

**CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO**

ORDINANCE NO. 11-14

AN ORDINANCE AMENDING CERTAIN PROVISIONS IN CHAPTER 1271, WP WELL FIELD PROTECTION OVERLAY DISTRICT, AND CERTAIN PROVISIONS IN CHAPTER 1281, PUBLIC WATER SUPPLY AND WELL FIELD OVERLAY, OF THE ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF VANDALIA

WHEREAS, Public Health-Dayton and Montgomery County have recommended amendments be made to Chapters 1271 and 1281 of the Vandalia Codified Ordinances as they relate to water and well field Protection; and

WHEREAS, Planning Commission has reviewed the proposed changes and has recommended approval of the amendments; and

WHEREAS, it is determined by the Council of the City of Vandalia that the amendments would be in the best interest of the citizens of Vandalia.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. Sections 1271.01, 05, 08, 09 of Chapter 1271, WP Well Field Protection Overlay District, are hereby amended in accordance with "Exhibit A" attached hereto and made a part of this ordinance.

Section 2. Sections 1281.08, 09 and 10 of Chapter 1281, Public Water Supply and Well Field Overlay, are hereby amended in accordance with "Exhibit B" attached hereto and made a part of this ordinance.

Section 3. The Codified Ordinances of the City of Vandalia are hereby amended to reflect the aforementioned amendments.

Section 4. The existing aforementioned chapters being in conflict with the provisions of this ordinance, the same are hereby repealed.

Section 5. This ordinance shall take full force and effect from and after the earliest period allowed by law.

Passed this day 6th day of September, 2011.

APPROVED:

William M. Loy, Mayor

ATTEST:

Robert L. Anderson

Clerk of Council

EXHIBIT A

CHAPTER 1271 WP Well Field Protection Overlay District

1271.01 PURPOSE.

The WP Well Field Protection Overlay District is designed to safeguard the public health, safety and welfare of the customers of protected public water supplies by regulating the land use and the storage, handling, use and/or production of regulated substances within the well field protection area. A well field protection area is the surface and subsurface area surrounding a water well or well field, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field. The area extent of the zone is described as the land area within the City of Vandalia, adjacent to existing and proposed public wells which ~~lies within the one-year capture area, including a 1,000-foot strip of land outside of the direct recharge area in locations where the direct recharge area within the one-year capture area impinges on the aquifer boundary~~ **lie within the Well Field Protection Area.** The intent of this designation is to protect the community's potable water supply against contamination.

EDITOR'S NOTE: Additional Well Field protection standards and requirements are detailed in Chapter 1281.

1271.05 PROHIBITED USES.

Sanitary **waste facilities, sanitary waste processing facilities, hazardous waste facilities, hazardous waste processing facilities,** landfills, landfills composed of demolition debris, **drywells and underground storage tanks** are prohibited uses in the WP Well Field Protection Overlay District.

As used in this chapter, "sanitary waste" and "drywell" shall have the same meaning as defined in the Ohio Administrative Code (OAC), Chapter 3745-34 as amended; "hazardous waste" and "facility" shall have the same meaning as defined in the OAC, Chapter 3745-51 as amended; and "sanitary landfill" shall have the same meaning as defined in the OAC, Chapter 3745-27 as amended.

1271.08 GROUND WATER PROTECTION STANDARDS.

(a) Use, storage, handling and/or production of regulated substances in conjunction with permitted and conditional uses in this District shall be limited, such that the aggregate of regulated substances in use, storage, handling and/or production may not exceed twenty (20) gallons or 160 pounds at any time.

(b) A limited exclusion from the provisions of subsection (a) hereof is authorized for non-routine maintenance or repair of property or equipment. The use, storage, handling and/or production of regulated substances under this exclusion shall be limited such that the aggregate of regulated substances in use, storage, handling and/or production may not exceed fifty gallons or 400 pounds at any time.

(c) A limited exclusion from the provisions of subsection (a) hereof is authorized for medical and research laboratory uses, provided, however, that regulated substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance, and provided, further, that the aggregate inventory of regulated substances shall not exceed 250 gallons or 2,000 pounds.

(d) A limited exclusion from the provisions of subsection (a) hereof is authorized for regulated substances which are cleaning agents, provided, however, that 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, further, that the aggregate inventory of such cleaning agents shall not exceed ~~100 gallons or 800 pounds~~ **200 gallons or 1,600 pounds** at any time. In no case shall regulated substances claimed under this exclusion include ~~hydrocarbon or~~ halogenated hydrocarbon solvents.

(e) With the exception of residential use of heating fuels in tanks having a capacity equal to or less than 500 gallons, the underground storage of fuel and lubricants for vehicle operations and fuel for building and/or process heating in conjunction with permitted and conditional uses in this District shall be in secondarily contained and monitored tanks. Such installations shall be subject to approval by the Administrative Officer.

(f) Notwithstanding other provisions of this chapter, nonconforming uses in this District presently utilizing underground storage tanks *on (date adopted)* for fuel and lubricants for vehicle operations and fuel for building and/or process heating shall be permitted to replace existing tanks with those constructed as per the specifications of subsection (e) hereof and not exceeding the capacity of existing tanks. Replacement of underground tanks for regulated substances other than the above noted fuels and lubricants are not permitted.

(g) The Zoning Administrator shall determine the intensity of each use within this District utilizing the Total Maximum Daily Inventory and the Facility Hazard Potential Rating. The two values shall be derived from the Regulated Substance Activity Inventory Report(s) submitted by an existing or proposed new business in accordance with Section **1271.08**, and data collected through inspections. ~~The Hazard Potential Ranking System, Section 1271.09, shall be used to assist in the determination of the Facility Hazard Potential Rating.~~

(h) No existing use shall handle an amount of regulated substances in excess of its Total Maximum Daily Inventory, or a type and quantity of regulated substances of such hazard that the Facility Hazard Potential Rating assigned to the facility is exceeded.

~~(h)~~ (i) A limited exclusion from the provisions of subsection (a) hereof is authorized for on-site storage of a maximum one-year supply of regulated substances which are agricultural chemicals to be used for routine on-site agricultural operations, provided such substances are stored in standard approved packaging and such substances are applied to cropland under Best Management Practices as indicated by soil tests, the OSU Cooperative Extension Service, the Soil and Water Conservation District and label directions approved by the United States Environmental Protection Agency and the Ohio Department of Agriculture. This limited exclusion also applies to the application of agricultural chemicals to cropland where such chemicals are brought in from locations outside of the Well Field Protection Overlay District. This **provision** does not exclude such agricultural chemicals either stored on-site or brought in from other locations from the inventory reporting and underground storage tank protection requirements of the Well Field Protection Overlay District.

1271.09 HAZARD POTENTIAL RANKING SYSTEM FOR NONCONFORMING USES.

Uses using, storing, handling and/or producing regulated substances in amounts equal to or less than the requirements set forth in Section **1271.08** are considered conforming uses and

this section does not apply. Any new use or change of use shall maintain the conforming status of the property.

In order to assess the risk for groundwater contamination potential for nonconforming uses, a hazard ranking has been developed for various activities categorized by their standard industrial classification (SIC) code. This ranking is based on the kind of materials commonly associated with each use looking only at the most critical hydrologic factors.

—Table 1 following the text of this section lists the site hazard potential by land use activity on a scale of one to nine, with one being a low hazard and nine a very high hazard. This rating is based on the intrinsic hazards posed by different land uses and is related to the materials commonly used or stored on the site or the types and amounts of wastes commonly discharged.

Table 2 lists the hazard potential determined on the basis of materials known to be used, stored or disposed of at a specific site. **The hazard potential is ranked on a scale of one to nine, with one being a low hazard and nine a very high hazard.**

—If the two tables referenced above indicate different site hazard potential ratings for the SIC coded land use activity and the materials found on site, the higher of the two scores is the rating for the site.

(Ord. 90-07. Passed 5-21-90; Ord. 04-18. Passed 9-20-04; Ord. 04-22. Passed 11-1-04.)

TABLE 1 CONTAMINANT HAZARD POTENTIAL RANKING CLASSIFIED BY SOURCE		
SIC NUMBER	DESCRIPTION OF WASTE SOURCE	HAZARD POTENTIAL INITIAL RATING
01	AGRICULTURAL PRODUCTION—CROPS	1–2
02	AGRICULTURAL PRODUCTION—LIVESTOCK	-
-	021—Livestock, except Dairy, Poultry and Animal Specialties	(5 for Feedlots)
-	024—Dairy Farms	4
-	025—Poultry and Eggs	4
-	027—Animal Specialties	2–4
-	029—General Farms, Primarily Livestock	2
10	METAL MINING	-
-	101—Iron Ores	4
-	102—Copper Ores	6
-	103—Lead and Zinc Ores	5
-	104—Gold and Silver Ores	6
-	105—Bauxite and Other Aluminum Ores	5
-	106—Ferroalloy Ores Except Vanadium	5
-	108—Metal Mining Services	4
-	1092—Mercury Ore	6
-	1094—Uranium Radium Vanadium Ores	7
-	1099—Metal Ores Not Elsewhere Classified	5

11	ANTHRACITE MINING	7
12	BITUMINOUS COAL AND LIGNITE MINING	7
13	OIL AND GAS EXTRACTION	-
-	131 — Crude Petroleum and Natural Gas	7
-	132 — Natural Gas Liquids	7
-	1381 — Drilling Oil and Gas Wells	6
-	1382 — Oil and Gas Field Exploration Services	4
-	1389 — Oil and Gas Field Services Not Elsewhere Classified	Variable, Depending On Activity
14	MINING AND QUARRYING OF NON-METALLIC MINERALS, EXCEPT FUELS	-
-	141 — Dimension Stone	2
-	142 — Crushed and Broken Stone, Including Riprap	2
-	144 — Sand and Gravel	2
-	145 — Clay, Ceramic, and Refractory Minerals	2—5
-	147 — Chemical and Fertilizer Mineral Mining	4—7
-	148 — Nonmetallic Minerals Services	1—7
-	149 — Miscellaneous Nonmetallic Minerals, Except Fuels	2—5
16	CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION	-
-	1629 — Heavy Construction, Not Elsewhere Classified (Dredging, Especially in Salt Water)	4
20	FOOD AND KINDRED PRODUCTS	-
-	201 — Meat Products	3
-	202 — Dairy Products	2
-	203 — Canned and Preserved Fruits and Vegetables	4
-	204 — Grain Mill Products	2
-	205 — Bakery Products	2
-	206 — Sugar and Confectionery Products	2
-	207 — Fats and Oils	3
-	208 — Beverages	2—5
-	209 — Misc. Food Preparation and Kindred Products	2
22	TEXTILE MILL PRODUCTS, ALL EXCEPT LISTINGS BELOW	-
-	223 — Broad Woven Fabric Mills, Wool (including dyeing and finishing)	6
-	226 — Dyeing and Finishing Textiles, Except Wool Fabrics and Knit Goods	6
-	2295 — Coated Fabrics Not Rubberized	6
24	LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE	-
-	241 — Logging Camps and Logging Contractors	2
-	242 — Sawmills and Planing Mills	2
-	2435 — Hardwood Veneer and Plywood	4
-	2436 — Softwood Veneer and Plywood	4
-	2439 — Structural Wood Members, Not Elsewhere Classified (Laminated wood, etc.)	3

-	2491 — Wood Preserving	5
-	2492 — Particle Board	4
-	2499 — Wood Products, Not Elsewhere Classified	2—5
26	PAPER AND ALLIED PRODUCTS	-
-	261 — Pulp Mills	6
-	262 — Paper Mills Except Building Paper Mills	6
-	263 — Paperboard Mills	6
28	CHEMICALS AND ALLIED PRODUCTS	-
-	2812 — Alkalies and Chlorine	7—9
-	2813 — Industrial Gases	-
-	2816 — Inorganic Pigments	3—8
-	2819 — Industrial Inorganic Chemicals Not Elsewhere Classified	3—9
-	2821 — Plastic Materials, Synthetic Resins, and Nonvulcanizable Elastomers	6—8
-	2822 — Synthetic Rubber (Vulcanizable Elastomers)	6—8
-	2823 — Cellulose Man-Made Fibers	6—8
-	2824 — Synthetic Organic Fibers, Except Cellulosic	6—8
-	2831 — Biological Products	6—9
-	2833 — Medicinal Chemicals and Botanical Products	3—8
-	2834 — Pharmaceutical Preparations	6—9
-	2841 — Soap and Other Detergents, Except Specialty Cleaners	4—6
-	2842 — Specialty Cleaning, Polishing, and Sanitation Preparation	3—8
-	2843 — Surface Active Agents, Finishing Agents, Sulfonated Oils and Emulsifiers	6—8
-	2844 — Perfumes, Cosmetics, and Other Toilet Preparations	3—6
-	2851 — Paints, Varnishes, Lacquers, Enamels, and Allied Products	5—8
-	2861 — Gum and Wood Chemicals	5—8
-	2865 — Cyclic (coal tar) Crudes, and Cyclic Intermediates, Dyes and Organic Pigments (Lakes and Toners)	6—9
-	2869 — Industrial Organic Chemicals Not Elsewhere Listed	3—9
-	2873 — Nitrogenous Fertilizers	7—8
-	2874 — Phosphatic Fertilizer	7—8
-	2875 — Fertilizer Mixing Only	5
-	2879 — Pesticides and Agricultural Chemicals, Not Elsewhere Listed	5—9
-	2891 — Adhesives and Sealants	5—8
-	2892 — Explosives	6—9
-	2893 — Printing Ink	2—5
-	2895 — Carbon Black	1—3
-	2899 — Chemicals and Chemical Preparations, Not Elsewhere Listed	3—9
29	PETROLEUM REFINING AND RELATED INDUSTRIES	-
-	291 — Petroleum Refining	8

-	295 — Paving and Roofing Materials	7
-	299 — Misc. Petroleum and Coal Products	7
30	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS	-
-	301 — Tires and Inner Tubes	6
-	302 — Rubber and Plastic Footwear	6
-	303 — Reclaimed Rubber	6
-	304 — Rubber and Plastic Hose and Belting	4
-	306 — Fabricated Rubber Products, Not Elsewhere Classified	4
31	LEATHER AND LEATHER PRODUCTS	-
-	311 — Leather Tanning and Finishing	8
-	(Remaining Three Digit Codes)	1—3
32	STONE, CLAY, GLASS, AND CONCRETE PRODUCTS	-
-	321 — Flat Glass	4
-	322 — Glass and Glassware, Pressed or Blown	4
-	324 — Cement, Hydraulic	3
-	3274 — Lime	3
-	3291 — Abrasive Products	3
-	3292 — Asbestos	3
-	3293 — Gaskets, Packing, and Sealing Devices	3
33	PRIMARY METAL INDUSTRIES (Except as Noted Below)	3
-	3312 — Blast Furnaces, Steel Works and, Rolling and Finishing Mills	6
-	333 — Primary Smelting and Refining of Nonferrous Metals	7
34	FABRICATED METAL PRODUCTS, EXCEPT MACHINERY AND TRANSPORTATION EQUIPMENT	5
-	347 — Coating, Engraving, and Allied Services	8
-	3482 — Small Arms Ammunition	7
-	3483 — Ammunition, Except for Small Arms, Not Elsewhere Classified	7
-	3489 — Ordnance and Accessories, Not Elsewhere Classified	7
-	349 — Misc. Fabricated Metal Products	3—6
35	MACHINERY, EXCEPT ELECTRICAL	5—7
36	ELECTRICAL AND ELECTRONIC MACHINERY, EQUIPMENT AND SUPPLIES (Except as Noted Below)	-
-	3691 — Storage Batteries	8
-	3692 — Primary Batteries, Dry and Wet	8
37	TRANSPORTATION EQUIPMENT	5—8
38	MEASURING, ANALYZING, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC, MEDICAL, AND OPTICAL GOODS; WATCHES AND CLOCKS (Except as Noted Below)	4—6
-	386 — Photographic Equipment and Supplies	7
39	MISCELLANEOUS MANUFACTURING INDUSTRIES	3—7

49	ELECTRIC, GAS, AND SANITARY SERVICES	-
-	491 — Electric Service	3—5
-	492 — Gas Production and Distribution	3
-	494 — Water Supply	2
-	4952 — Sewage Systems	2—5
-	4953 — Refuse Systems (Landfills)	5—9
-	496 — Steam Supply	2—4
-	-	-

TABLE 2

DESCRIPTION SOLIDS	HAZARD POTENTIAL INITIAL READING	ID *NUMBER
Ferrous Metals	1-4	1100
Non-Ferrous Metals	1-7	1200
Resins, Plastics, and Rubbers	2	1300
Wood and Paper Materials (except as noted below)	2	1400
Bark	4	1401
Textiles and Related Fibers	2	1500
Inert Materials (except as noted below)	2	1600
Sulfide Mineral-Bearing Mine Tailings	6	1601
Slag and Other Combustion Residues	5	1602
Rubble, Construction, and Demolition Mixed Waste	3	1603
Animal Processing Wastes (except as noted below)	2-4	1700
Processed Skins, Hides, and Leathers	6	1701
Dairy Wastes	4	1702
Live Animal Wastes-Raw Manures (Feedlots)	5	1703
Composts of Animal Waste	2-4	1704
Dead Animals	5	1705
Edible Fruit and Vegetable Remains	2-3	1800
Putrescibles		
LIQUIDS		
Organic Chemicals (must be chemically classified)		2000
Aliphatic (Fatty) Acids	3-5	2001
Aromatic (Benzene) Acids	7-8	2002
Resin Acids		2003
Alcohols	5-7	2004
Aliphatic Hydrocarbons (petroleum derivatives)	4-6	2005
Aromatic Hydrocarbons (benzene derivatives)	6-8	2006
Sulfonated Hydrocarbons	7-8	2007

Halogenated Hydrocarbons	7-9	2008
Alkaloids	7-9	2009
Aliphatic Amines and Their Salts	1-4	2010
Anilines	6-8	2011
Pyridines	2-6	2012
Phenols	7-9	2013
Aldehydes	6-8	2014
Ketones	6-8	2015
Organic Sulfur Compounds		
(Sulfides, Mercaptans)	7-9	2016
Organometallic Compounds	7-9	2017
Cyanides	7-9	2018
Thiocyanides	2-6	2019
Sterols		2020
Sugars and Cellulose	1-4	2021
Esters	6-8	2022
Inorganic Chemicals (must be chemically classified)		2100
Mineral and Metal Acids	5-8	2101
Mineral and Metal Bases	5-8	2102
Metal Salts, Including Heavy	6-9	2103
Oxides	5-8	2104
Sulfides	5-8	2105
Carbon or Graphite	1-3	2106
Other Chemical Process Wastes not Previously Listed (must be chemically classified)		2200
Inks	2-5	2201
Dyes	3-8	2202
Paints	5-8	2203
Adhesives	5-8	2204
Pharmaceutical Wastes	6-9	2205
Petrochemical Wastes	7-9	2206
Metal Treatment Wastes	7-9	2207
Solvents	6-9	2208
Agricultural Chemicals (Pesticides Herbicides, Fungicides, etc.)	7-9	2209
Waxes and Tars	4-7	2210
Fermentation and Culture Wastes	2-5	2211
Oils, Including Gasoline, Fuel	5-8	2212
Soaps and Detergents	4-6	2213

Other Organic or Inorganic Chemicals, includes Radioactive Wastes	4-8	2300
Conventional Treatment Process Municipal Sludges		
From Biological Sewage Treatment	4-8	2301
From Water Treatment and Conditioning Plants (must be chemically	2-5	2302
*ID Number is for identification of waste types in the Reporting Form. 1. Classification based on material in Environmental Protection Agency Publication, 670-2-75-024, pp.79-85, prepared by Arthur D. Little, Inc., and published in 1975. 2. For individual material ranking, refer to solubility-toxicity tables prepared by Versar, Inc., for the Environmental Protection Agency (source: MDNR, June 1980). Source: WMSRDC. A Pollutant Nature Sampling Plan for Groundwater Contamination in Region 14 (Muskegon, Mich.: West Michigan Shoreline Regional Development Commission, November 1980).		

EXHIBIT B

CHAPTER 1281 Public Water Supply and Well Field Protection

1281.08 REGULATED SUBSTANCE ACTIVITY INVENTORY.

(a) Applicability.

(1) Except as provided in subsection (b) hereof, any owner or occupant of any land in the WP Well Field Protection Overlay District, at the effective date of this section, (Ordinance 90-08, passed May 21, 1990), shall file a Regulated Substance Activity Inventory Report with the Administrative Officer. Said Report shall be filed ~~within 180 days of the effective date of this section and at twenty-four month intervals thereafter~~ **by July 1 of every even-numbered calendar year.**

(2) Except as provided in subsection (b) hereof, any new owner or occupant of any land in the WP Well Field Protection Overlay District shall file a Regulated Substance Activity Inventory Report prior to receipt of a certificate of occupancy and ~~at twenty-four month intervals following the date of occupancy~~ **henceforth as required in subsection (a)(1) hereof.** For purposes of this section, "new" shall be defined as subsequent to the effective date of this section.

(3) Where a person owns, operates or occupies more than one location, Regulated Substance Activity Inventory Reports shall be made for each location.

(4) The owner or operator of an agricultural use shall file a Regulated Substance Activity Report by February 1 of every year. The Report shall list the total amount of each regulated substance which is projected for use on-site in the following twelve months.

(b) Exclusions to Activity Inventory Reporting.

(1) Any exclusion set forth in this subsection shall apply, provided that said exclusion does not substantially increase any risk or hazard to the public health or water supply, wells or well fields, and provided, further, that any spill, leak, discharge or mishandling shall be subject to Section ~~1043.09~~ **1281.09**. Any exclusion granted herein shall not remove or limit the liability and responsibility of any person or activity involved.

(2) A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for incidental uses of regulated substances, provided the uses are limited such that the aggregate of regulated substances in use may not exceed twenty gallons or 160 pounds at any time.

(3) A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for non-routine maintenance or repair of property in the WP Well Field Protection Overlay District, provided the uses are limited such that the aggregate of regulated substances in use may not exceed fifty gallons or 400 pounds at any time.

(4) A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for regulated substances which are cleaning agents, provided, however, that 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, further, that the aggregate inventory of such cleaning agents shall not exceed ~~100~~ 200 gallons or ~~800~~ 1600 pounds at any time. In no case shall regulated substances claimed under the exclusion include chlorinated solvents and non-chlorinated solvents which are capable of being derived from petroleum or coal tar.

(5) A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for medical and research laboratory uses in the WP Well Field Protection Overlay District, provided, however, that regulated substances shall be stored, handled or used in containers not to exceed five gallons or forty pounds of each substance, and provided, further, that the aggregate inventory of regulated substances shall not exceed 250 gallons or 2,000 pounds.

(6) An exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for the transportation of regulated substances through the WP Well Field Protection Overlay District, provided that the transporting vehicle is in compliance with applicable City ordinances and Federal and Ohio laws and regulations and provided, further, that ~~the regulated substance is fueling~~ the transporting vehicle ~~or the transportation vehicle is~~ in continuous transit, making delivery, or is stopped for a period of time not to exceed seventy-two hours.

(7) A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for regulated substances that are contained within tanks that are designed as an integral part of the motor vehicle ~~or watercraft~~, and used specifically and solely for the operation of the motor vehicle ~~or watercraft~~. Except as provided for in paragraph (b)(6) hereof, in no case shall the tanker portion of a tractor-trailer truck be included in this exclusion.

(8) A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for owners and occupants of single or two-family residences, provided, however, that the storage and use of regulated substances are related to the maintenance ~~or heating~~ of the residence, or ~~maintenance of vehicles under control of the occupant, at the residence,~~ and provided, further, that waste regulated substances are ~~appropriately handled and disposed of properly. to a permitted solid waste facility or a permitted publicly owned wastewater treatment works.~~

(9) A limited exclusion from Regulated Substance Activity Inventory reporting is hereby authorized for office supplies that are used solely for the operation of on-site administrative offices, provided such supplies are prepackaged in a form ready for use by the general public. The manufacture, extraction, repackaging, or warehousing of these products shall not be excluded from reporting.

(10) A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for regulated substances associated with paving, the pouring of concrete, or construction for which all necessary permits have been obtained, provided such regulated substances are present at the construction site and do not pose a real and present danger of contaminating surface and/or ground water. Regulated substances not used in the construction process shall be removed from the construction site upon completion of the construction activity.

(11) A limited exclusion from Regulated Substance Activity Inventory Reporting is

hereby authorized for materials prepackaged for personal or household use as food or drink for man or other animals, **except that regulated substances used in the manufacture and extraction of such are not excluded from reporting.**

(12) A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for regulated substances which are contained in equipment for on- site refrigeration and air cooling, **or contained in household appliances.**

(13) A limited exclusion from Regulated Substance Activity Inventory Reporting is hereby authorized for cosmetics as defined by **Section 201 [21 U.S.C. 321] of Title 29 of the United States Code**, provided these products are prepackaged for personal or household use by the general public. The manufacture, extraction, warehousing, or repackaging of these products shall not be excluded from reporting.

(14) A limited exclusion from Regulated Substance Activity Reporting is authorized for regulated substances for melting ice from walking and driving areas of a property or use in water softeners, provided such regulated substances are salts and are stored inside a building that has an impervious floor.

(15) A limited exclusion from Regulated Substance Activity Reporting is authorized for regulated substances for swimming pool water quality maintenance, provided that the total of regulated substances does not exceed 110 gallons or 880 pounds at any time.

(16) A limited exclusion from Regulated Substance Activity Reporting is authorized for regulated substances for regulated substances for the operation of elevators, escalators, moving walkways, and similar devices that are an integral part of the building or structure.

(17) A limited exclusion from Regulated Substance Activity Reporting is authorized for regulated substances for the solid form of plastic resins, solid inks, dry wall mud, caulking, joint and topping compounds, and similar solids and semi-solids that have been determined by the administrator to pose a mineral threat to the ground water, provided the substances are stored inside a building that has an impervious floor. Plastic resins containing chlorine are not excluded from reporting.

(18) A limited exclusion from Regulated Substance Activity Reporting is authorized for regulated substances for gasses, with the exception of ammonia, halogens, and halogenated compounds, gasses for retail are not excluded from reporting. Regulated substances used in the manufacturing and extraction of gasses and repackaged or warehoused gasses are not excluded from reporting.

(19) A limited exclusion from Regulated Substance Activity Reporting is authorized for regulated substances for food grade citric acid.

(20) A limited exclusion from Regulated Substance Activity Reporting is authorized for regulated substances for batteries in use in equipment and the storage of new replacement batteries provided the batteries are stored inside a building that has an impervious floor. Batteries for retail, to be disposed, or to be recycled are not excluded from reporting. Regulated substances used in the manufacturing of batteries and repackaged or warehoused batteries are not excluded from reporting.

(Ord. 90-08. Passed 5-21-90; Ord. 04-18. Passed 9-20-04; Ord. 04-22. Passed 11-1-04.)

 **1281.09 NOTIFICATION OF SPILLS, LEAKS OR DISCHARGES;**

LIABILITY FOR DAMAGES.

Any person with direct knowledge of a spill, leak or discharge of a regulated substance within the WP Well Field Protection Overlay District shall, if such spill, leak or discharge escapes containment, contacts a non-impervious ground surface and is not immediately and completely remedied, give notice to the City Service Director, and the operator on duty at the affected water treatment facility by telephone within thirty minutes. **When it is impractical for a person to give notice of a spill within the first 30 minutes, notice shall be given as soon as it becomes practicable to do so.** The notification shall include, at a minimum, the location of the incident, the name and telephone number of the person, the date and time of the spill, leak or discharge, the type of substance(s), the concentration and volume, of the same, and control or corrective action taken. Such notification shall in no way alleviate other local, State and Federal reporting obligations as required by law.

Any entity or person who spills, leaks or discharges said substances(s) shall be liable for any reasonable expense, loss or damages incurred by the City of Vandalia in response to such an incident, in addition to the amount of any fines imposed on account thereof under Ohio and Federal law. Said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of recurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than 180 days after the incident.

The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. used in routine agricultural operations, including plant nutrients and crop protection materials, applied under Best Management Practices as indicated by soil tests, the OSU Cooperative Extension Service, the Soil and Water Conservation District, and label directions approved by the United States Environmental Protection Agency or the Ohio Department of Agriculture shall not be considered a spill, leak, or discharge subject to the reporting provisions of this section.

(Ord. 90-08. Passed 5-21-90; Ord. 04-18. Passed 9-20-04; Ord. 04-22. Passed 11-1-04.)

1281.10 UNDERGROUND STORAGE TANKS.

(a) Defined. An underground storage tank is any one or a combination of tanks including underground pipes connected thereto that are used to contain an accumulation of regulated substances and the volume of which, including the volume of underground pipes connected thereto, is ten percent or more beneath the surface of the ground. The term "underground storage tank" does not include any of the following:

- (1) Pipeline facilities, including gathering lines, regulated under the Natural Gas Pipeline Safety Act of 1968, 82 Stat 720, 49 U.S.C.A. 2001, as amended;
- (2) Surface impoundments, pits, ponds, or lagoons;
- (3) Storm or waste water collection systems;
- (4) Flow-through process tanks;
- (5) Storage tanks located in underground areas when the tanks are located on or above the surface of the floor and the integrity of the tank is periodically visually elevated;

(6) Septic tanks;

(7) Tanks used for storing heating fuel for consumptive use on the premises where stored provided the premises are single or two-family residences.

(b) Well Field Protection Overlay District. Owners and operators of underground storage tank systems as defined in section (a) hereof, which are located within the Well Field Protection Overlay District shall comply with the requirements of OAC 1301:7-9-10, as amended, irrespective of whether they are located within a sensitive area as defined in Ohio Administrative Code Section 1301:7-9-09, as amended. Owners and operators of any underground storage tank system in the Well Field Protection Overlay District, when required to file a Closure Assessment Report by OAC Section 1301.7.0 shall file one copy of the Closure Assessment Report with the Administrative Officer. Owners and operators of new underground storage tank systems for which installation is commenced after the effective date of this section shall comply with the requirements of OAC 1301:7-9-10 at the time of installation. Owners and operators of underground storage tank systems within the Well Field Protection Overlay District shall comply with the requirements of this subsection irrespective of whether they are located within a sensitive area as defined in OAC 1301:7-9-09. Owners and operators of any underground storage tank system in the Well Field Protection Overlay District which is out of service for twelve consecutive months after the effective date of this section shall permanently abandon or remove the underground storage tank in accordance with the requirements of OAC 1301:7-9-12(B), (C), and (E) through (M), inclusive, and they shall file one copy of the closure report required in subsection(L) with the Zoning Administrator.