

**Town of Surry, NH**  
**Groundwater Protection District Ordinance**

**Effective Mar. 13, 2007**

**Price \$5.00**

# SURRY NH GROUNDWATER PROTECTION DISTRICT

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## GROUNDWATER PROTECTION DISTRICT Surry, NH

### 1. AUTHORITY

The Town of Surry hereby adopts this ordinance pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II relative to innovative land use controls further described in RSA 674:21.

### 2. PURPOSE

The purpose of this ordinance is, in the interest of public health, safety, and the general welfare, to preserve, maintain, and protect from contamination existing and potential drinking water supply areas.

The purpose is to be accomplished by regulating land uses, which could contribute pollutants to designated wells and/or aquifers identified as being needed for present and/or future public water supply.

### 3. DEFINITIONS

- a) Aquifer: a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.
- b) Groundwater: subsurface water that occurs beneath the water table in soils and geologic formations.
- c) Hazardous waste: a solid, semi-solid, liquid or contained gaseous waste or any combination of these wastes:
  1. Which, because of either quantity, concentration, or physical chemical, or infections characteristics may:
    - i. Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or
    - ii. Pose a present or potential threat to human health when improperly treated stored, transported, disposed of or otherwise mismanaged;
  2. Or which has been identified as a hazardous waste by the department using criteria established under RSA 147-A:3, I or as listed under RSA 147-A:3, II. Such wastes include but are not limited to, those which are reactive, toxic, corrosive, ignitable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means. Such wastes do not include radioactive substances that are regulated by the Atomic Energy Act of 1954, as amended.
- d) Impervious: not readily permitting the infiltration of water.

## SURRY NH GROUNDWATER PROTECTION DISTRICT

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- e) Impervious surface: a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Asphalt; earthen, wooden, or gravel surfaces; or other surfaces, which could react or dissolve when in contact with the substances stored on them are not considered impervious surfaces.
- f) Junkyard: an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automotive recycling yard, and includes garbage dumps and sanitary landfills. The word does not include any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126.
- g) Mining: the removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.
- h) Outdoor storage: storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.
- i) Public water system: a system for the provision to the public of piped water for human consumption, if such a system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
- j) Regulated substance: petroleum, petroleum products, and substances listed under 40 CFR 302, 7-1-90 edition, excluding the following substances: (1) ammonia, (2) sodium hyperchlorite, (3) sodium hydroxide, (4) acetic acid, (5) sulfuric acid, (6) potassium hydroxide, (7) potassium permanganate, and (8) propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure.
- k) Secondary containment: a structure such as a berm or dike with an impervious surface which is adequate to hold at least 110% of the volume of the largest regulated-substance container that will be stored there.
- l) Snow dump: For the purpose of this ordinance, a location where snow, which is cleared from roadways and/or motor vehicle parking areas, is placed for disposal.
- m) Stratified-drift aquifer: a geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.

# SURRY NH GROUNDWATER PROTECTION DISTRICT

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- n) Wellhead protection area: the surface and subsurface area surrounding a water well or wellfield supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

## 4. GROUNDWATER PROTECTION DISTRICT BOUNDARIES

The Groundwater Protection District is an overlay district which is superimposed over the existing underlying zoning and includes within its boundaries identified Wellhead Protection Areas and Stratified Drift Aquifer(s) shown on the map entitled, Town of Surry Groundwater Protection District, dated August 2006.

## 5. APPLICABILITY

The provisions of this section apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses within the Groundwater Protection District. All uses designated as permitted or permitted by special exception in the underlying district are allowed provided the standards of this Ordinance can be met.

## 6. PERMITTED USES

- a) All uses permitted by right or allowed by special exception in the underlying district are permitted in the Groundwater Protection District unless they are Prohibited Uses or Conditional Uses.
- b) Maintenance and repair of any existing structure.
- c) Farming, gardening, nursery, forestry, harvesting, grazing, and recreational uses provided that fertilizers, pesticides and other management practices are used according to best management practices as prescribed by the Cheshire County Conservation District.

## 7. PROHIBITED USES

The following uses are prohibited in the Groundwater Protection District:

- a) Disposal of all solid wastes either by stockpiling, landfilling, or through injection wells that disposes waste into the ground;
- b) Disposal of liquid or leachable non-human wastes.
- c) Storage of regulated substances, except for the following:
  - 1. Normal household use, outdoor maintenance, and heating of a structure;
  - 2. Waste oil retention facilities required by statute, rule, or regulation;
  - 3. Emergency generators required by statute, rule, or regulation;

## SURRY NH GROUNDWATER PROTECTION DISTRICT

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4. Treatment works approved by NH DES for treatment of ground or surface waters;

Provided that such storage, listed in items 7.c.1 - 4 above, is in free-standing containers within buildings or above ground with secondary containment adequate to contain a spill 110 % the size of the container's total storage capacity;

- d) Subsurface storage of regulated substances, including gasoline, diesel fuel, oil, and other refined petroleum products, and the subsurface transmission of regulated substances, including gasoline, diesel fuel, oil and other refined petroleum products through pipelines;
- e) Outdoor storage of road salt or other deicing chemicals in bulk;
- f) Operation of a junkyard;
- g) Operation of a snowdump;
- h) The siting or operation of a wastewater or septage lagoon;
- i) Facilities that generate, treat, store, or dispose of hazardous waste subject to Env-Wm 500-900 except for:
  1. Household hazardous waste centers and events regulated under Env-Wm 401.03 (b) (1); and
  2. Water remediation treatment works approved by NH DES for the treatment of contaminated ground or surface waters;
- j) Industrial uses which discharge contact type wastes on site;
- k) Laundry and dry cleaning establishments;
- l) Outside storage of animal manure, generated from commercial operations, unless covered or contained according to NH Department of Agriculture, Markets, and Food; Best Management Practices for Agriculture in New Hampshire;
- m) Storage of commercial fertilizers and soil conditioners, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate;
- n) Commercial animal feed-lots where animals are kept at excessive densities;
- o) Dumping, spreading, or any other application or use of treated soils or sludge from a sewage treatment plant.
- p) Removal of soil, loam, sand, gravel or any other earth material closer than six feet from the seasonal high water table; excavations for building foundations, roads, or utility works are exempted;

# SURRY NH GROUNDWATER PROTECTION DISTRICT

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## 8. EXISTING NONCONFORMING USES

Existing nonconforming uses may continue without expanding or changing to another nonconforming use, but must be in compliance with all applicable state and federal requirements, including Env-Ws 421, Best Management Practices Rules

## 9. RELATIONSHIP BETWEEN STATE & LOCAL REQUIREMENTS

Where both the State and the municipality have existing requirements the more stringent shall govern.

## 10. ADMINISTRATION & ENFORCEMENT

These regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Selectmen.

Any violation of the requirements of this ordinance shall be subject to the enforcement procedures and penalties detailed in RSA 676.

## 11. SAVING CLAUSE

If any provision of this ordinance is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the ordinance.

## 12. EFFECTIVE DATE

This ordinance shall be effective upon adoption by the municipal governing body.