

Drinking Water Protection: Using an Ordinance or Overlay

Background

Protection of Oregon's drinking water resources is critical to support a growing population and to fuel the state's continued economic health. Safe drinking water is fundamental to the viability of any community, and the cost of treating contaminated water is extremely high and can be a public relations challenge with new businesses and residents. Drinking water protection involves reducing the risk of contamination of rivers, streams, lakes and groundwater that serve as sources of drinking water for local communities. No state or federal regulations require communities to protect drinking water, but communities can take their own steps to address this issue.

How to protect drinking water

This fact sheet summarizes how a drinking water protection ordinance can be used and provides local and national examples of drinking water protection ordinances. Developing a drinking water protection ordinance is one of many tools communities can voluntarily use to safeguard community health and reduce the risk of contamination of water supplies. Communities are encouraged to examine all potential management options (such as education, outreach, incentives, technical assistance and land acquisition) and tailor a protection strategy to meet the specific community needs. This fact sheet specifically addresses drinking water ordinances. For information on other potential management options, please see DEQ's website at: <http://www.deq.state.or.us/wq/dwp/dwp.htm>

The Oregon Health Authority (formerly Department of Human Services) and Oregon Department of Environmental Quality have completed source water assessments for all public water systems that include a map of the geographic area that supplies the public water system (drinking water protection area) and provide detailed information on potential contamination risks (natural and man-made). DEQ also has this information available in a GIS format. Communities can use these assessments to develop methods (including ordinances) to reduce the potential for drinking water source contamination.

Drinking water protection ordinances

A drinking water protection ordinance is a regulatory tool implemented by local jurisdictions (e.g. city or county governments) to address proposed and existing development and its potential water quality impact. The ordinance typically defines the resource (as a mapped overlay area) and enacts specific requirements for land uses and development within these boundaries. Ordinances applying to sites that pose a risk to water quality within the overlay area may include some or all of the following:

- prohibition of various land uses (such as landfills or underground fuel storage tanks)
- subdivision controls (such as limiting density or requiring larger lot sizes)
- special permitting or siting requirements (i.e. placing limitations on use of toxic and hazardous materials, pesticides, salts)
- performance standards (i.e. requiring secondary containment for petroleum or chemical storage over a certain volume).

The ordinance could apply to the whole drinking water protection area or different restrictions could apply to specific zones of sensitivity.

Why use an ordinance or overlay zone?

A jurisdiction might determine that an ordinance is necessary to protect public health if 1) current regulations do not protect the drinking water supply to the level the community desires, or 2) other potential management options are not as effective for the potential risk being addressed.

Model ordinances

Several examples of drinking water protection ordinances are listed below. These ordinances vary in the tools they use, types of potential risks they address, and level of protection they provide. It is important to tailor an ordinance to the local area's needs. For example, consider using only a portion of the model ordinance relevant to your community's needs.

U.S. Environmental Protection Agency:

Provides model ordinance language for both groundwater and surface water, with examples from around the country.

http://www.epa.gov/owow/nps/ordinance/source_water.htm



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Alternative formats

Alternative formats (Braille, large type) of this document can be made available. Contact DEQ's Office of Communications & Outreach, Portland, at (503) 229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696. Hearing-impaired persons may call 711.

Last Updated 1/2012
By: Julie Harvey
DEQ #06-WQ-003

Oregon Department of Land Conservation and Development and DEQ Model Water Quality Code and Guidebook:

This guidebook shows cities and counties how to protect and enhance water quality through improved land-use regulations such as comprehensive plan and zoning ordinance updates. See the website at:

<http://www.oregon.gov/LCD/waterqualitygb.shtml>

Examples of city ordinances

City of Springfield, Ore.: This ordinance restricts or prohibits activities within the wellhead protection area and sets standards for storage, use, handling, treating and production of hazardous materials. A Drinking Water Protection Overlay District Development Application is required for development or other activities. See Springfield Development Code Section 3.3 at : <http://qcode.us/codes/springfield-development/>

Cave Junction, Ore.: This ordinance prohibits certain uses and provides performance standards for others within groundwater and surface water drinking water protection areas for the City of Cave Junction. See website: <http://www.deq.state.or.us/wq/dwp/assistance.htm#epo>

Columbia South Shore Well Field Wellhead Protection Program, Ore.: The cities of Portland, Gresham and Fairview have all adopted ordinances which specify what chemicals are regulated and why. These ordinances also set requirements for chemical handling and containment, and outline provisions for reporting, inspection and enforcement within the drinking water protection area. <http://www.portlandonline.com/water/index.cfm?c=cjja>

Examples of county ordinances

Wallowa County, Ore.: Within the City of Enterprise's municipal water source area, this county ordinance places restrictions on domestic livestock, storage of crops, chemical applications, fuel storage, chemical storage, solid waste disposal, septic tanks and other commercial, industrial and residential uses. http://www.epa.gov/safewater/sourcewater/pubs/techguide_ord_or_wallowa_wpa.pdf

Cowlitz County, Wash.: This ordinance requires permits for development activities and describes regulated activities for aquifer recharge areas. It also describes optional incentives for non-development of critical areas, such as property tax reductions, conservation easements, transfer of density for residential units, and land exchanges. <http://www.co.cowlitz.wa.us/buildplan/planning/critical.html>

Spokane County, Wash.: Uses within critical aquifer recharge areas are regulated based on type of use and an aquifer susceptibility rating. This ordinance contains performance standards for agricultural practices, wastewater disposal, stormwater disposal, mining, landfills and critical materials storage, handling, generating or use. See Spokane County Code of Ordinances Title 11 at <http://library.municode.com/index.aspx?clientID=16337&stateID=47&statename=Washington>

Oregon land-use planning Goal 5 and drinking water protection

Requirements in Goal 5 apply only to groundwater-using public water systems that serve more than 10,000 people or have more than 3,000 connections that request a certification of the drinking water protection area delineation from OHA. If this occurs, local governments must designate areas within the 10-year time-of-travel zone as Goal 5 resources. Local governments managing systems of less than 10,000 in population can designate the portion of the wellhead protection area within their jurisdiction as a Goal 5 resource. Drinking water watersheds can be addressed under Goal 6.

For more information

To obtain a local or regional map or copy of an individual source water assessment report, or to arrange a presentation on drinking water protection, contact **Sheree Stewart**, drinking water protection program coordinator, DEQ, Portland, **503-229-5413**, or **Tom Pattee**, groundwater coordinator, OHA, Springfield, **541-726-2587, x24**. For information on land-use planning for drinking water protection, contact **Amanda Punton**, Department of Land Conservation and Development, **971- 673-0961**.

Oregon OHA – Drinking Water Program

<http://www.healthoregon.org/dwp>
Includes a directory of all public water systems in Oregon, drinking water standards, fact sheets on contaminants, annual compliance reports for water systems, information on the Safe Drinking Water Revolving Loan Fund, Consumer Confidence Reports, and more.

Oregon DEQ

<http://www.deq.state.or.us/wq/dwp/dwp.htm>
Includes drinking water technical assistance resources, sample Source Water Assessment reports, sample drinking water protection plans, and links to many other useful sites.

U.S. Environmental Protection Agency
EPA's Office of Ground Water and Drinking Water <http://www.epa.gov/safewater/>

