

April 27, 2021

Michael Greenberg, Chair  
Michael Tamarkin, Vice Chair  
Bobbie Burba, Member  
John Hicks, Member  
Thomas Shapaka, Member  
Michael Suriano, Member  
Tom Wester, Member  
City of Gahanna Planning Commission  
200 South Hamilton Road  
Gahanna, Ohio 43230

**RE: Final Development Plan Consideration  
FDP-0004-2021  
PID 027-000008-00**

Chair Greenberg, Vice-Chair Tamarkin & Members of the Planning Commission,

The Jefferson Water & Sewer District (JWSD) is providing information regarding our Wellhead Protection Program relative to the proposed Taylor Commercial Park consisting of twelve (12) commercial buildings planned near the JWSD's Taylor Road Well Field. The proposed buildings are within the JWSD Wellhead Protection Area (WHPA) for the well field. It is understood that the buildings will vary in size and consist of one 131,250sf industrial building, two 31,050sf flex industrial buildings, and eight smaller various-sized storage buildings located on the adjacent property to the north of the Jefferson Water & Sewer District water treatment facility and Taylor Road wellfield.

The JWSD pumps groundwater from an extensive sand and gravel aquifer with a depth to water between 15 to 25 feet below the ground surface; and there is no continuous natural barrier above the aquifer (i.e., clay) to prevent the downward migration of contaminants. As such, the aquifer has a high susceptibility to contamination. The purpose of the JWSD Wellhead Protection Plan is to identify potential sources of contamination, to assess the potential risk of these sources, and to develop effective management strategies to prevent contamination of the aquifer. The JWSD has specific regulations designed to prevent the aquifer from becoming contaminated. These regulations are contained in Chapter X (Wellhead Protection) of the JWSD Code of Regulations. Attached to this letter are the Chapter X Wellhead Protection regulations containing maps of the WHPAs.

### **Wellhead Protection Requirements**

The regulations require that "it Shall be the responsibility of Persons owning real property and/or owning or operating a business within a District WHPA to comply with all District regulations and to make a determination of the applicability of this Chapter as it pertains to the property and/or business under their Ownership or operation and their failure to do so Shall not excuse any violations

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*"Jefferson Water & Sewer District is an equal opportunity provider."*

of said Chapter.” (Section 1008.02). In addition, the regulations also state “No political subdivision Shall approve, grant or issue zoning or conditional Use permit for any land Use within a Wellhead Protection Area until prior written approval of the District has been obtained.” (Section 1012.03).

The proposed buildings may not necessarily pose a major threat of contamination to groundwater but without specific details regarding the building use and business type, JWSD cannot accurately determine the potential risk factors associated with such a project. From a groundwater protection standpoint, the risk to groundwater can be the greatest during the construction phase of the development. The onsite use and or storage of regulated substances during construction poses a potential risk of contamination to the aquifer if proper protocols are not followed. The JWSD regulations require the owner/developer of the project to ensure that appropriate members of their staff or work force are made aware of the JWSD regulations. While it is the responsibility of the owner/developer to determine the applicability of the Wellhead Protection regulations and to determine how their actions may cause harm to the aquifer, several key requirements from the regulations that pertain to the construction phase are discussed below.

### **Regulated Substances**

Regulated Substances, as defined in the regulations, shall be used/stored in a manner that prevents spills or accidents that would allow for these substances to reach a surface water body or infiltrate into the ground. Types of regulated substances commonly used during construction projects are gasoline, solvents, paints/lacquers, etc. In accordance with the JWSD regulations, the owner/developer must provide secondary containment as necessary (i.e., fuel storage), spill prevention, and spill containment.

### **Spill Notification and Prevention**

Any person with direct knowledge of a spill, leak, or discharge of a Regulated Substance within a Wellhead Protection Area shall, if such spill, leak, or discharge escapes containment, contacts a non-impervious ground surface, and is not immediately and completely remediated, give notice to JWSD by telephone at (614) 864-0740 with an after-hours emergency extension of 207. The notification shall be made within three hours of the incident and shall include at a minimum, the location of the incident, contact name and telephone number, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, state, and federal reporting obligations, including local fire departments, as may be applicable or as otherwise required by law.

The owner/developer shall provide spill prevention control and other pollution abatement methods or facilities sufficient to adequately minimize or eliminate the accidental discharge of spills of any Regulated Substances. Such control and abatement methods and facilities shall be provided and maintained at the owner’s expense. In addition, signs shall be permanently posted by owners or operators in conspicuous places on the site in locations where Regulated Substances are, or may be used, advising employees whom to call in the event of a spill or accidental discharge. All persons who may cause or discover such an incident shall be trained in emergency procedures by the owner or

operator. In all cases, the fire department and JWSD shall be among those called immediately after a spill and in accordance with these regulations.

### **Salt Storage**

There can be no bulk storage of commercial salt on the property within the Taylor Road WHPA during construction or after the development is completed. For example, if a maintenance facility or storage building is to be constructed, salt cannot be stored within such a structure.

### **Summary**

The proposed project is located directly north of the Taylor Road Well Field and is within the WHPA. The nearest production well at the Taylor Road Well Field is located approximately 200 feet south of the of the proposed project area. As such, JWSD requests that all personnel working on-site during construction take into consideration that any spills that may occur have the potential to enter the aquifer and migrate toward the production wells via groundwater flow.

In accordance with Section 1012.03 of the JWSD Code of Regulations, JWSD has no objection to the proposed development as long as the final facility use complies with all JWSD regulations, and that final approval of such development shall include the following condition of approval:

1. "The proposed development shall comply with the Jefferson Water and Sewer District's Drinking Water Source Protection Plan and Code of Regulations for Wellhead Protection (Chapter X)."

JWSD also requests that before construction begins, the owner/developer submit a spill prevention/containment plan for review and also submit a list of any Regulated Substances to be used or stored on site during construction including amounts/volumes and purpose of use. JWSD is available to discuss any questions that may arise regarding the Taylor Road Well Field, the JWSD Wellhead Protection regulations or any other aspects of the project.

Please contact me at 614-864-0740, ext. 203 if you have any questions or need additional information.

Sincerely,



Albert J. Iosue, PE  
Director

pc : Mr. Robert LeVeck via email at [rleveck@leveckconstruction.com](mailto:rleveck@leveckconstruction.com)  
Ms. Julie Faist via email at [julie.faist@gmail.com](mailto:julie.faist@gmail.com)

encl. Chapter X Wellhead Protection Regulations

JEFFERSON WATER AND SEWER DISTRICT  
WATER AND SEWER REGULATIONS

CHAPTER X  
WELLHEAD PROTECTION

1001	Purpose.	1011	Reporting Requirements
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1001 PURPOSE

To safeguard the public health, safety and welfare by establishing wellhead protection regulations to protect the public water supply of the District. This Shall be accomplished by implementing the regulations herein which apply to the Use of Regulated Substances in defined Wellhead Protection Areas:

1002 SCOPE.

The provisions of this chapter Shall be effective within the Wellhead Protection Areas as defined herein to the maximum extent allowed by Ohio Revised Code ("R.C.") Section 6119.08 and any other state or federal law. Nothing contained in this chapter Shall be construed so as to interfere with any existing or future lawful requirements that May be, or heretofore were, imposed by any other public body authorized to enact sanitary, health or water pollution abatement restrictions so long as such requirements are consistent with, or more stringent than, the stated purpose of this regulation.

1003 ADMINISTRATION.

Except as otherwise provided herein, the District Board or its designated agents Shall administer, implement, and enforce the provisions of this chapter.

1004 DEFINITIONS.

Unless the context specifically indicates otherwise, the following words and phrases when used in this Chapter Shall have the meaning defined below:

1004.01 "Above-Ground Tank" A device meeting the definition of "Tank" in this rule

but which is not an UST as defined in 904(30) of this Chapter.

- 1004.02 "Aquifer" A geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.
- 1004.03 "Board" The Board of Trustees of the Jefferson Water and Sewer District.
- 1004.04 "CERCLA" The Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendment and Reauthorization Act, 42. U.S.C. 9601 et seq.
- 1004.05 "Certification" A statement of professional opinion based upon knowledge and belief.
- 1004.06 "Facility" Any Premises located in a Wellhead Protection Area the Use of which could impact the Use of the underlying or adjacent Aquifer for public drinking water supply. This definition includes but is not limited to Buildings, Storage areas, mining or processing operations, septic Tanks, farming operations and related activities.
- 1004.07 "Operator" Any Person who is directly responsible for the overall operation of a Facility.
- 1004.08 "OSHA" The Occupational Safety and Health Act, 29 U.S.C. 651 et Seq.
- 1004.09 "Potential Contaminant Source Inventory" An inventory conducted by the District to identify any significant activity or land Use that has the potential to contaminate the ground water supplying the District.
- 1004.10 "Regulated Substance" Any substance that the Board or District has designated as regulated under the provisions of Section 1007 of this Chapter.
- 1004.11 "Resource Conservation and Recovery Act" or "RCRA" The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et seq.
- 1004.12 "SDWA" The Safe Drinking Water Act, as amended, 42 U.S.C., 300f et seq.
- 1004.13 "Spill" The spillage, leaking, pumping, pouring, emitting, or dumping of Regulated Substances or materials which, when spilled, become Regulated Substances into or on any land or water.
- 1004.14 "Storage" The holding of Regulated Substances for a temporary period, at the end of which the Regulated Substance is treated, disposed of, or stored elsewhere.
- 1004.15 "Tank" A stationary device, designed to contain an accumulation of

Regulated Substances which is constructed primarily of non-earthen material (e.g., wood, concrete, steel, plastic) which provide a structural support.

- 1004.16 "Tank System" A Regulated Substances Storage or treatment Tank and its associated ancillary equipment and containment System.
- 1004.17 "TSCA" The Toxic Substance Control Act, as amended, 15 U.S.C. 2601 et seq.
- 1004.18 "Underground Storage Tank" (hereafter, "UST") Anyone or combination of Tanks (including underground pipes connected thereto) which is used to contain an accumulation of Regulated Substances and the volume of which (including volume of underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground.
- 1004.19 "Use" The handling, placement, deposit, production, transportation, processing, transfer, treatment, Storage, disposal, maintenance or installation of Regulated Substances.
- 1004.20 "User" Any Person who Uses Regulated Substances.
- 1004.21 "Wellhead Protection Area" or "WHPA" The surface and subsurface area supplying water to wells or well fields through which potential contaminants are likely to move and reach wells or well fields. The maps displaying the Taylor Road WHPA and Wengert Road WHPA are contained in Appendix B.

#### 1005 WELLHEAD PROTECTION AREAS (WHPA).

Wellhead Protection Areas (WHPA) Shall be determined, Approved, instituted and administered in accordance with rules and regulations promulgated by the District. The extent of the Taylor Road WHPA and Wengert Road WHPA, and any subsequent WHPA Shall reflect the descriptions shown on the maps and maintained by the District and which maps May be amended from time to time (See Appendix B). Further, if a portion of a Facility is located within a Wellhead Protection Area, the entire Facility Shall be governed by this Chapter.

#### 1006 MAPS OF WELLHEAD PROTECTION AREAS; APPLICABILITY.

- 1006.01 The District Shall maintain hydrogeologic maps designating the Taylor Road WHPA and Wengert Road WHPA where groundwater supplies are vulnerable to Contamination and there is a level of risk that contaminants can be transported or otherwise find a way into the District's present and future public Potable water supply wells and Wellheads. These maps Shall clearly designate the location of the Taylor Road WHPA and Wengert Road WHPA.
- 1006.02 The District Shall approve the areas initially designated as Taylor Road WHPA and Wengert Road WHPA on the maps and any modification of

such designations thereafter. Designations of Taylor Road WHPA and Wengert Road WHPA or any other WHPA Shall not be valid without approval of the District Board.

#### 1007 REGULATED SUBSTANCES.

1007.01 Regulated Substances, as defined herein, are substances which are hereby deemed by the District to be Health Hazards.

1007.02 Regulated Substances include any of the following:

- A. Chemicals which are regulated by SDWA, TSCA, RCRA, OSHA, CERCLA, or other state and/or federal environmental laws and regulations, or for which there is scientific evidence that acute or chronic health effects May result from exposure including, carcinogens, Toxic and highly Toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxin, nephrotoxins, neurotoxins, agents which act on the hematopoietic System, obnoxious substances causing odor and taste problems, and agents which damage the lungs, skin, eyes, or mucous membranes.
- B. Mixtures of chemicals which have been tested as a whole and have been determined to be a Health Hazard.
- C. Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids in Use in equipment for the transmission of electric power to homes and businesses).
- D. Any other substance which poses a potential Health Hazard to the water supplies or to human health.
- E. Any Building permit applications within any of the District's Wellhead Protection Area must be reviewed by the District prior to approval.

#### 1008 PROHIBITIONS AND RESTRICTIONS WITHIN WELLHEAD PROTECTION AREAS.

1008.01 No Person Shall place, deposit, or permit to be deposited, store, process, Use, produce, dispose of, transport, or discharge any substance, or Regulated Substance, in any Wellhead Protection Area in violation of a law, statute, ordinance, rule or regulation.

1008.02 It Shall be the responsibility of Persons owning real property and/or owning or operating a business within a District WHPA to comply with all District regulations and to make a determination of the applicability of this Chapter as it pertains to the property and/or business under their Ownership or operation and their failure to do so Shall not excuse any violations of said Chapter.

- 1008.03     Containment: Any Owner or occupant of any property within a Wellhead Protection Area which uses Regulated Substances Shall provide for containment, secondary containment and Spill containment as required under state or federal law.
- 1008.04     Regulated Substances: Regulated Substances are permitted to be used and stored by Owners and businesses existing within Taylor Road WHPA and Wengert Road WHPA. However, it Shall be the responsibility of the Owner of any such property or business therein to ensure that such Regulated Substances are safely stored, handled and disposed of in accordance with local, state and federal law to ensure that they do not enter the District's Aquifer. The District May require proof of such safe Storage, handling and disposal operations and procedures. All Owners and business Owners and Operators Shall be responsive to such requirements in a timely fashion.
- 1008.05     Commercial Salt at Properties Existing on March 20, 2014: Commercial salt is permitted to be used and stored by Owners and businesses existing within Taylor Road WHPA and Wengert Road WHPA as of March 20, 2014. However, it Shall be the responsibility of the Owner of any such property or business therein to ensure that such salt is safely stored, handled and disposed of in accordance with local, state and federal law to ensure that they do not enter the District's Aquifer. Such Owners Shall provide the District with an annual inspection report which certifies that it is in compliance with all such laws.
- 1008.06     Commercial Salt at Properties Coming into Existence After March 20, 2014: businesses or other structures coming into existence within Taylor Road WHPA and Wengert Road WHPA after March 20, 2014 are prohibited from storing commercial salt within Taylor Road WHPA and Wengert Road WHPA. All political subdivisions with zoning authority within Taylor Road WHPA and Wengert Road WHPA Shall prohibit any Use of property therein for purposes which include the Use or Storage of Regulated Substance or commercial salt.

#### 1009 STORAGE TANKS.

- 1009.01     A registered professional engineer or certified inspection company Shall certify that all Tank Systems (Above-Ground and Underground) are in compliance with applicable federal and/or state regulations governing such Tank Systems.
- 1009.02     The District Shall be provided a copy of all inspection reports of Storage Tanks.



- 1009.03 All such Systems Shall include adequate facilities to monitor and prevent Regulated Substances from leaching into the subsurfaces and impacting to the groundwater quality and a containment berm which meets all applicable state and federal standards.

## 1010 COMPLIANCE

- 1010.01 Any Person, Facility, or activity located within a Wellhead Protection Area Shall be in compliance with all provisions of this Chapter within one hundred and eighty (180) Days of the effective date of this Section, except that Owners and occupants of single or duplex residences are expressly excluded from the reporting requirements of Section 1011 if such Use and occupants are otherwise in compliance with the provisions of this Chapter.
- 1010.02 Any Persons, Users, Owners or renters of property, or Owners or Operators of a business within a Wellhead Protection Area Shall be in continuous compliance with this Chapter.
- 1010.03 Any Owner or occupant of any property within a WPA Shall ensure that appropriate members of their staff or workforce are made aware of the requirements of this Chapter 10 of the District's Regulations and the requirements herein, and that they receive appropriate training with respect to such requirements and procedures.

## 1011 REPORTING REQUIREMENTS.

1011.01 Potential Contaminant Source Inventory - Any Owner or occupant of any property within a Wellhead Protection Area Shall submit to a Potential Contaminant Source Inventory upon request of the District and as often as requested by the District.

A. During the District's Potential Contaminant Source Inventory, the Owner or occupant of such property Shall provide information as requested by the District for determination of compliance with this Chapter, other District regulations and Ohio and federal laws and regulations. Information requested Shall include property insurance coverage.

B. Information provided during such Inventory Shall only be considered confidential to the extent allowable under the Ohio Public Records Law and other applicable federal and state laws.

C. During such Inventory, the District May enter a property to verify information provided by Owner or occupant.

D. A Person who owns, operates or occupies more than one Facility in a Wellhead Protection Area is subject to separate Inventories for each Facility.

E. Any golf course within the District/within the WPA Shall, annually, file a chemical application report regarding applications of substances on the golf course regardless of whether such substances are Regulated Substances.

1011.02 Spill Prevention Plan - Based on submitted Regulated Substance Inventory Reports (See Chapter XI, Admin Form 1110), the District Shall determine whether to require any Owner or occupant of any property within a Wellhead Protection Area to develop a Spill Prevention Plan and provide such Plan to the District. Where required, such Plan Shall be submitted to the District within ninety (90) Days of District notification of the Plan requirement.

1011.03 Reporting of Spills, Leaks or Discharges and any Potential Contaminant Source

A. Any Person with direct knowledge of a Spill, leak or discharge of a Regulated Substance within a Wellhead Protection Area Shall, if such Spill, leak or discharge escapes containment, contacts a non impervious ground surface and is not immediately and completely remediated, give notice to the District by telephone. The notification Shall be made within three (3) hours of the incident and Shall include at a minimum, the location of the incident, name and telephone number, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification Shall in no way alleviate other local, state, and federal reporting obligations, including the Jefferson Township Fire Department and the Mifflin Township Fire Department, as May be applicable or as otherwise required by law.

B. Any entity or Person who Spills, leaks or discharges a Regulated Substance(s) Shall be liable for the expense, loss or damage incurred by the District in response to such an incident, including engineers fees, attorney fees, and any other Costs incurred, in addition to the amount of any fines imposed on account thereof under local, state and federal laws; said 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 reoccurrence of such Spills, leaks or discharges as soon as practicable following the incident, but not later than one hundred eighty (180) Days after the incident and submit a complete report for the District's approve incorporating a detailed history of the Spill, corrective actions taken and a plan for prevention of such incidents, and Shall provide the District with any other information pertinent to a Spill or government investigation, regardless of whether specifically requested by the District or not.

- C. Any Person or activity located in a Wellhead Protection Area Shall provide Spill prevention control and other Pollution abatement methods or facilities sufficient to adequately minimize or eliminate the accidental discharge of Spills of any Regulated Substances. Such control and abatement methods and facilities Shall be provided and maintained at said Person's Cost and expense.
- D. Signs Shall be permanently posted by Owners or Operators in conspicuous places on the Premises in locations where Regulated Substances are, or May be used, advising employees whom to call in the event of a Spill or accidental discharge. All Persons who May cause or discover such an incident Shall be trained in emergency procedures by the Owner or Operator. In all cases, the fire department covering a specific Premises and the District Shall be among those called immediately after the Spill and in accordance with these Regulations.

1011.04      Reporting of Investigation; Cooperation  
Any Owner or Operator Shall notify the District when it becomes aware that the OEPA or any other local, state or federal government entity is investigating the Use or Spill, leak or discharge of salt or a Regulated Substance within twenty-four (24) hours of receiving notice or becoming aware of such investigation. Any Owner or Operator Shall cooperate with such investigation.

1011.05.      Falsifying information  
No Person Shall make any false statement, representation, or Certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or falsify, tamper with, or render inaccurate any monitoring device or method required under this Chapter.

1011.06.      Retention of records  
Any reports or records compiled or submitted pursuant to this Section Shall be maintained by the User for a minimum of six (6) years or so long as enforcement or judicial proceedings are being pursued, whichever is longer.

## 1012 PUBLIC WATER SUPPLY PROTECTION.

1012.01      If any activity or Use of any substance poses a risk to or May have a deleterious effect directly or indirectly upon the public water supply or Wellheads or when deemed by the District to be in the best interest of managing the "water utility, the District is authorized to do any or all of the following:

- A.      Require Pollution or contaminant control and abatement;

- B. Require payment to cover the Cost of monitoring, controlling or otherwise removing any such pollutant, contaminant or obstruction;
- C. Require the development of compliance schedules to implement corrective actions;
- D. Require the installation of monitoring facilities, and the submission of reports sufficient to ascertain any threat or risk due to any Regulated Substance, pollutants or contaminants or other activities and to determine compliance status relative to this Chapter;
- E. Carry out inspection, surveillance and monitoring on public or private property sufficient to determine compliance with this Chapter;
- F. Pursue any actions that are legally available such as, administrative remedies or enforcement actions including, but not limited to injunctive relief, and penalties as specified in Section 1099;
- G. Require a Person to pay the Costs of enforcement where a Person has been found to be in violation of this Chapter. These Costs May include, but are not limited to the recovery of all reasonable administrative and legal expenses related to the enforcement activity;
- H. Order cessation of any Use or activity which May create hazards or May have deleterious effects on the water supply or facilities;
- I. Issue orders establishing land Use restrictions or rates of discharge or otherwise controlling the Use of any Regulate Substance or pollutant to ensure compliance with this Chapter; or
- J. Order remedial actions.

1012.02 When considering the exercise of any of the above powers or actions, the District Shall ensure that the District's public water supply is reasonably and adequately protected from Contamination or obstruction for the present and the future. The District May take into consideration any evidence presented by the entity regarding cost-effectiveness and the economic impact imposed by the requirements or actions.

1012.03 No political subdivision Shall approve, grant or issue zoning or conditional Use permit for any land Use within a Wellhead Protection Area until prior written approval of the District has been obtained. The issuance of any permit, license or other instrument in violation of this paragraph Shall not relieve any Person from compliance with this Chapter.

## 1013 PUBLIC NOTICE AND APPEALS.

- 1013.01 The Board Shall have the authority to take appeals, investigate matters related to said appeals, deny, uphold or otherwise modify or waive actions or requirements on a case by case basis.
- 1013.02 Any Person adversely affected May appeal an action of the District made pursuant to this Chapter by filing with the Board a notice of appeal within fourteen (14) Days of said action and a statement of appeal within thirty (30) Days of the date the action appealed from was Journalized. A notice of Appeal Shall include as a minimum: name; address; telephone number; date; and a statement of intent to appeal. A statement of appeal Shall include all information contained in the notice of appeal, a description of the nature of the appeal, and any pertinent documentation. All filings required herein Shall be made at the office of the District.
- 1013.03 The Board Shall conduct an adjudication hearing within forty-five (45) Days of the receipt of the statement of appeal. The Board Shall schedule an adjudication hearing and give public notice of this hearing and written notice to the parties involved at least fourteen Days in advance of the adjudication hearing. The Board Shall issue a written decision on the appeal within five (5) Days of the adjudication hearing. All interested parties, who submit requests in writing, will receive written notification of the decision of the Board.
- 1013.04 Only those parties adversely affected by the District's action Shall be parties to the adjudication hearing before the Board. The Board May require the parties to prepare briefs covering such matters as the Board May specify.
- 1013.05 A recording of the proceedings Shall be prepared and maintained by the District, with the Cost being charged to the non-prevailing party.
- 1013.06 The action of the District Shall be binding pending the decision of the Board.
- 1013.07 The decisions of the Board Shall be immediately appealable to the Franklin County Court of Common Pleas, pursuant to R.C. Chapter 2506.
- 1013.08 For purposes of appeal pursuant to R.C. Chapter 2506, the District Shall be considered an aggrieved Person with the right to appeal the determination of the Board whenever the Board modifies or rescinds an action taken by the District pursuant to this Chapter.

## 1014 WAIVERS.

Where it appears that the implementation of the provisions of this Chapter create an

undue burden upon any affected party, the District or the Board by majority vote May, in its sole discretion, waive the application of this Chapter upon such terms and condition as the District or Board deems necessary and appropriate to implement the purposes of this Chapter, as long as such waiver does not substantially increase any risk or hazard to the public health, water supply, wells or Wellheads. Any waiver issued by the District is appealable to the Board as per Section 1013 herein.

## 1015 INSPECTIONS, SURVEYS.

1015.01 Subject to applicable provisions of law, the District or its authorized designees bearing proper identification, Shall be permitted to enter private property at any reasonable time for such purposes as, but not limited to, inspection, observation, measurement, sampling and records examination pertaining to the requirements of these regulations to ensure that the activities are in accordance with the provisions of this Chapter. If the Owner or occupant does not consent to the entry of the District or its authorized designees for the above stated purposes, the District May apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter the property, and the Owner or occupant Shall bear the Costs of the court action. All Users of Regulated Substances within the Wellhead Protection Area Shall be subject to a Potential Contaminant Source Inventory at intervals deemed appropriate by the District.

1015.02 In furtherance of its duty to protect the public health, safety and welfare of District Customers, the District May, at least once every two years, or more frequently at the District's discretion, conduct Potential Contaminant Source Inventories of properties within its Wellhead Protection Areas and to ensure compliance with this Chapter. In response to such Inventories, the Owner or occupant Shall furnish information on activity within the District's Wellhead Protection Areas, including, but not limited to the Use of Regulated Substances.

1015.03 Any golf course within Taylor Road WHPA and Wengert Road WHPA Shall, annually, file a report with the District regarding applications of substances on the golf course, regardless of whether such substances are Regulated Substances.

## 1016 FEES, CHARGES AND FINES.

Any fees and charges payable hereunder are due and payable upon the receipt of notice of charges.

## 1017 VANDALISM.

No Person Shall maliciously, willfully, or with gross negligence break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, property or equipment which is a part of or used in conjunction with the District's water facilities, lines, or other appurtenances.

## 1018 NOTICE OF VIOLATION.

Any Person found in violation of any provision of this Chapter or any order, requirement, rule or regulation issued under the authority of this Chapter will be served with a written notice stating the nature of the violation, the potential penalties pursuant to this Chapter, and providing reasonable time for compliance. If the District -has previously promulgated a schedule of compliance or issued an order addressing the same or a similar violation and the time for compliance has passed, the District May dispense with establishing another time period for compliance. The notice Shall be served in the manner provided by law for the Service of civil process. Where the address of the violator is unknown, Service May be made upon the Owner of the property involved at the tax mailing address of the Owner as shown on the County tax record.

#### 1019 SEVERABILITY.

A finding by any court or other jurisdiction that any part or provision of these regulations is invalid Shall not affect the validity of .any other part or provision of these regulations which can be given effect without the invalid parts or provisions.

#### 1020 NO DELETERIOUS EFFECT ON DISTRICT WATER WELLS

1020.01 Certain activities and Uses of the groundwater supply May have a deleterious effect upon the District's water resource projects and interfere with the accomplishment of the District's purposes. Such deleterious effects May impair the functionality of the District's water well facilities, or impair the ability to achieve the best results from such projects or to produce adequate amounts of water for distribution to and consumption by the public. Certain activities May also cause damage to District projects or to the waters of the state, or cause the unnecessary Waste of the District's water supply. Therefore, this section 1020 and its subsections are necessary to protect and preserve the water resource projects of the District, including its production water well facilities and to prevent the misuse of the waters of the state by prescribing the permissible uses of the water supply and the manner of its distribution and also to prevent the Pollution or unnecessary Waste of such water supply.

1020.02 All Persons, Users, Owners or renters of property, or Owners or Operators of a business, are prohibited from all Uses or distribution of the District's water supply and any other actions which, in the sole judgment of the District, would, or, in fact, do, result in any one or more of the following:

- A. The inability of the District to accomplish its purposes;
- B. The inability of the District's water resource projects, including its water production wells, to function properly and to produce the best results from the construction, operation and maintenance of such projects;
- C. Damage, due to misuse of any District project or due to the Pollution or misuse of the waters of the state within or without the District and

served or affected by a project or projects of the District;

- D. Damage or other deleterious effect upon either (i) one or more District water resource projects, including, but not limited to, lowering the groundwater pumping levels in District wells; causing the inability to properly pump water from the wells; or causing the transmitting capacity of the well screens to be diminished; or (ii) the waters of the state or (iii) the District's water supply, including its water source supply and treated Potable water supply; or,
- E. The Pollution or unnecessary Waste of the District's water supply, including its water source supply and treated Potable water supply.

1021-1098 RESERVED.

1099 PENALTIES.

- 1099.01 Any Person who negligently violates or continues to negligently violate any provision of this chapter, beyond the time limit for compliance set forth by the District, notice of violation by the District, or a compliance schedule established by the District, Shall be deemed in violation of these Regulations and May be subject to termination of water Service and disconnection from the System until such violation is cured, or to such other remedies available under the law, including actions at law.
- 1099.02 Notwithstanding the fine provisions of this Chapter, the violator is responsible for Costs of cleanup and remedial expenditures required to restore the site to its condition as it existed before the violation. The violator May be held responsible only for that Contamination which the violator caused. Nothing contained herein Shall be construed to prevent the District from seeking other legal remedies under R.C. 6119.08, as well as other applicable law, and under Section 199 herein.



## **APPENDIX B**

### **DISTRICT WELLHEAD PROTECTION AREA MAPS**



Document Path: F:\ARCGIS\JeffWat\JeffersonWater 2013\Taylor Rd WHPA 2013 Wells Revised 2019.mxd



### Map Features

- Monitoring Well
- Production Well
- WHPA (5 Year Time of Travel)
- 1 Year Time of Travel
- Property Boundary

0 500 1,000  
SCALE, IN FEET

Taylor Road Wellhead Protection Area (WHPA)  
Jefferson Water & Sewer District





Wengert Road Wellhead Protection Area (WHPA)  
Jefferson Water & Sewer District