

TOWN OF DURHAM, CONNECTICUT  
GROUNDWATER ORDINANCE

I. Title

This Ordinance shall be known and be cited as the Groundwater Management Zone Ordinance of the Town of Durham, Connecticut.

II. Purpose

The purpose of this Ordinance is to protect the health and safety of the residents of Durham and to protect the integrity of the Durham Meadows Superfund Site remedy by identifying a Groundwater Management Zone (“GMZ”) to prevent the use of and public exposure to contaminated groundwater drawn from the GMZ. In consultation with the United States Environmental Protection Agency (EPA) and the Connecticut Department of Energy & Environmental Protection (CT DEEP), the boundaries of the GMZ are set forth on **Figure 1** attached hereto.

III. Scope and Authority

As authorized by Connecticut General Statutes Section 7-148, within the boundaries of the GMZ, comprised as set forth in this Ordinance, no groundwater shall be extracted, consumed or utilized from the ground, except as otherwise provided within this Ordinance. This Ordinance shall apply to the GMZ notwithstanding the provisions of any other Town ordinance previously adopted.

IV. Definition

Groundwater: All the water found beneath the surface of the ground including all subsurface water present in bedrock and overburden aquifers and recharge areas within the GMZ. Groundwater does not include waters found in fire ponds or any other surface water bodies within the GMZ.

V. Groundwater Management Zone (“GMZ”)

There is hereby established within the Town of Durham the GMZ Zone as depicted in Figure 1. The particular properties contained within the GMZ are generally located on or

adjacent to Main Street as depicted in Figure 1 and can be identified using assessor's maps that are on file at the Town of Durham Office of Assessor.

## VI. Use Regulations

Within the GMZ, the following regulations shall apply:

- A. The following uses are prohibited in the GMZ: the extraction, consumption, or utilization of groundwater for any purposes, including residential wells, unless the water supply well is complies with Section 19-13-B51m of State of Connecticut Public Health Code. However, groundwater in the GMZ may be removed and tested for purposes of evaluating groundwater quality for environmental investigation, industrial processes, and agricultural irrigation.
- B. All existing groundwater wells (except groundwater monitoring wells, industrial process wells, or agricultural irrigation wells) must be abandoned in accordance with the provisions of the Connecticut Well Drilling Code and Rules, Sections 25-126 through 25-137 of the General Statutes and Regulations of the State of Connecticut and all applicable regulations of the Durham Health Department within ninety (90) days of the effective date of this Ordinance.
- C. All properties located within the GMZ that contain any habitable structures (residential, commercial or industrial) with running water shall connect to the existing public water supply within ninety (90) days of the effective date of this Ordinance.
- D. This Ordinance shall not apply to any investigation or monitoring wells installed or required to be installed, by any federal, state, or local government authority.
- E. Nothing in this regulation shall prohibit a property owner from developing property within the GMZ provided that any development proposal requiring on-site drinking water shall demonstrate compliance with the Public Health Code.
- F. Nothing in this regulation shall prohibit the use of a closed-loop system for geothermal heating purposes.

## VII. Exceptions

Any person who owns properties within the GMZ in the Town of Durham may request an exception to this Ordinance for continued use of irrigation wells for agricultural use. Prior to the use of any such wells, the requestor must document in writing to the satisfaction of the Town of Durham Health Department and Agriculture Committee, CT DEEP, and the Connecticut Department of Public Health, that there is no possibility for cross-connection between the irrigation well and the public water supply, and that levels of contamination in groundwater being used for irrigation purposes, raw or treated, will not adversely affect the health and safety of agricultural workers or other persons exposed to the water or agricultural products raised or grown on the property. The owners of the irrigation wells must verify that the agricultural activities at the property meets the definition of agriculture as defined by the Connecticut Department of Agriculture in Section 1-1(q) of the Connecticut General Statutes. Upon approval of the use of any irrigation well by the agencies, the requestor shall be required to provide continued documentation on these matters to the Durham Health Department and

Agriculture Committee on a pre-approved schedule determined by the agencies, or at least annually and comply with such other conditions imposed upon it for operation of the irrigation well.

At a prior to sale of the property, the owner of such approved irrigation well must provide written notice to the purchaser of the condition of the well and any and all limitations on its use. Failure to received notice does not relieve any subsequent owners of the responsibility to maintain treatment and ensure the potability of the supply for its intended use in accordance with this Ordinance.

VIII. Violations

A. The Town of Durham may institute or cause to be instituted, in the name of the Town, any and all actions, legal and equitable, that shall be appropriate or necessary for the enforcement of the provisions of this Ordinance.

B. Any person, firm or corporation, being the owner or occupant of, or having control or the use of land within the GMZ who is found to violate any provision of this Ordinance, may be cited in the amount \$250 in accordance with the citation ordinance adopted in accordance with Connecticut General Statutes Section 7-152c. Each day such violation is permitted to exist shall constitute a separate offense.

IX. Effective Date

This Ordinance shall take effect on the twenty first day following publication.

Approved by the Town Council of the Town of Durham on **XX XX XXXX**.