

**LOCAL LAW NO. __ OF 2017 OF THE TOWN OF BLOOMING GROVE,
NEW YORK, AMENDING CHAPTER 230, WATER, TO CREATE A NEW
ARTICLE IV ESTABLISHING WELLHEAD PROTECTION AREAS**

A LOCAL LAW to amend Chapter 230, Water, of the Town Code of the Town of Blooming Grove pursuant to New York Municipal Home Rule Law Section 10 et seq.

BE IT ENACTED AS FOLLOWS:

Section 1. Authority.

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

Section 2. Title and Purpose.

This law shall be known as and may be cited as “Local Law No. ____ of 2017” to Amend Chapter 230, Water, of the Town Code of the Town of Blooming Grove. The purpose of this Local Law is to create a new Article IV which shall establish wellhead protection areas for purposes of protecting, the health, safety and welfare of the community.

Section 3. Legislative Findings and Amendments.

Chapter 230 of the Town Code of the Town of Blooming Grove is hereby amended by adding the following new Article IV entitled “Wellhead Protection”

“Article IV. Wellhead Protection Area

§230-28. Purpose.

The Town of Blooming Grove finds that its water supply is at risk from certain land uses and has therefore determined that special protection of the town's water supply is necessary to preserve its purity and quality. The purpose of these regulations is to protect groundwater resources that support both public water supplies and drinking water for private wells. The Town of Blooming Grove hereby establishes these regulations that shall apply to any wellhead protection area herein regulated in order to protect the health, safety, and general welfare of the community by preventing groundwater contamination of water supply systems.

§230-29. Area to be regulated.

The wellhead protection area (“WPA”) shall apply to any public water system located or to be located in the unincorporated area of the Town of Blooming Grove. The WPA shall include at a minimum the area within two hundred (200) foot radius of the well and the cone of influence, whichever is greater in area. For purposes of these regulations, the WPA includes both the minimum 200-foot area and the cone of influence. The cone of influence is created when the drawdown caused by pumping of the groundwater creates a pressure gradient which induces a flow

of groundwater toward the well. Any contaminant that reaches the groundwater within this cone of influence will be drawn to the well. This cone of influence may cause a disruption of the normal groundwater flow patterns because water normally flowing parallel to the well or downgradient from the well may be directed toward the well.

§230-30. Regulations applicable to wellhead protection area.

Wellhead protection areas at all public water systems, installed after the effective date of this Article IV, shall be protected and controlled through direct ownership of the land or through the acquisition of protective easements or other appropriate measures by the supplier of water in order to prevent contamination. Within wellhead protection areas, all systems, facilities, and activities are prohibited except for physical pumping and treatment facilities and controls. The wellhead protection area shall not be used for any purpose other than public water supply, except when a permit has been issued by the appropriate local board for nonintrusive recreation uses such as hunting, fishing, picnicking, nature study, or hiking. The wellhead buffer area shall be posted prohibiting trespass for any purpose except as permitted in this Subsection.

- A. A public water system is any entity which provides water to the public for human consumption through pipes or other constructed conveyances. Any system with at least five (5) service connections or that regularly serves an average of at least 25 people daily for at least 60 days out of the year is deemed a public water system.
- B. All land within a wellhead protection area shall be protected and controlled through direct ownership of the land or through the acquisition of protective easements or other appropriate measures by the owner of the water supply in order to prevent pollution of the ground or groundwater.
- C. All systems, facilities and activities are prohibited except for physical pumping and treatment facilities and controls within the WPA. The area shall not be used for any purpose other than public water supply, except as set forth in Subsection F below.
- D. All wellheads and containment buildings must be in conformance with federal, state and local floodplain management or similar regulations or ordinances to prevent their contamination by floodwaters. This area shall further be protected from pollution by surface waters originating outside thereof by the construction of suitable diversion ditches or embankments. The development of the water sources shall be so carried out that there shall be no opportunity for pollution to enter the water sources.
- E. The physical pumping facilities and controls shall be protected against damage from tampering by containing same with a locked fenced area or other suitable enclosures or by their manner of construction and installation.
- F. The area will be posted prohibiting trespass for any purpose other than hunting, fishing, picnicking, nature study, or hiking, as may be allowed by the Town Board, or the Planning Board if the wellhead protection area is established during the review of a development application subject to Planning Board approval.
- G. The storage of salt, chemicals, petroleum products, paint, pesticides, or other materials that could potentially endanger a well shall not be allowed in areas that drain toward any well, or

within the WPA. Outdoor storage of any materials that, in the opinion of the Code Enforcement Officer, could contaminate groundwater resources, shall be prohibited within the WPA.

- H. Sewer lines and septic fields, including reserve areas, shall not be located in the WPA.
- I. Storage of machinery shall not be allowed in the WPA.
- J. The WPA shall be inspected regularly to assure that the area complies with these regulations.
- K. Parking and impervious surfaces shall not be allowed in the WPA, except that a stabilized gravel driveway that is required to access the wellhouse for maintenance may be permitted within same. The WPA shall be maintained as lawn or woodland. No pesticides shall be applied within the WPA.
- L. Wells abandoned, or no longer in use, shall be sealed according to the standards set by the State of New York, in order to prevent potential contamination to waters within the aquifers.”

Section 4. Repeal, Amendment, and Supersession of Other Laws.

All other Resolutions, Ordinances or Local Laws of the Town of South Blooming Grove which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect.

Section 5. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617, this Local Law is classified as an **Unlisted** action and the Town Board has determined that no negative environmental impacts will result from enactment of this local law under the State Environmental Quality Review Act.

Section 6. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 7. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New State Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.