



## Drinking Water Protection Ordinances Frequently Asked Questions September 14, 2009

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The following are common questions about the Groundwater Protection Ordinances for the Tri-Town Aquifer as recommended by the Planning Boards and Conservation Commissions:

**“Why is protecting groundwater so important?”** Numerous towns in NH, including our own, have some experience with contamination of groundwater. Contaminated groundwater is a risk to public health, is difficult and expensive to clean up, can limit the potential for future growth, and reduce property values. Nearly 90 communities throughout New Hampshire have some form of groundwater/aquifer protection ordinance.

**“Where in town will this ordinance apply?”** It will apply within certain stratified drift aquifers that are potential water supplies and in areas that already contribute water to existing, large municipal public water supplies called “wellhead protection areas”. A map is available in each of the town offices.

**“To whom or what activities will this proposed ordinance apply?”** The ordinance applies only to commercial activities. It applies minimum standards for storing, transferring or otherwise using more than five gallons of gas, oil, hazardous or other toxic substances (referred to as “regulated substances”). It will not apply to any residential use of property.

**“Does the ordinance prohibit any land uses?”** Yes, a relatively small number of businesses (e.g. landfills, junkyards) that present a high risk to the town’s aquifers and water supplies are prohibited in the district. However, the vast majority of residential and commercial activities will not be prohibited.

**“What will be required by businesses that have “regulated substances”?”** If a business stores more than five gallons of a regulated substance they will need to follow some basic best management practices (BMPs) spelled out in the “performance standards” section of the ordinance to prevent these substances from being spilled or released onto the ground. The requirements under the ordinance are, for the most part, already required by the state of NH. The ordinance will allow the town to check to be sure the BMPs are in place, as necessary.

**“Will it cost the town a lot of money to implement a drinking water ordinance?”** No, the town of Belmont is a recent example that the ordinance, which includes checking to be sure certain

businesses are following BMPs, does not involve any significant cost to the town. Typically the local code enforcement officer, building inspector, health officer or other local official can conduct simple best management practice inspections, as necessary.

**“Will local businesses that use gas, oil, or other regulated substances cooperate with the town to complete the BMP inspection?”** Many businesses already follow the BMPs in the proposed ordinance, which are simple and include labeling containers that hold gas or waste oil, or making sure they are closed when not in use. In Belmont, which implemented a similar ordinance in 2008, no businesses have refused to complete an inspection. *Of the 98 businesses in Belmont, 65% voluntarily completed the BMP inspection within the first six months after the ordinance was adopted.* Communities that have taken a supportive, instead of an adversarial approach, have had outstanding cooperation from the business and industry community. No one *wants* to pollute their own drinking water.

**“Is an ordinance the only way to protect groundwater?”** No, but it is one of the most direct ways to protect groundwater. There are a number of ways to protect the drinking water beyond a zoning or health ordinance, but an integrated approach with a coordinated set of efforts will offer the greatest protection. Additional tools include acquiring land or easements, household hazardous waste collection and public education. See the DES websites listed below for guidance on how to protect groundwater.

*Local Zoning and Health Ordinances (NHDES):*

<http://des.nh.gov/organization/divisions/water/dwqb/dwspp/ordinance.htm>

*Best Management Practices for Groundwater (NHDES):*

<http://des.nh.gov/organization/commissioner/pip/factsheets/dwqb/documents/dwqb-22-4.pdf>

*Groundwater Protection for Municipalities (NHDES):*

[http://des.nh.gov/organization/divisions/water/dwqb/dwspp/documents/groundwater\\_municipalities.pdf](http://des.nh.gov/organization/divisions/water/dwqb/dwspp/documents/groundwater_municipalities.pdf)