

120.450 Wellhead Protection Overlay Zone.

A. Purpose.

The Wellhead Protection Overlay Zone is designed to safeguard the public health, safety and welfare of citizens and institutions that are customers of the Parchment Water System by regulating the land use and the storage, handling, use and/or production of Regulated Substances within the wellhead capture zone described as the land area adjacent to and upgradient from existing and proposed municipal water well fields, within the Township. The intent of this designation is to protect the community's potable water supply against contamination.

B. Permitted Uses, Yard and Area Requirements.

The permitted uses, yard and area requirements within the Wellhead Protection Overlay Zone shall be those of the underlying zoning district, except as set forth below.

1. The processing or compounding of chemicals or drugs or bulk storage thereof.
2. Foundries.
3. Heavy equipment repair.

C. Special Exception and/or Conditional Uses.

The special exception or conditional uses within the Wellhead Protection Overlay Zone shall be those of the underlying zoning district except as set forth below.

1. Sanitary landfills of any kind whether type I, II, or III as defined by Act No. 641 of the Public Acts of 1978 or Act No. 64 of the Public Acts of 1979 or any regulations enacted thereunder and pursuant thereto.
2. The mining or excavation, extraction, or processing of sand, gravel and limestone.
3. Gasoline service stations.
4. Bus or truck terminals.
5. Junk or material salvage yards.

6. Automobile and truck body shops.
7. Ready-mix concrete or asphalt plants.
8. Metal processing plants and/or electroplating plants.
9. Paint and coating manufacturing. The requirements of this section shall be in addition to any applicable regulations in this chapter.

D. Groundwater Protection Standards.

1. Use of Regulated Substances in conjunction with permitted and conditional uses in this district shall be limited to:
 - a. The aggregate of Regulated Substances in use may not exceed 20 gallons or 160 pounds at any time.
 - b. The total use of Regulated Substances may not exceed 50 gallons or 400 pounds in any 12-month period.
2. A limited exclusion from the provisions of Section 120.450 B. is authorized for non-routine maintenance or repair of property or equipment. The use of Regulated Substances under this exclusion shall be limited to:
 - a. The aggregate of Regulated Substances in use may not exceed 50 gallons or 400 pounds at any time.
 - b. The total use of Regulated Substances may not exceed 100 gallons or 800 pounds in any 12-month period.
3. A limited exclusion from the provisions of Section 120.450 B. is authorized for medical and research laboratory uses; provided, however, Regulated Substances shall be stored, handled or used in containers not to exceed five gallons or 40 pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed 250 gallons or 2,000 pounds.

4. A limited exclusion from the provisions of Section 120.450 B. is authorized for Regulated Substances which are cleaning agents; provided, however, such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public and provided the aggregate inventory of such cleaning agents shall not exceed 100 gallons or 800 pounds at any time. In no case shall Regulated Substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.
5. Storage of fuel and lubricants for vehicle operations and fuel for building and/or processing heating in conjunction with permitted and conditional uses in this zone shall be in aboveground tanks.
6. Notwithstanding other provisions of this chapter, non-conforming uses in this district presently utilizing underground storage tanks for fuel and lubricants for vehicle operations and fuel for building and/or processing heating shall be permitted to replace existing tanks with those constructed as per the specifications of Act No. 423 of the Public Acts of 1984 and all Regulations enacted pursuant thereto and not exceeding the capacity of existing tanks. Replacement of underground tanks for Regulated Substances other than the above-noted fuels and lubricants is not permitted.
7. A limited exception from the provisions of Section 120.450 B. is authorized for agricultural use provided such use of the hazardous substance is in compliance with generally accepted farming practices and promulgated by the Michigan Department of Agriculture.

E. Site Plan Information Requirements.

All buildings and structures constructed or remodeled requiring a building permit and the site plan approval as set forth in Section 120.430 of the Ordinance which are within the Wellhead Protection Overlay Zone shall also comply with the following additional site plan requirements.

In addition to the information required by Section 120.430, an applicant for Site Plan Review shall submit the following information:

1. A copy of the MIOSHA Material Safety Data Sheet or "Hazardous Substances Reporting Form for Site Plan Review."
2. Location of existing and proposed facilities and structures, above and below ground, including but not limited to the following:

- a. Public and private groundwater supply wells on site and on adjacent properties.
 - b. Septic systems and other waste water treatment systems.
 - c. All interior and exterior areas to be used for the storage, use, loading/unloading, recycling or disposal of hazardous substances.
 - d. Location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.
 - e. Location of interior and exterior drains, dry well, catch basins, retention/detention areas, storm water/retention ponds, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall be identified on the site plan.
3. Location of existing wetlands, water bodies, water courses and floodplains.
 4. Soil characteristics of the site, at least to the detail provided by the U.S. Soil Conservation Service.
 5. Delineation of areas on the site which are known to be contaminated, together with a report on the status of site cleanup.

F. Site Plan Review Standards.

In addition to the criteria set forth in Section 120.430, in reviewing a Site Plan and approving, disapproving or modifying same, the Planning Commission shall be governed by the following standards:

1. Groundwater Protection Standards.
 - a. The project and related improvements shall be designed to protect the natural environment, including wetlands, water bodies, water courses, floodplains, groundwater and soils.

- b. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body or water course and shall not increase flooding or the possibility of polluting surface or groundwater, on site or off site.
 - c. General purpose floor drains shall be connected to a public sewer system, an on-site holding tank or a system authorized through a state groundwater discharge permit.
 - d. Chemical loading and unloading areas should not have drains which discharge into the storm water piping or collection systems unless equipped with an appropriate sump pump which can be shut down in the case of a spill. Further, chemical loading and unloading areas should be designed to contain or direct spillage in such a manner as to prevent potential discharge to the ground or groundwaters, storm water piping or recharge ponds or lagoons.
 - e. Sites at which hazardous substances are loaded/unloaded, stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, wetlands, water bodies, water courses or groundwater.
 - f. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approval.
2. Aboveground Storage and Use Areas for Hazardous Substances and Polluting Materials.
- a. Secondary containment of hazardous substances shall be provided. Secondary containment shall be sufficient to store 110% of the stored substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - b. Secondary containment structures such as buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to nearby drains, soils, wetlands, water bodies, water courses or groundwater. Where allowed, the secondary containment provided in B.1. above shall apply.

- c. Outdoor storage of hazardous substances shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
 - d. Areas and facilities for loading/unloading of hazardous substances, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to nearby drains, soils, wetlands, water bodies, water courses or groundwater.
 - e. All storage of fuel and lubricants for vehicle operation and fuel for building and or processing in conjunction with permitted and conditional uses for the same shall be above ground.
3. Underground Storage Tanks.
- a. Existing underground storage tanks or replacements allowed under Section 120.450 D.6. shall be registered with the State Police Fire Marshal Division in accordance with the requirements of the U.S. Environmental Protection Agency.
 - b. Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with the requirements of the State Police Fire Marshal Division. Leak detection, corrosion protection, spill prevention and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by government officials.
 - c. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshal Division and the Michigan Department of Environmental Quality.
4. Sites with Contaminated Soils and/or Groundwater.
- a. Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site and the need to protect the public health and the environment.

- b. Development shall not be allowed on or near contaminated areas of a site unless information from the Michigan Department of Environmental Quality is available; indicating that cleanup will proceed in a timely fashion.