## DRINKING WATER RESOURCES PROTECTION: GROUNDWATER PROTECTION

## **Regulation Language**

It is recommended that communities use the [NHDES 2015 Model Groundwater Protection Ordinance](https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/wd-06-41.pdf) as a guide. Below are several additional options for coastal communities to consider:

**III. Definitions**

A. Flood hazard areas: Areas identified as special flood hazard areas on **FEMA Flood Insurance Rate Maps**, that result in flood waters that often carry hazardous and toxic materials, including raw sewage, animal wastes, oil, gasoline, solvents, and chemicals such as pesticides and fertilizer. Flood waters that enter a well can contaminate the groundwater and make the well water unsafe to drink or to use in your business. The effects may last long after the flood waters have receded.

B. Low Impact Development (LID): An innovative approach to stormwater management that is based on the principle of managing runoff at the source.

**VI. Performance Standards**

A. Ensure that stormwater management practices follow the stormwater standards adopted by the Southeast Watershed Alliance. The MS4 permit references the 2012 standards; however, the 2017 standards include an enhanced process with stricter requirements. These practices should utilize new precipitation data from the most recent precipitation atlas published by the National Oceanic and Atmospheric Administration (NOAA) for the sizing and design of all stormwater management practices. See the website at: http://precip.eas.cornell.edu/.

B. Require LID practices to address stormwater runoff from high precipitation events in major subdivisions or site plans within the District. Require LID practices to address stormwater runoff from high precipitation events in major subdivisions or site plans within the District.

C. Minimize salt application options shall be proposed for roadways, driveways, and parking areas within the District.

D. The Planning Board may approve a Conditional Use permit with input from the Conservation Commission.

a. Prior to rendering a decision regarding the possible approval of any Conditional Use Permit application, the Planning Board shall afford the Conservation Commission an opportunity to provide written comment. After consideration and review of an application for a Conditional Use Permit, the Conservation Commission may recommend the Planning Board deny the application or impose conditions of approval necessary to mitigate the potential for adverse effects caused by the proposed activity or use. If the Planning Board decides to grant a conditional use permit that does not include the Conservation Commission’s recommendations, the Planning Board is encouraged to provide the reason for their conclusion as part of the Notice of Decision.

**VII. Spill Prevention, Control, and Countermeasure (SPCC) Plan**

1.Require that the SPCC is reviewed periodically (at least once every three years) and/or after any major storm event, such as but not limited to any storm event with precipitation exceeding a 10-yr, 25-yr or 50-yr event.

2. Identify prevention protocols and best management practices for aboveground storage tanks (AST) that should be implemented prior to a storm/emergency event. Examples may include:

a. Demonstrate the tank meets industry standards for engineering to withstand climate-intense storm events and secured to prevent failures during flooding events.

b. Close valves associated with piping and dispensing in advance of expected storm surge or predicted reach of flood water.

c. Ensure that all aboveground tanks not permitted by the state (under 660 gal; 1,320-gal total) are anchored and all piping to prevent uplift or floatation.

d. Use stiffener rings to prevent buckling from storm surge and wind loads

e. To the greatest extent possible, remove or secure all possible projectile hazards from the facility grounds

f. Ensure all storm drains are clear and free of debris.

g. Shut off the power to the fuel system

h. Inventory and record the level of product in each tank to account for any loss or water entry.

i. Conduct a detailed risk assessment of the facility and evaluate the impact of mitigation strategies for Planning Board review; include these assessments in the Spill Prevention, Control and Countermeasure Plan, Facility Response Plan, Risk Management Plan, or other pollution prevention plan, as applicable.

**IX. Prohibited Uses**

A. Outdoor storage areas of regulated substances in flood hazard areas or any area projected to experience sea level rise (see NH Coastal Flood Risk Summary Part 1: Science).