

Topic:	Aquifer Protection
Resource Type:	Regulations
State:	Maine
Jurisdiction Type:	Municipal
Municipality:	Town of Limington
Year (adopted, written, etc.):	Unknown
Community Type – applicable to:	Suburban; Rural
Title:	Town of Limington Article VII: Performance Standards, Specific Activities, and Land Uses – Aquifer Protection Provision
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Abstract

This ordinance regulates those who use the aquifer for the purpose of water extraction and prohibits the extraction of water to the extent that it causes undesirable changes in groundwater flow, pollution, and sedimentation or erosion. The ordinance is designed to provide general provisions that maintain safe and healthful conditions associated with groundwater use and extraction.

Resource

Article VIII - PERFORMANCE STANDARDS, SPECIFIC ACTIVITIES AND LAND USES

8.9 Ground Water and or Spring Water Extraction and/or Storage.

A. Permit Required. The removal of more than 1000 gallons per day of ground water or spring water as part of a residential, commercial, industrial, or land excavation operation, where allowed under this ordinance shall require a Conditional Use Permit. The Planning Board shall grant approval if it finds that the proposal, with any reasonable conditions, will conform with the requirements of this section.

B. Submission Requirements. The application together with site plan shall include the following information:

1. Statement of the quantity of ground water to be extracted, expressed as the annual total, the maximum monthly rate by month, and the maximum daily rate;
2. A letter from the Maine Department of Human Services approving the facility as proposed where the Department has jurisdiction over the proposal;
3. Where appropriate, letters from the Department of Environmental Protection when the Site Location Law is applicable or a discharge permit is required.

4. Applicants shall present a written report of a hydrogeologic investigation conducted by a certified professional geologist or registered professional engineer, except for spring water extraction facilities which meet the following conditions: the spring enhancement shall not increase the combined spring's catchment capacity by removing more than four (4) cubic yards of earth and not increase this spring's depth by more than four (4) feet, where the discharge drain is no lower than the existing spring water level, where gravity alone (without the aid of a siphon) is used to withdraw the spring water to other facilities on site, and where other improvements do not threaten ground water levels. This report shall include the following information:

a. A map of the aquifer tributary to the spring(s), well(s) or excavation(s) from which water is to be extracted in sufficient detail to support a calculation of sustained yield during a drought with a probability of one in ten years, as well as an estimate of any potential interaction between this aquifer and adjacent aquifers.

b. The results of the investigation shall establish the aquifer characteristics, the rates of draw-down and rebound, the sustainable yearly, monthly (by month) and daily extraction rates, the cone of depression which may develop about the proposed facility, and other impacts on the water table in the tributary aquifer and such other private or public wells within 1,000 feet of the proposed extraction facilities shall be assessed.

C. Performance Standards.

1. The quantity of water to be taken from ground water sources will not substantially lower the ground water table beyond the property lines, cause salt water intrusion, cause undesirable changes in ground water flow patterns, or cause unacceptable ground subsidence, based on the conditions of a drought with a probability of occurrence of once in ten years.

2. The proposed facility shall not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.

3. Safe and healthful conditions shall be maintained at all times within and about the proposed use.

4. The proposed use shall not cause sedimentation or erosion.

5. The proposed facility is not within the defined aquifer recharge area of a public water supply, unless notice is given to the operator thereof and the Board has considered any information supplied by the operator and finds that no adverse affect on a public water supply will result.

6. The operator shall make monthly operating records of the quantity of water extracted, stored and removed from the site available to the Code Enforcement Officer or a designee.

7. Nothing in this procedure, and no decision by the Planning Board shall be deemed to create groundwater rights other than those rights which the applicant may have under Maine law.

D. Existing Operations.

1. Any operation involving the extraction of ground water or spring water in lawful operation at the time this Section becomes effective, and which meet the criteria for requiring a Conditional Use Permit, may operate for a period of five years from the effective date without Planning Board approval. Existing operations, however, must submit to the Planning Board within ninety (90) days of the effective date of this Section, a map indicating the property from which ground water is being extracted, showing the location of the extraction in relation to neighboring wells, surface water bodies, and property lines. Failure to submit the above map within ninety days shall result in the loss of "grandfathered" status for that operation.

Within fifteen (15) days of the effective date of this Section, the Code Enforcement Officer shall notify, by certified mail, return receipt requested, the owners of all property which, to the best of his knowledge, contain existing operations, informing them of the requirements of this section.

2. Discontinuation of any existing operation for a period of more than one year shall result in the loss of "grandfathered" status for that operation.