. The WHOP Administrator will report any violation

to the Building Inspector (or Zoning Administrator) who has the authority to issue violation notices pursuant to the Violations Bureau Ordinance. The WHP Administrator shall report a second violation to IDEM.

Section 3750: Appeal Process

A person charged with a violation of this ordinance may appeal the decision pursuant to the procedures found in the Violations Bureau Ordinance.

Section 3755: Conflicting Ordinances

Any ordinance or provision of any ordinance of the City of Valparaiso in conflict with the provisions of this ordinance is hereby superseded by this ordinance.

Section 3760: Severability

The invalidity of any section clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

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