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JUN 15 2018

NATURAL RESOURCES Committee Meeting Minutes

April 30, 2018 - Time: 6:00 pm - Room 315

I. Call to Order 6:00PM

A. Recording of the Meeting: No

B. Roll Call Attendance: NRC members: Councilor Figy & Councilor Babinski, (Councilor Morganelli @6:21pm). Others- Councilor Beltrandi, Councilor Emmershly (@6:30pm)

C. Approval of March 26, 2018 meeting minutes - Motion to accept by Councilor Figy, seconded by Councilor Babinski, approved 2-0

D. Public Participation: (Max time 15min - 3 min per person): None. Motion to close Public Participation approved 3-0

II. Items on Agenda

A. Item #1 - Continuation of the discussion from March 26, 2018:

10/6/16 - Upon motion of Councilors Babinski, Onyski and O'Connell, it was

VOTED: That the Article III, Section 3-170 - The Water Resources Protection District. Specific attention to but not limited to Section 3-170.3, 3-170.5 and Section 3-170.6 be reviewed and that this matter be REFERRED TO NATURAL RESOURCES

Discussion Summary:

1. Review red entries in the draft ordinance discussed on March 26, 2018
 - a. Page 5 - 3-170.5 Prohibited Uses 1b: Councilor Figy suggested changing the word facility to system. Councilor Beltrandi suggested keeping facility as it was more appropriate. It was approved to feel the word facility.
 - b. Page 7 - 3-170.6 Permitted Uses #2 - Single family dwellings 2-acre minimum lot area. It was agreed to leave out the reference to ZBA following MGL Chapter 40A, Section 10.
 - c. Page 7 - 3-170.6 Permitted Uses #5 - Uses for educational or religious purposes. State Zoning laws may override adding other details, such as Septic Systems Title 5 needing to be approved by Health Department prior to site plan approvals being granted. It was suggested that we check with the law department.
 - d. Page 8 - 3-170.7 Special Permit Uses. 1.vi, vii, viii - Any discussion of non-conforming uses will be revisited and discussed later.
 - e. Page 13 - 3-170.12 Enforcement and Penalties - It was agreed that this should be in the ordinance. Need to check with legal re: (1) Can there be separate fines for residential & businesses? (2) Is there an appeal process? (3) Fine amounts? (4) Using a staggered system. (5) Who enforces?
2. Comments from MassDEP were presented by the chair. (see attached document). Since there was a late arrival, the committee was tasked with review the feedback from MassDEP regarding the latest draft and proposed changes to the delineation of the district.
 - a. It was confirmed, should they choose to, the city can protect a larger area than is required by DEP. (comment in email from Catherine Sarafinas-Hamilton (DEP))

- b. Consider how PFC's should or could be dealt with in the ordinance.
 - c. Information sent regarding Floor Drain Control is recommended as a BOH regulation, but a general ordinance is ok too. (*comment in email from Catherine Sarafinas-Hamilton (DEP)*) This could be discussed with the Health Director.
3. Discuss next steps.
- a. Homework for committee is to review for discussion at the next meeting the suggestions/ comments made by MassDEP re: draft ordinance.
 - b. Check with Law Department re Page 7, 3-170.6 Permitted Uses #5 and page 13, 3-170.12 Enforcement and Penalties.
 - c. Share Floor Drain Info with Health Department.

B. **Next meeting Date:** Monday, May 21, 2018 @ 5:30pm

III. Adjournment:

Motion to adjourn made (Councilor Figy) & seconded (Councilor Morganelli): Approved 3-0
Time - 7:03pm

Respectfully submitted,
The NRC members,
Councilor Babinski (chair)

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MassDEP Drinking Water Program

Local Regulatory Review

Land Uses & Activities Prohibited in Zone IIs

MA Wellhead Protection Regulations 310 CMR 22.21(2)

WESTFIELD CITY CLERK

✓	Meets 310 CMR 22.21(2)	Date: 4/2018	PWS Westfield Water Dept.
✓✓	More Stringent than 310 CMR 22.21(2)	PWS#: 1329000	Wells: 01G - 08G
P	Partially Meets 310 CMR 22.21(2)	Local Control: Water Resource Protection District Ordinance	
X	Not Addressed		
PROHIBITED ACTIVITIES			
✓	landfills, open dumps, 310 CMR 22.21(2)(a)(1); 3-170.5(2)		
✓	sludge and septage monofills, 310 CMR 22.21(2)(a)(2); 3-170.5(2)		
✓	automobile graveyards and junkyards, 310 CMR 22.21(2)(a)(3); 3-170.5(2)		
✓	stockpiling/disposal snow/ice brought in from outside the Zone II 310 CMR 22.21(2)(a)(4); 3-170.5(12)		
✓	petroleum, fuel oil, heating oil bulk stations and terminals 310 CMR 22.21(2)(a)(5); 3-170.5(6)		
Ⓟ	non-sanitary wastewater discharges 310 CMR 22.21(2)(a)(6); 3-170.5(13), 3-170.5(14)		See Comment #1
Ⓟ	hazardous waste facilities 310 CMR 22.21(2)(a)(7); 3-170.5(1)		See Comment #2
-	Floor drain discharges in commercial industrial facilities 310 CMR 22.21(2)(a)(8); N/A to the WRPD		
RESTRICTED ACTIVITIES [must meet the criteria in 310 CMR 22.21(2)(b)]			
QUES	sludge and septage storage <i>unless</i> stored pursuant to 310 CMR 22.21(2)(b)(1); 3-170.5(2)		TBD
QUES	deicing chemical storage <i>unless</i> stored pursuant to 310 CMR 22.21(2)(b)(2); 3-170.5(9)		
✓	commercial fertilizer storage <i>unless</i> stored pursuant to 310 CMR 22.21(b)(3); 3-170.5(9)		
✓	animal manures storage <i>unless</i> stored pursuant 310 CMR 22.21(2)(b)(4); 3-170.5(9)		
✓✓	Storage of liquid hazardous material and; 3-170.11(9)		See Comment #3
Ⓟ	liquid petroleum products unless stored pursuant 310 CMR 22.21(2)(b)(5); 3-170.11(9)		see Comment #4
✓✓	earth removal, 310 CMR 22.21(2)(b)(6); 3-170(7)(7)		see Comment #5
✓	land uses resulting in impervious surfaces covering more than 15% or 2,500 square feet, whichever is greater, unless artificial recharge is provided 310 CMR 22.21(2)(b)(7); 3-170.7(4), 3-170.11(1),(2),(3)		
PROTECTION MAP			
?	The protection map covers the approved Zone II; see Comment #6		

COMMENTS - Westfield Water Resource Protection District Ordinance Article III 3-170

#1. Non Sanitary Wastewater Discharges

- 3-170.5(13) provides an exception for *agricultural uses*. Please note that 310 CMR 22.21(2)(a)(6) does not exempt agricultural uses. The Ordinance adequately addresses 'non-sanitary wastewater discharges' in 3-170.5(14); therefore 3-170.5(13) could be deleted. To keep 3-170.5(13), the exception for agricultural uses must be deleted.
 - Business or industrial uses (~~but not agricultural~~) which dispose of process wastewaters onsite.

#2. Hazardous Waste Generators

- 3-170.5(1) provides an exception for *agricultural uses*. Please note that 310 CMR 22.21(2)(a)(7) does not exempt agricultural uses. 3-170.5(1) also allows Small Quantity Generators (SQGs). Please note that only *Very Small Quantity Generators* (VSQGs) are allowed in a Zone II.
 - 'Business and industrial uses (~~but not agricultural~~) which generate, treat, store, or dispose of hazardous wastes that are subject to MGL c.21C and 310 CMR 30.00, including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, hazardous materials processing or transfer, asphalt plants, plastics manufacturing, laboratory operations, machine shops, metal working, electronic component or semi-conductor manufacturing, dry cleaning, and auto body repair, except for the following (unless specifically prohibited):
 - a. ~~Small or~~ Very small quantity generators of hazardous waste, as defined herein, provided a Special Permit in accordance with this ordinance has been issued..'
- 3-170.7(1)(a)(vi) allows for an increase in the *generation of hazardous wastes* above existing quantities. Only VSQGs are allowed in a Zone II. This Special Permit activity should be deleted.

#3. Hazardous Materials

- 3-170.11(9) specifies the storage criteria for 'hazardous materials'. The term 'hazardous material' includes both liquid and dry hazardous material. The DEP requirement, 310 CMR 22.21(2)(b)(5), only regulates the storage of 'liquid hazardous materials'. 3-170.11(2) is stricter than the DEP requirement. You can choose to keep the stricter control, or amend it to the less restrictive requirement.

#4. Fuel Storage

- 3-170.5(5) prohibits fuel dispensing and storage facilities within the WRPD. An exception is provided for the Airport District. Please note that the Airport District is located in a Zone II, therefore (new) fuel storage is subject to the storage criteria cited in 310 CMR 22.21(2)(b)(5). The Ordinance adequately addresses liquid petroleum storage in 3-170.11(9).
 - Petroleum product dispensing, including commercial gasoline sales and commercial petroleum product storage facilities, ~~but~~ excluding aviation fuels and commercial liquid petroleum products within the Airport District that meet the storage criteria in 3-170.11(9).

#5. Earth Removal

- 3-170(7)(7) limits earth removal activities to within 5' of the groundwater. Under the DEP requirement, 310 CMR 22.21(2)(b)(6), earth removal depth is limited to within 4' of the groundwater, 3-170(7)(7) is stricter than the DEP requirement. You can choose to keep the stricter control, or amend it to the less restrictive requirement.

#6. Proposed New Delineation of the Water Resource Protection District Map

The proposed changes to the WRPD boundary are to include aquifer areas that lie outside the DEP approved Zone IIs. DEP encourages communities to protect such areas whenever feasible, and many communities in Massachusetts have chosen this approach to local protection. However, in reviewing the proposed WRPD map and WRPD ordinance, I have the following comments.

- 3-170.2 must clearly identify the WRPD map. 3-170.2(a), (b) (c) (d) and (e) sufficiently identifies the areas protected by the WRPD, but not the WRPD itself. At the end of paragraph (e), it states '*and duly adopted and shown on the city's GIS map and zoning map*', however it is not clear whether that statement is referring to the Wellhead Protection Areas described in paragraph (e) or the WRPD. Assuming that the WRPD is shown on the City's zoning map, below is a suggestion for clarifying the location of the WRPD:
 - The Water Resource Protection District is hereby established as overlaying and superimposed upon other existing zoning districts as shown on the City of Westfield Zoning Map, (date). Such district shall be inclusive of those areas identified as.....
- Be sure that the boundaries of the WRPD cover ALL of the areas identified as protected by the WRPD in 3-170.2(a), (b) (c) (d) and (e).
- Sections 3-170.1, 3-170.2 and 3-170.4 reference Zones A, B and C, Zones I and III, and IWPA's.
 - Zones A, B, C - There is one surface water source in Westfield. The 'Sedimentation Basin' has a Zone A and B, it does not have a Zone C, see attached map. There are no Zone Cs located in Westfield. You should delete the Zone C references from the Ordinance. If you choose not to protect this source, you should also delete Zone A and B references from the Ordinance.
 - Zone II - The proposed map does not show the area where Wells 05G and 06G are located. Be sure that the Zone II for these wells is included in the WRPD. See attached map.
 - Zone III - This area can be included in your protection efforts, however in order for the WRPD to cover the Zone III, you need to know the location of the Zone III boundaries (you do not need to delineate the Zone III boundaries on the WRPD map, but you need to know that the WRPD covers it). Your water department may have this information. The definition of the Zone III can be found in the Drinking Water Regulations 310 CMR 22.20. If you cannot determine the Zone III boundaries you should delete the Zone III references from the Ordinance.
 - Zone I - MassDEP requires the Zone I to be owned or controlled by the public water supplier, and no uses other than water supply operation uses be allowed. Westfield has grandfathered public wells that do not meet these requirements, therefore additional protection through local controls is strongly encouraged.

3-170.5(13) addresses stricter protection of the Zone I by prohibiting '*Residential, commercial or industrial uses within any Zone I, or any other activity in said area resulting in a use prohibited by 310 CMR 22.00*'. This is not a recommended approach to protecting the Zone I. By citing the entire Drinking Water Regulations (310 CMR 22.00), it leaves it up to the resident or business to figure out what is prohibited. Also, the restricted land uses in 310 CMR 22.21(2)(b) provides exceptions for certain activities, thereby allowing them to occur in the Zone I.

One way to protect the Zone I is to just limit uses in the Zone I to 'existing uses'. Another way would be to amend the prohibition, '*Residential, commercial or industrial uses within any Zone I, or any other activity in said area ~~resulting in a use prohibited by 310 CMR 22.21(2)(a) and 310 CMR 22.21(2)(b)~~, The cited exceptions in 22.21(2)(b) are not permitted*'.

- IWPA's - Interim Wellhead Protection Areas are provided to public water systems with wells that pump less than 100k gallons per day. The radius of the IWPA is determined by the well's pumping rate..

- The proposed map does not cover all of the IWPA's in Westfield. If you choose to protect the IWPA's, the boundaries of the WRPD must cover all of them. If you choose not to include the IWPA's, you need to delete references to them in the Ordinance. See attached map.

According to our files, the following public water systems in Westfield have IWPA's:

- ✓ 1329004 White Oak School 553 NORTH ROAD
- ✓ 1329005 DION LABEL LLC, 539 NORTH RD
- ✓ 1329006 KOSINSKI FARM 420 RUSSELLVILLE RD
- ✓ 1329007: COMPLETE DISPOSAL COMPANY 415 NORTH RD

Due to the various protection areas described in the WRPD, you may want to consider creating multiple protection districts (i.e. WRPD 1, WRPD 2 etc.) with varying levels of protection. Only the Zone II area must be protected by controls meeting 310 CMR 22.21(2). Areas outside the Zone II but within the WRPD could be less restrictive. This will enable you to protect the Zone II area with the most stringent controls, and still protect the aquifer for future water supply needs.

Also, please note that protection of the Zone II may be achieved through the use of various protection controls, including general ordinances and Board of Health Regulations.

<https://www.mass.gov/orgs/massachusetts-department-of-environmental-protection>

<https://www.mass.gov/lists/source-water-assessment-and-protection-swap-program-documents>

<https://www.mass.gov/lists/groundwater-wellhead-protection-and-surface-water-supplies>