

Ordinance No. 2023-09

AN ORDINANCE AMENDING SECTION 13-1-28, DRINKING WATER SOURCE PROTECTION, OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, the Utah Division of Drinking Water requires a management program to control or prohibit Potential Contamination Sources from contaminating existing groundwater drinking water sources.

WHEREAS, the City adopted the "Drinking Water Source Protection Ordinance" on July 13, 2006 and amended the ordinance on July 10, 2008 to comply with the requirement and to protect public drinking water sources from potential sources of contamination.

WHEREAS, the City desires to update the ordinance to make it more consistent with Utah Division of Environmental Quality and Summit County rules and to reflect 2021 updates to the City's Drinking Water Source Protection Plan.

WHEREAS, the City desires to make the coverage of the ordinance more transparent by including a map.

WHEREAS, the City desires to provide a procedure for granting variances.

WHEREAS, the City desires to prohibit additional potential sources of contamination, including fluorinated ski wax.


BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, THAT:

Section 13-1-28 of the Municipal Code of Park City is amended and adopted to read as outlined in Exhibit A. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 16th day of February, 2023.

PARK CITY MUNICIPAL CORPORATION

Attest:

DocuSigned by:
Michelle Kellogg
E5F905BB533F431...
DS


Michelle Kellogg, City Recorder

DocuSigned by:

Nann Worel

57775BCB46444F6...

Mayor Nann Worel

Approved as to form:

DocuSigned by:
Luke Henry
F29CA08BA57F423...

City Attorney's Office

13-1-28 Drinking Water Source Protection

1. **DEFINITIONS.** When used in this Ordinance, the following words and phrases shall have the meanings given in this Section:

1. DESIGN STANDARD. A control that is implemented by a ~~p~~Potential ~~e~~Contamination source to prevent discharges to the ground water. Spill protection is an example of a design standard.

2. Drinking Water Source Protection Area. The surface and subsurface area surrounding a Groundwater Source of drinking water supplying Park City, through which contaminants are reasonably likely to move toward and reach such Groundwater Source.

3. Groundwater Source. Any well, spring, or tunnel used by Park City as a source of drinking water.

4. Hazardous Waste and Hazardous Materials. Hazardous Waste and Hazardous Materials are defined in Utah Administrative Code (UAC) R315-260-10.

5. LAND MANAGEMENT STRATEGIES. Zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

~~4~~6. Mine Portal Area. The constructed area where water exits a drain tunnel and is captured and piped into the Park City water system

~~2~~7. POLLUTION SOURCE. Point source discharges of contaminants to ground water or potential discharges of the liquid forms of “extremely hazardous substances” which are stored in containers in excess of “*applicable threshold planning quantities*” as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain field, class V underground injection wells, landfills, open dumps, land filling of sludge and seepage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of ~~p~~Pollution ~~s~~Source:

- a) Animal Feeding Operation. A lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single

feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

- b) Animal Unit. A unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0 plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
- c) Extremely Hazardous Substances. Those substances which are identified in the Sec. 302(EHS) column of the "Title III List of Lists – Consolidated List of Chemicals Subject to Reporting Under SARA Title III." (EPA 560/4-91-011).

~~3-8.~~ **POTENTIAL CONTAMINATION SOURCE.** Any facility or site which employs an activity or procedure which may potentially contaminate group water. A ~~pP~~ollution ~~sS~~ource is also a ~~pP~~otential ~~Ce~~ontamination ~~Ss~~ource.

~~4-9.~~ **REGULATORY AGENCY.** Any governmental agency with jurisdiction over hazardous waste ~~as defined herein or~~ Hazardous Material.

10. SANITARY LANDFILL. A disposal site where solid wastes, including putrescible wastes, or hazardous wastes or hazardous materials, are disposed of on land by placing earth cover thereon.

11. Septic Tank/Drain-Field Systems. A system that is comprised of a septic tank and a drain-field that accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain-field system discharges cannot be controlled with Design Standards.

~~5-12.~~ Spring Collection Area. The constructed area of perforated pipe, imported gravel, infiltration boxes, or tunnels where groundwater flow is captured and piped into the Park City water system.

~~6-13.~~ WELLHEAD. The upper terminal of a well, including adapters, ports, seals, valves and other attachments from which water is piped into the Park City water system.

2. **ESTABLISHMENT OF DRINKING WATER SOURCE PROTECTION ZONES.** There are hereby established use districts to be known as ~~the zZones~~ one, two, three, and four ~~of the Dd~~ drinking water source protection area identified and described as follows:

1. **ZONE ONE.** The area within a 100-foot radius from the wellhead or within 100 feet of the margin of the spring collection or mine portal area.

2. **ZONE TWO.** The area within a 250-day ground-water ~~line-time~~ of travel to the wellhead or margin of the spring collection or mine portal area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

3. **ZONE THREE.** Waiver Criteria Zone. The area within a three (3) year ground water time of travel to the wellhead or margin of the spring collection or mine

portal areas, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide whichever is closer.

ZONE FOUR. The area within a fifteen (15) year ground-water time of travel to the wellhead or margin of the spring collection or mine portal area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

4. A map is attached to denote the Source Protection Area Zones One through Four.

3. **PERMITTED USES.** The following uses shall be permitted within drinking water source protection zones:

1. Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of Park City and their regulatory agencies.

~~2.~~ Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

4. **PROHIBITED USES.** The following uses or conditions ~~shall be and are hereby~~ prohibited within drinking water source protection zones, whether or not such use or condition may otherwise be ordinarily included as part of the use permitted under Section 4 of the ordinance. 3.

1. **ZONE ONE.** The location of any:

a) ~~P~~Potential Sources;

b) Potential eContamination Ssources ~~as defined herein~~, unless they are controlled with ~~D~~Design Dstandards that are approved by the Park City Water Division;

c) Borings, wells, or excavations that are more than 10 feet deep, unless they are controlled with Design Standards that are approved by the Park City Water Division; or

~~d)~~ Open-loop and closed-loop Ground Source Heat Pump (GSHP) wells.

2. **ZONES TWO, THREE, AND FOUR.** The location of any:

a) ~~P~~Pollution Ssources ~~as defined herein~~, unless ~~there~~ their contaminated discharges are controlled with ~~d~~Design Sstandards that are approved by the Park City Water Division;

b) Potential Contamination Sources, unless they are controlled through Design Standards or Land Management Strategies;

c) Open-Loop GSHP wells; or

~~2-d)~~ Closed-Loop GSHP wells, unless they (1) are at least 500 feet from the wellhead or margin of the spring collection or mine portal areas of a Groundwater Source, (2) meet the Park City GSHP Design Standard, and (3) are approved by the Park City Water Division.;

~~5.~~ **ZONES ONE, TWO, THREE AND FOUR.** The use of any fluorinated ski wax due to contamination associated Per-and Polyfluoroalkyl Substances (PFAS). ~~The location~~

~~of potential contamination sources unless they are controlled through land management strategies.~~

5. **ADMINISTRATION.** The policies and procedures for administration of any source protection zone established under this ordinance, including without limitation those applicable to non-conforming uses, exception, enforcement and penalties, shall be the same as provided in the existing zoning ordinance for ~~P~~ark City, as the same is presently enacted or may from time to time be amended. Park City may grant a variance to this ordinance. To obtain a variance from the ordinance, an entity, at their own expense, must submit to Park City (1) a request for variance and (2) hydrologic, engineering, and/or other studies in support of their request for variance. If it is necessary to have additional expertise evaluate the request for variance, it shall be at the expense of the entity requesting the variance.

6.

HISTORY

Adopted by Ord. 06-51 on 7/13/2006

Amended by Ord. 08-27 on 7/10/2008