



Lumpkin County Water & Sewerage Authority

194 COURTHOUSE HILL ANNEX A, DAHLONEGA, GEORGIA 30533 (706) 867-8650 FAX: (706) 864-0116

- Date:** April 27, 2016
- Agenda item:** Requested Update to Wellhead Protection Ordinance
- Item Description:** The Wellhead Protection Ordinance adopted by Lumpkin County in 2010 contains a typographical error that should be revised/amended.

Facts & Historical Information:

In 2010 the Georgia Department of Natural Resources required local governmental agencies (as applicable) to complete the passage of an ordinance providing for providing for the protection of wells producing water for public consumption in Georgia. The ordinances were to have an effective date of not later than January 1, 2011.

In November of 2010 the Lumpkin County Water and Sewerage Authority (LCWSA) adopted a resolution to request the Lumpkin County Board of Commissioners adopt a "Wellhead Protection Ordinance" as required by the Georgia Department of Natural Resources. A draft copy of LCWSA's resolution is attached to this report as "EXHIBIT – 1".

On December 16, 2010 the Lumpkin County adopted Resolution No. 2010-71 in response to the request from LCWSA. A signed copy of Resolution No. 2010-71 is attached to this report as "EXHIBIT – 2".

Attached to both LCWSA's recommendation and the Lumpkin County's Resolution No. 2010-71 is "Exhibit A". "Exhibit A" is the Wellhead Protection Ordinance. Section 2.a. of the Wellhead Protection Ordinance establishes a Control Zone around the wellhead of wells producing water for public consumption. Per the ordinance, within the Control Zone, the Lumpkin County Water and Sewerage Authority shall control all activities so that there are minimal sources of potential pollution in the immediate vicinity of the wellhead.

Comparison of Section 2.a. of the draft ordinance and the adopted ordinance shows that there is a discrepancy between the draft of the ordinance that was recommended by LCWSA and the final version of the ordinance that was signed by the Lumpkin County Commission Chairman.

In the draft copy of the ordinance, the limits of the Control Zone around an individual wellhead was described as follows: “The Control Zone is all that area within a circle. The center of said wellhead and the radius of which is **15 feet.**”

In the finalized and signed copy of the ordinance, the limits of the Control Zone around an individual wellhead was described as follows: “The Control Zone is all that area within a circle, the center of said wellhead and the radius of which is **157 feet.**”

Staff Recommendation:

LCWSA Staff recommends the Lumpkin County Board of Commissioners consider taking such action as necessary to revise/amend Section 2.a. of Lumpkin County Wellhead Protection Ordinance to match the language of the ordinance as originally drafted.

Specifically, the description of the Control Zone limits in contained in Section 2.a. of the adopted Wellhead Protection Ordinance is recommended be revised to read as follows:

“The Control Zone is all that area within a circle. The center of said wellhead and the radius of which is **15 feet.**”

LUMPKIN COUNTY WATER AND SEWERAGE AUTHORITY RESOLUTION 2010-99

A RESOLUTION TO AUTHORIZE AND DIRECT THE REQUEST
FOR
ADOPTION OF THE WELL HEAD PROTECTION ORDINANCE

Whereas the Georgia Department of Natural Resources requires the passage of an ordinance providing for the protection of wells producing water for public consumption in Georgia; and,

Whereas the Georgia Department of Natural Resources further requires that such ordinance have an effective date not later than January 1, 2011; and,

Whereas the LCWSA Board has determined that the Draft Resolution attached hereto as Exhibit "A," and which is by reference fully incorporated herein, meets the requirements of the Environmental Protection Division of the Georgia Department of Natural Resources; and,

Whereas the LCWSA Board has determined that it is the desire and recommendation of the Board that the attached resolution be endorsed and recommended to the Lumpkin County Board of Commissioners for adoption by Lumpkin County;

Therefore, the members of the Board of the Lumpkin County Water and Sewerage Authority do hereby authorize and direct that the Chairman of the Board to draft and execute a letter to the Chairman of the Lumpkin County Board of Commissioners conveying the request of the Board;

Resolved, adopted and effective this 9th day of November, 2010.

Murl D. Jones
Chairman, Board of Directors
Lumpkin County Water and Sewerage

Authority

Attest:

Vic Dover
Secretary, LCWSA

LUMPKIN COUNTY RESOLUTION NO. 2010-99

A RESOLUTION TO PROVIDE FOR THE PROTECTION OF THE WELLS PROVIDING DRINKING WATER FOR PUBLIC CONSUMPTION AND TO MEET THE REQUIREMENTS OF THE GEORGIA DEPARTMENT OF NATURAL RESOURCES BY ADOPTION OF A WELLHEAD PROTECTION ACT

Whereas, the governing authority of Lumpkin County has received the request of the Lumpkin County Water and Sewerage Authority to adopt a Wellhead Protection Ordinance; and,

Whereas, the governing authority of Lumpkin County now desires to adopt said ordinance as set out on the attached Exhibit "A," which is by reference fully incorporated herein;

Now therefore, it is hereby resolved that the attached ordinance shall be adopted as the Lumpkin County Wellhead Protection Ordinance.

Resolved and adopted this ___ day of _____, 2010, with an effective date of January 1, 2011.

John Raber, Chairman
Lumpkin County Board of Commissioners

Attest:

Ruth A. Bohac
Lumpkin County Clerk

Exhibit "A"

**THE LUMPKIN COUNTY WELLHEAD PROTECTION ORDINANCE
EFFECTIVE JANUARY 1, 2011**

This ordinance shall be known as the "Wellhead Protection Ordinance."

The purpose of this ordinance is to insure the provision of a safe and sanitary drinking water supply for Lumpkin County by the establishment of wellhead protection zones surrounding the wellheads for all wells and springs which are the supply sources for the Lumpkin County Water and Sewerage Authority water system, and by the designation and regulation of property uses and conditions which may be maintained within such zones.

Section 1. Definitions. When used in this ordinance the following words and phrases shall have the meaning given in this section:

- a. Hazardous waste or material - any waste or material which because of its quantity, concentrated or physical, chemical or infectious characteristics may:
 - (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitation reversible illness; or
 - (2) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- b. Sanitary Landfills - A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.
- c. Wellhead - The upper terminal of a well or spring, including adapters, ports, seals, valves and other attachments.

Section 2. Establishment of a wellhead protection zone. There is hereby established a use district to be known as a wellhead protection zone, identified and described as all the area within a zone, within of which is the center of any LCWSA water supply wellhead. In a situation where the wellhead protection zone extends into the jurisdiction of another government entity, the governing authority of Lumpkin County will request that government to respect the protective features of this ordinance. The area will consist of two zones identified as follows:

- a. The Control Zone: Within this zone, the Lumpkin County Water and Sewerage Authority shall control all activities so that there are minimal sources of potential pollution in the immediate vicinity of the wellhead. The Control Zone is all that area within a circle. The center of said wellhead and the radius of which is 15 feet.
- b. The Management Zone: Within this zone, certain potential pollution sources are prohibited and certain activities must be performed in accordance with the State of Georgia "Rules for Safe Drinking Water, Section 391-3-5.40 Wellhead Protection". The Management Zone may include

inner- and outer-management zones, and contains the control zone and the wellhead as identified in the approved Georgia Wellhead Protection Plan for the Lumpkin County Water and Sewerage Authority.

Section 3. Prohibited uses. The following uses or conditions shall be and are hereby prohibited within wellhead protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Section 3 of this ordinance:

- a. Any new septic tanks or drain fields appurtenant thereto may not be less than 100 feet from the wellhead;
- b. Sanitary landfills;
- c. Hazardous waste disposal sites;
- d. Any new storm water infiltration basins within 250 feet of the wellhead;
- e. Any new underground storage tanks within 250 feet of the wellhead.
- f. Any new sanitary sewer lines within the control zone of a wellhead.

Section 4. Administration. The policies and procedures for administration of any wellhead protection zone established under this ordinance, including without limitation those applicable to non-conforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing zoning ordinance for. The Lumpkin County Water and Sewerage Authority, as the same is presently enacted or may from time to time be amended.

This ordinance shall be effective as of January 1, 2011. All ordinances and parts of ordinances in conflict herewith shall be hereby repealed.

LUMPKIN COUNTY RESOLUTION NO. 2010-71

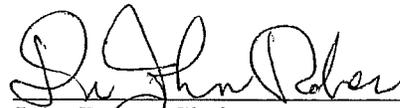
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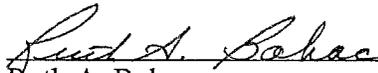
Now therefore, it is hereby resolved that the attached ordinance shall be adopted as the Lumpkin County Wellhead Protection Ordinance.

Resolved and adopted this 16th day of December, 2010, with an effective date of January 1, 2011.



John Raber, Chairman
Lumpkin County Board of Commissioners

Attest:



Ruth A. Bohac
Clerk, Lumpkin County

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EFFECTIVE JANUARY 1, 2011

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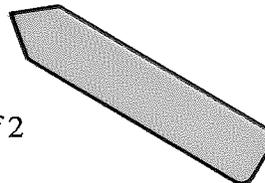
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