

## **24-19 WELLHEAD PROTECTION.**

### **24-19.1 Statement of Findings.**

The governing body of the Township of Mahwah finds that:

- a. The groundwater underlying this Municipality is the sole-source of existing and future water supplies, including drinking water. Groundwater is stored and transmitted within bedrock and unconsolidated glacial aquifers beneath the Township. Bedrock aquifers are encountered in Precambrian igneous and metamorphic in the western portion of the Township and within Triassic-Jurassic encountered beneath the eastern portion of the Township. Glacial aquifers are present primarily but not exclusively in the Ramapo River Valley and along tributaries to the Ramapo River.
- b. The groundwater aquifers are integrally connected with, are recharged by, and flow into the surface waters, lakes and streams, which also constitute a major source of water for drinking, commercial and industrial needs.
- c. Spills and discharges of toxic or hazardous materials may contaminate or pollute groundwater supplies and related water sources.
- d. Contaminated water from any source is a detriment to the health, welfare and comfort of the residents of this Municipality, and other users of these water resources.

(Ord. No. 2017-1803 § 1A)

### **24-19.2 Purpose.**

The purpose of this section is to protect the public health, safety and welfare through the protection of the groundwater resources underlying the Municipality to ensure a supply of safe and healthful drinking water for the present and future generations of local residents, employees and the general public in this Municipality, as well as users of these water supplies outside this Municipality. Areas surrounding each public community well and public non-community well; known as Wellhead Protection Areas (WHPAs), from which contaminants may move through the ground to be withdrawn in water taken from the well have been delineated by the New Jersey Geological Survey (NJGS). Through regulation of land use, physical facilities, placement of toxic and hazardous materials, and other related activities within these areas, the potential for groundwater contamination can be reduced and any such contamination can be more readily found and remediated before reaching a public well. The purpose of the regulations contained in this section is to protect public community wells and public non-community wells from contamination. (Ord. No. 2017-1803 § 1B)

### **24-19.3 Statutory Authority.**

The Municipality of the Township of Mahwah is empowered to regulate these activities under provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., which authorizes each municipality to plan and regulate land use to secure a safe and adequate drinking water supply for its residents. Under provisions of the Underground Storage of Hazardous Substances Act, N.J.S.A. 13:1D et seq., a municipality may adopt, with State approval, a municipal ordinance that is more stringent than N.J.A.C. 7:14B but is obligated to ensure the provisions of the section are not carried out in a manner that is inconsistent with N.J.A.C. 7:14B. The Board of Health of this Municipality has autonomous power granted by the State Legislature to develop this section to protect public health, safety and welfare, as set forth in the New Jersey Local Boards of Health Law, N.J.S.A. 26:3-1 et seq.,

and the New Jersey County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq. (Ord. No. 2017-1803 § 1C)

#### **24-19.4 Definitions.**

**Administrative Authority** – The Administrative Officer or a Municipal Land Use Board (Planning or Zoning Board), with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

**Applicant** – Person applying to the Administrative Officer, a Municipal Land Use Board (Planning or Zoning Board), the Board of Health, or the Construction Office and proposing to engage in an activity that is regulated by the provisions of this section, that would be located within a regulated Wellhead Protection Area.

**Aquifer** – A formation, group of formations, or part of a formation that contains sufficient saturated permeable rock, sand, or gravel which is capable of storing and transmitting usable quantities of water to wells and springs.

**Best Management Practices (BMP)** – Performance or design standards established to minimize the risk of contaminating groundwater or surface waters while managing the use, manufacture, handling or storage of hazardous substances or hazardous wastes (see subsection 24-19.8).

**Contamination** – The degradation of natural water quality so that the water is not suitable for human consumption.

**Development** – Any construction, reconstruction, alteration of surface or structure or change in the nature or intensity of land use.

**Discharge** – Any intentional or unintentional action or omission, unless pursuant to and in compliance with the conditions of a valid and effective Federal or State permit, resulting in the releasing, spilling, pumping, emitting, emptying or dumping of a hazardous substance into the waters or lands of the State or into waters outside the jurisdiction of the State when damage may result to the lands, waters or natural resources within the jurisdiction of the State.

**Groundwater** – Water contained in interconnected pores or bedrock fractures of a saturated zone in the ground that is available for wells and springs. A saturated zone is a volume of ground in which the voids in the rock or soil are filled with water.

**Hazardous Substance** – Any substance designated under 40 CFR 116 pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972 (Clean Water Act) (Public Law 92-500; 33 U.S.C. 1251 et seq.), the Spill Compensation and Control Act, N.J.S.A. 58:10-23.1 et seq., or “hazardous pollutant” as defined by the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.). Substances listed include petroleum, petroleum products, pesticides, solvents and other substances.

**Hazardous Waste** – Any solid waste that is defined or identified as a hazardous waste pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E et seq., N.J.A.C. 7:26-8, or 40 CFR Part 261.

**Maximum Contaminant Level (MCL)** – Maximum permissible level of a contaminant in water measured at the point of entry to the distribution system or at the free-flowing outlet of the ultimate user of a public water system or other water system to which State primary drinking water regulations apply. Any contaminant added to the water under circumstances controlled by the user, except a contaminant resulting from corrosion of piping and plumbing caused by water quality, is excluded from this definition. (New Jersey Safe Drinking Water Act N.J.A.C. 7:10)

**NJDEP** – New Jersey Department of Environmental Protection.

**Person** – Any individual, public or private corporation, company, partnership, firm, association, owner or operator, political subdivision of this State, and any State, Federal or interstate agency or an agent or employee thereof.

**Polluted Water** – Drinking water exceeding a Federal and/or State maximum contaminant level (MCL).

**Potential Pollutant Source (PPS)** – An activity or land use which may contribute to contamination of a source of drinking water. For the purposes of this section Potential Pollutant Sources are defined in subsection 24-19.7.

**Public Community Well** – A public water supply well which services at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

**Public Non-Community Well** – A public water supply well that is not a public community well and that regularly serves at least twenty-five (25) of the same persons for more than six (6) months in any given calendar year.

**Sole Source Aquifer** – Any drinking water aquifer upon which more than fifty (50%) percent of a population group depends and for which there is no practicable or affordable alternate water supply.

**Tier 1 Wellhead Protection Area** – The area of land within a WHPA from which groundwater may travel to the well within two (2) years. (See maps referenced under subsection 24-19.5.)

**Tier 2 Wellhead Protection Area** – The area of land within a WHPA from which groundwater may travel to the well within five (5) years. (See maps referenced under subsection 24-19.5.)

**Tier 3 Wellhead Protection Area** – That area of land within a WHPA from which groundwater may travel to the well within twelve (12) years. (See maps referenced under subsection 24-19.5.)

**Time of Travel (TOT)** – The average time that a volume of water will take to travel in the saturated zone from a given point to a pumping well.

**Wellhead** – The well borehole and appurtenant equipment.

**Wellhead Protection Area (WHPA)** – An area described in plan view around a well, from which groundwater travels to the well and groundwater pollution, if it occurs, may pose a significant threat to the quality of water withdrawn from the well.

(Ord. No. 2017-1803 § 1D)

#### **24-19.5 Establishment of Wellhead Protection Areas and Maps.**

a. *Wellhead Protection Area Map:*

1. The delineations of Wellhead Protection Areas for public community wells and public non-community wells, which were published by the New Jersey Geological Survey and the New Jersey Department of Environmental Protection, are incorporated herein and made a part of this section. The Department of Environmental Protection will periodically update the WHPA maps and these maps, published by the New Jersey Geological Survey, will be available at the web-site; [www.state.nj.us/dep/njgs/geodata/](http://www.state.nj.us/dep/njgs/geodata/). The most recent WHPA maps available through the New Jersey Geological Survey should replace the maps used for reference in this section. A map of the Wellhead Protection Areas located within the Township of Mahwah as shown on the document entitled, "Wellhead Protection Areas for Public Community & Non-Community wells in Mahwah Township, Bergen County, New Jersey," prepared by Boswell McClave Engineering, dated April 12, 2017 which is hereby made part of this Chapter.

2. Wellhead Protection Areas, as shown on the maps described in subsection 19-24.5a,1, or as periodically updated and delineated by the Department of Environmental Protection and published by the New Jersey Geological Survey shall be considered to be superimposed over any other established zoning district. Land in a Wellhead Protection Area may be used for any purpose permitted in the underlying district, subject to the additional restrictions presented herein.

b. *Assignment of Restrictions within Wellhead Protection Areas:* Properties located wholly or partially within a Wellhead Protection Area shall be governed by the restriction applicable to the more restrictive Wellhead Protection Area Tier, if partially within one or more Tiers.

(Ord. No. 2017-1803 § 1E)

#### **24-19.6 Regulation of Wellhead Protection Areas for Public Wells.**

a. The Administrative Authority for administering the provisions of this section shall be the Administrative Officer or a Municipal Land Use Board (Planning or Zoning Board) of the Township of Mahwah.

b. Any applicant for a permit requesting a change in land use or activity which is subject to review under the provisions of the Municipal Land Use Law and other pertinent regulations of the Township of Mahwah and which is located within a delineated WHPA as defined in this section, and involves a Potential Pollutant Source as defined in subsection 24-19.7, shall comply with the requirements of this section.

c. Any applicant for a permit requesting a change in land use or activity, which is subject to the requirements of this section, shall file an Operations and Contingency Plan, as required by subsection 24-19.10, with the Administrative Authority. No permit that allows a change in land use or activity, which is subject to the requirements of this section, shall be granted unless an Operations and Contingency Plan for the proposed change has been approved by the Administrative Authority. Any plan approved by the Administrative Authority shall be kept on file in the office of the Administrative Officer of the Township of Mahwah, and shall be available to the public for inspection.

d. Any change in land use or activity that introduces a Major or Minor Potential Pollutant Source, as defined in subsection 24-19.7, shall be prohibited within a Tier 1 WHPA.

e. Any change in land use or activity that introduces a Major Potential Pollutant Source, as defined in subsection 24-19.7, shall be prohibited within a Tier 2 WHPA.

f. Any change in land use or activity that involves any Major or Minor Potential Pollutant Source, as defined in subsection 24-19.7, within any WHPA, that is not prohibited pursuant to subsection 24-19.6d. or e. and located within a Tier 3 WHPA shall comply with the Best Management Practice Standards, as defined in subsection 24-19.8.

g. This section is supplementary to other laws and ordinances in this municipality. Where this section or any portion thereof imposes a greater restriction than is imposed by other regulations, the provisions of this section shall supersede. These Rules and Regulations shall in no way affect the limitations or requirements applicable in the underlying municipal land use and zoning districts.

h. The use limitations noted herein shall be considered as limitations stipulated in the permitted list of uses in each zone. The activities regulated herein shall be considered limitations accessory to permitted uses in each zone.

(Ord. No. 2017-1803 § 1F)

#### **24-19.7 Potential Pollutant Source Listed.**

The following are Major and Minor Potential Pollutant Sources subject to the requirements of this section. These listings are consistent with the New Jersey Safe Drinking Water Act regulations (N.J.A.C. 7:10-11.4(a)4).

- a. Major Potential Pollutant Sources include the types of facilities and land uses listed in Appendix A.

**Editor's Note:** Appendix A may be found at the end of this section.

- b. Minor Potential Pollutant Sources include the types of facilities and land uses listed in Appendix B.

**Editor's Note:** Appendix B may be found at the end of this section.

The Administrative Authority of the Township of Mahwah may determine whether any other proposed change in land use or activity is of sufficient risk to the water supply to be considered a Major or Minor Pollutant Source.

(Ord. No. 2017-1803 § 1G)

#### **24-19.8 Best Management Practice Performance Standards.**

- a. Any applicant proposing any change in land use or activity that involves any Major or Minor Potential Pollutant Source as defined in subsection 24-19.7, which would be located either wholly or partially within any WHPA shall demonstrate that they have applied for all required State permits or control documents. No final approvals under the authority of the Municipal Land Use Law shall be issued until all required State permits or control documents are final issuance or determination. Underground storage tanks regulated at N.J.A.C. 7:14B shall also be operated in a manner consistent with N.J.A.C. 7:14B.
- b. Any new or modified activity that involves a Major or Minor Potential Pollutant Source located wholly or partially within any WHPA shall comply with and operate in a manner consistent with the following Best Management Practices:
  1. All portions or areas of a facility in which hazardous substances or hazardous wastes are stored, processed, manufactured or transferred outdoors, shall be designed so that the discharges of hazardous substances will be prevented from overflowing, draining, or leaching into the groundwater or surface waters.
  2. Outdoor storage, dispensing, loading, manufacturing or processing areas of hazardous substances or hazardous wastes must be protected from precipitation, stormwater flows or flooding.
  3. Wherever hazardous substances are stored, processed, manufactured or transferred outdoors, the design features shall include secondary containment and/or diversionary structures which may include but not be limited to:
    - (a) Containers, dikes, berms or retaining walls sufficiently impermeable to contain spilled hazardous substances for the duration of a spill event.
    - (b) Curbing.
    - (c) Gutter, culverts and other drainage systems.
    - (d) Weirs, booms and other barriers.
    - (e) Lined diversion ponds, lined lagoons and lined retention basins, holding tanks, sumps, slop tanks and other collection systems.

- (f) Drip pans.
- 4. Secondary containment and/or diversionary systems, structures or equipment must meet the following standards:
  - (a) The system must block all routes by which spilled hazardous substances could be expected to flow, migrate, or escape into the groundwater or surface waters.
  - (b) The system must have sufficient capacity to contain or divert the largest probable single discharge that could occur within the containment area, plus an additional capacity to compensate for any anticipated normal accumulation of rainwater.
  - (c) In order to prevent the discharge of hazardous substances into groundwater, all components of the system shall be made of or lined with impermeable materials sufficient to contain the substance for the duration of a spill event. Such material or liner must be maintained in an impermeable condition.
  - (d) No manufacturing area, processing area, transfer area, dike storage area or other storage area, or secondary containment/ diversion system appurtenant thereto shall drain into a watercourse or into a ditch, sewer, pipe or storm drain that leads directly or indirectly into a surface or subsurface disposal area, unless provision has been made to intercept and treat any spilled hazardous substances in an NJDEP approved industrial wastewater or pre-treatment facility, or other NJDEP approved facility.
  - (e) Catchment basins, lagoons and other containment areas that may contain hazardous substances should not be located in a manner that would subject them to flooding by natural waterways.
- 5. Stormwater shall be managed so as to prevent contamination of groundwater and so as to be in accordance with applicable laws and regulations of the State of New Jersey and of the Township of Mahwah.

(Ord. No. 2017-1803 § 1H)

#### **24-19.9 BMP Signage and Postings.**

- a. The Best Management Practices Signage utilized by regulated applicants to provide a source of continuous education to persons handling regulated substances.
  - 1. Locations conducting activities regulated under this section shall be required to have posted, at a minimum, the signage adopted by the Municipality to protect wellhead areas. The signage will be posted in each of the following areas in a regulated facility or regulated well:
    - (a) At hazardous material loading areas.
    - (b) At drum storage areas.
    - (c) On the water heater.
    - (d) Above slop sinks.
    - (e) In the ground floor lavatory.
    - (f) On the oil furnace.
    - (g) At gasoline or diesel pump areas.
    - (h) At waste storage areas.
    - (i) Other locations as appropriate.

2. The signage shall be plastic, laminated and waterproof.

(Ord. No. 2017-1803 § 1I)

**24-19.10 Operations and Contingency Plan.**

- a. An applicant proposing a change in land use or activity that involves a Potential Pollutant Source, as defined in subsection 24-19.7, that would be located either wholly or partially within any WHPA shall submit an Operations and Contingency Plan to the Administrative Authority. This Operations and Contingency Plan shall inform the Administrative Authority about the following aspects of the proposal:
  1. Types of Potential Pollutant Source proposed for the site;
  2. Types and quantities of hazardous substances or hazardous wastes that may be used or stored on site;
  3. Means to be employed to contain or restrict the spillage or migration of hazardous substances or hazardous wastes from the site into groundwater;
  4. Means to be used to remediate accidental spillage of such materials;
  5. Means to notify Administrative Authority about any accidental spillage of such materials;
  6. Demonstration that the proposed use and/or activity would employ, to the maximum extent possible, Best Management Practices as set forth in subsection 24-19.8 to protect groundwater contamination.
- b. The Administrative Authority shall review and approve any Operations and Contingency Plan prior to final approval of the application for a land use change or activity.
- c. Any Operations and Contingency Plan submitted shall be available for public review and comment.

(Ord. No. 2017-1803 § 1J)

**24-19.11 Enforcement.**

A prompt investigation shall be made by the Township Engineer in conjunction with the Administrative Officer of the Township of Mahwah of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this section is discovered, a civil action in the Special Civil Part of the Superior Court, or in the Superior Court if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this section shall be construed to preclude a Municipality's right, pursuant to N.J.S.A. 26:3A-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any subsection of this section shall constitute a separate and distinct offense independent of the violation of any other subsection, or of any order issued pursuant to this section. Each day a violation continues shall be considered a separate offense. (Ord. No. 2017-1803 § 1K)

**24-19.12 Nonconforming Regulated Activities.**

- a. An otherwise lawful usage or activity which exists at the time of the effective date of this section that does not conform to this section shall be considered an allowed nonconforming activity and may continue.

(Editor's Note: Ordinance No. 2017-1803, codified herein, was adopted May 18, 2017.)

- b. No allowed nonconforming activity shall be expanded, enlarged or modified in any way which is deemed by the Administrative Officer of the Township of Mahwah to increase its threat to groundwater or otherwise contravene the purposes and intent of this section.
- c. In the event that an allowed nonconforming activity is stopped, suspended or abandoned for a period of twelve (12) months or longer, the activity shall permanently desist and shall be subject to the requirements of this section.
- d. Notwithstanding the foregoing, if any allowed nonconforming activity is found to pose an imminent health hazard or threat to the Municipality's water supply, it shall be deemed a violation of this section.

(Ord. No. 2017-1803 § 1L)

#### **24-19.13 Application Requirements.**

- a. In addition to the standard requirements for an application for consideration of a subdivision or site plan by the Planning Board or Board of Adjustment, the applicant shall provide the following:
  1. Pre-Application Checklist. Any individual, corporation or entity applying to the Board for a well permit or approval of an individual water supply for other than residential purposes, must complete and sign a Wellhead and Aquifer Protection Checklist.
  2. Application. A Wellhead/Aquifer Protection Application will be required if an applicant indicates affirmatively that he/she will conduct one or more regulated activities on the pre-application checklist.
  3. Application Requirements. The applicant will provide the following information to the Board:
    - (a) A site plan at a minimum scale of 1 inch equals 50 feet. The plan shall show property boundaries; all potable wells on site and within one thousand (1,000) feet off site and all Wellhead Protection Areas affecting the site or within one thousand (1,000) feet of the site; all buildings on site; dry wells; septic systems; stormwater retention/detention ponds; curbs and paving; bedrock aquifer geology; the location of any regulated uses, facilities or activities identified in this section; the slope of the property toward the well(s) on site or any well off site whose interim or wellhead protection radius intersects the subject property boundary and the location of the installation of applicable Best Management Practices as defined in this section. The applicant may utilize base maps or plans prepared for the Planning Board or other agencies.
    - (b) A copy of the "Right to Know" draft filing prepared for the Fire Department which lists the quantities and names of regulated hazardous substances expected on site, or
    - (c) A list of known or probable hazardous substances or toxic wastes on site and their maximum/minimum expected quantities each month (see Definitions for Hazardous Substances and Hazardous Wastes).
    - (d) A copy of the applicant's draft "Industrial Stormwater Pollution Prevention Plan" as prepared for NJDEP, if applicable.
    - (e) A list of potable wells on site and within one thousand (1,000) feet off site as determined by the regulated activity, including names and addresses of the well owners and tax lot and block identifiers.
    - (f) A copy of any well record for the subject site.



- (g) The completed and signed Wellhead/Aquifer Protection Checklist.
- (h) A report describing the implementation of the applicable Best Management Practices to be employed on this project, including the location of the BMP signage.
- (i) Bind and submit all of the information listed above in report format including a site map. Upon approval of this application, a copy of the final report will be filed with the Administrative Officer.

(Ord. No. 2017-1803 § 1M)

## **APPENDIX A**

(Subsection 24-19.7a.)

### **Types of Facilities or Uses That Are Deemed to Be Major Potential Pollutant Sources**

1. Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills.
2. Collection and transfer facility for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials.
3. Any use or activity requiring the underground storage of a hazardous substance or waste and regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.), which includes farm or residential underground storage tanks of motor fuel for noncommercial purposes with a capacity greater than 1,100 gallons.
4. Above-ground storage or treatment facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
5. Underground heating oil storage for on-site consumption with a capacity greater than 2,000 gallons.
6. Unlined retention/detention pond that receives stormwater discharge from a highway.
7. Industrial or sanitary wastewater treatment plant.
8. Pipeline, except natural gas.
9. Automotive service center (repair & maintenance), car or truck washing facility, truck, bus, or locomotive maintenance yard or terminal.
10. Petroleum refinery, bulk station, terminal, or fuel dispensing or loading facility.
11. Road salt storage facility.
12. Site for storage and maintenance of heavy construction equipment and materials.
13. Junkyard, auto recycling, scrap metal, or scrap industry facility.
14. Resource Conservation Recovery Act (RCRA) treatment, storage, and disposal facility.
15. Toxic Catastrophe Prevention Act facility.
16. Solid waste recovery facility (SWRRF), solid waste transfer facility (SWE), or Class B recycling facility.
17. Disinfecting and pest control service.
18. Solvents recovery service.

19. Industrial or commercial laundry, dry cleaner, or carpet/upholstery cleaner.
20. Quarry and/or mining facility.
21. Textile mill with finishing operations (dyeing, coating, etc.) or leather tanning and finishing.
22. Manufacturing, repair or product processing facility using hazardous substances for wood preserving, reconstituting wood products, furniture, or fixtures with metal finishing.
23. Manufacturing or processing facility for inorganic chemicals, alkalis, chlorine, industrial gases, inorganic pigments, plastic materials, synthetic resins, pharmaceuticals, soaps, detergents, paints, gum and wood chemicals, industrial organic chemicals, pesticides and agricultural chemicals, photographic chemicals, adhesives, sealants, rubber or plastic.
24. Steel mill.
25. Metal foundry, smelter, forging, fabricating, plating, coating, or finishing facility.
26. Manufacturing, assembly or packing of ordinance with explosive load.
27. Manufacturing or processing facility for electronic equipment, carbon and graphite products, cathode ray tubes, printed circuit boards, semiconductors, electronic crystals, controlling instruments or batteries.
28. Manufacturing or processing facility for transportation equipment or ship building.
29. Repair shop with metal finishing.
30. Pulp, paper, and paperboard mill.
31. Printing and publishing facility (except digital facilities).
32. Weapons testing grounds.
33. Military facility.
34. Electrical power plant or substation.
35. Research organization using hazardous substances.
36. Cemetery or funeral home or such facilities with embalming facilities.
37. Site for storage and maintenance of equipment and materials for landscaping.
38. Livestock operation.
39. Agricultural use that does not use NJDEP approved Best Management Practices for agricultural chemical bulk storage, mixing or loading, including crop dusting or spraying.
40. Nursery that does not use NJDEP approved Best Management Practices.
41. Golf course that does not use NJDEP approved Best Management Practices.

(Ord. No. 2017-1803 App. A)

## **APPENDIX B**

(Subsection 24-19.7b.)

### **Types of Facilities or Uses That Are Deemed to Be Minor Potential Pollutant Sources**

1. Underground storage of hazardous substance or waste of less than 50 gallons.

2. Underground heating oil storage tank for on-site consumption with a capacity of less than 2,000 gallons.
3. Farm or residential underground storage tanks used for storing motor fuel for noncommercial purposes with a capacity of 1,100 gallons or less.
4. Sanitary sewer system, including sewer line, manhole, pump station within 100 feet of a regulated well. (See conditions below.)
5. Industrial waste line (See conditions below.)
6. Septic leaching field.
7. Facility requiring a groundwater discharge permit issued by the NJDEP pursuant to N.J.A.C. 7:14A et seq., unless required for remediation of a contaminated site.
8. Stormwater retention-recharge basin.
9. Dry well (See conditions below).
10. Storm water line within 100 feet of a regulated well. (See conditions below.)
11. Above-ground storage of hazardous substance or waste in quantities of less than 2,000 gallons.
12. Any "industrial establishment" facility subject to the rules of the Industrial Site Remediation Act (N.J.A.C. 7:26B) and listed in Appendix A that is deemed by the Administrative Authority of the Township of Mahwah to be of sufficient risk to the water supply to be considered a Minor Potential Pollutant Source.

Conditions:

- a. Sanitary sewer lines, industrial waste lines and storm water lines may be located within 100 feet of a regulated well, only if they are constructed of watertight materials and joints and provided with suitable corrosion protection.
- b. Manholes and/or connections to a sanitary sewer system are prohibited within 100 feet of a regulated well.
- c. Dry wells dedicated to roof runoff and serving residential properties or commercial or industrial properties not listed in Appendix A are permitted in any tier may not be located within 100 feet of a regulated well.
- d. Above ground heating oil storage tanks, 2,000 gallons or less, shall be permitted in any tier subject to approval by the Administrative Authority of containment provisions in accordance with subsection 24-19.8 herein and shall not be located within 100 feet of a regulated well. The new above ground tank and containment measures as specified herein shall be exempt from impervious coverage requirements for the zone. The above ground containment volume shall be at least as large as required to contain a spill of the contents of an above ground tank. The above ground tank is permitted within any side or rear yard but shall conform to the minimum setback requirement for accessory structures. The above ground tank site shall also include fencing or landscaping sufficient to provide a screen of the proposed above ground tank and containment apparatus from adjacent properties.
- e. An above ground fuel storage tank for emergency electrical generators with maximum fuel storage capacity of 2,000 gallons or less shall be permitted in any Tier subject to approval by the Administrative Authority of containment provisions in accordance with subsection 24-19.8 herein and shall not be located within 100 feet of a public community or public nontransient noncommunity well.

(Ord. No. 2017-1803 App. B)