

TOWN OF WESTPORT

AQUIFER PROTECTION REGULATIONS WESTPORT, CONNECTICUT

I. Purpose, Statement of Intent:

The purpose of these regulations is to protect the sources of public potable groundwater underlying the Town of Westport by minimizing the risk of contamination from industrial, commercial, agricultural, and residential sources.

II. Authority:

These regulations are adopted pursuant to Connecticut General Statutes, Sections 8-2 and 8-3, which require municipal agencies to designate Aquifer Protection Areas and to develop comprehensive and coordinated systems of land-use regulations designed to protect sources of public drinking water within Aquifer Protection Area.

III. Definitions:

The following definitions shall apply in the interpretation of these regulations:

Aquifer means a geologic unit capable of yielding useable amounts of water.

Aquifer Protection Area means, for the purpose of these regulations, the area surrounding the pumping well-fields of Westport, as identified on the "Level B Mapping" by the Bridgeport Hydraulic Company.

Best Management Practice means a practice, procedure or facility designed to prevent, minimize or control spills, leaks or other releases that pose a threat to groundwater.

Designated Agent means the Conservation Commission of the Town of Westport, Connecticut.

Designated Aquifer Map means the "Level B Mapping" by the Bridgeport Hydraulic Company.

Hazardous Material means any material that may pose a present or potential hazard to the public drinking water supply or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed, or any substance described or regulated as hazardous and/or toxic by the Town, State or Federal governments.

Hazardous Waste means any waste material that may pose a present or potential hazard to the public drinking water supply or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed, or any waste substance described or regulated as hazardous and/or toxic by the Town, State or Federal governments.

High Water Table means the seasonally highest level of the water table.

Induced Infiltration means the process by which water in a stream or lake moves into an aquifer by establishing a hydraulic gradient from surface water body toward a pumping well or wells.

Primary Activity means any functions, actions, and/or purposes that are characterized as being first, foremost or essential.

Secondary Activity means any functions, actions and/or purposes that are characterized as incidental, accessory or less than first, foremost or essential.

Stratified Drift means unconsolidated, sorted sediment composed of layers of sand, gravel, silt and/or clay.

Waste Materials means the industrial, commercial, residential, and /or recreational products or byproducts that are no longer efficient at or no longer desired for their original purposes, use or function.

Wellfield means the immediate area surrounding a public drinking water supply well or group of wells.

IV. Potentially Hazardous Uses:

Within the Aquifer Protection Area, the following uses and activities are specifically regulated and require licensure from the Conservation Commission, since they potentially pose a threat to groundwater:

1. Sanitary landfills, state or municipal composting sites, septage lagoons and disposal of solid wastes.
2. Burial of brush, stumps, yard waste, and construction debris, including asphalt, concrete or other hazardous waste or waste materials.
3. Junkyards or motor vehicle salvage operations.
4. Stockpiles of road salt or other ice control chemicals.
5. Dry cleaning establishments and/or self-service laundries.
6. Commercial establishments, state or municipal facilities for fueling, washing, servicing, painting or repair of airplanes, boats or motor vehicles.
7. Businesses for painting, wood preservation, metal plating, refinishing or furniture-stripping.
8. Industrial business uses and related activities.
9. Medical, chemical or bacteriological laboratories.
10. Commercial establishments for printing, photocopying or photographic processing
11. Commercial or significant private storage of herbicides, pesticides, fertilizers, manure or other hazardous materials or hazardous wasters.
12. Hotels, motels or other lodging facilities unless connected to public sanitary sewers and water supplies.
13. Underground fuel tanks, except those contained in a concrete vault or with double-walled construction and leak monitoring and alarm devices, designed to eliminate the risk of potential spills, leaks or other releases that pose a threat to groundwater.
14. Dry wells or other similar drainage appurtenances that may discharge hazardous waster or waste materials from roads and parking areas.
15. Discharge into the surface or groundwater, wetlands or watercourses, of water emanating from swimming pools, hot tubs, spas, or water softening devices.
16. Sewage discharges in excess of 350 gallons per acre per day.
17. Any other use that involves as a principal activity the manufacture, storage, use, transportation or disposal of toxic or hazardous waste or waste materials.

V. Pre-existing Nonconforming Uses:

"Potentially Hazardous Uses" in existence at the effective date of these regulations shall be considered nonconforming. Any repair, replacement or modification of the "Potentially Hazardous Use" must be licensed by the Westport Conservation Commission or its duly authorized agent as set forth in Section VII of these regulations.

VI. Regulated Activities:

Any operation or use within the Aquifer Protection Area, including but not limited to, construction, deposition or material, discharge, installation, pollution, or other activity, shall require approval by the Westport Conservation Commission or its duly authorized agent.

VII. Determination:

If, upon review of the application, the Conservation Department determines that the activity does not involve a "Potentially Hazardous Use," it shall issue an administrative approval.

If, upon review of the application, the Conservation Department determines that the activity involves a "Potentially Hazardous Use", the application shall be scheduled for a meeting agenda for consideration by the Conservation Commission.

Any application that involves a "Potentially Hazardous Use" shall be considered by the Commission and either approved as proposed, approved with conditions, limitations or modifications imposed, or denied. Decision shall be rendered upon the basis of the application's impact upon the Aquifer Protection Area and a showing of mitigative, rehabilitative, or beneficial groundwater impact through use of "Best Management Practices" designed to prevent a threat to groundwater.

VIII. Enforcement:

The Westport Conservation Commission or its duly authorized agent shall be responsible for the enforcement of these regulations in conformance with the Connecticut General Statutes.

IX. Merger Clause:

If any section, paragraph, subdivision, clause or provision of these regulations is adjudged invalid or unconstitutional for any reason, such adjudication shall apply solely to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of the ordinance shall be deemed to be, and shall continue to be, valid and in full force and effect.

X. Effective Date:

These regulations, as promulgated, shall become effective on January 1, 1994.