

GROUNDWATER PROTECTION STANDARDS

Section 11—Definition of Hazardous Substances:

11.308

The term “hazardous substance” means:

- (1) Any substance that the Michigan Department of Natural Resources has demonstrated, on a case by case basis, poses an unacceptable risk to the public health, safety, or welfare, or the environment, having considered the fate of the material, dose response, toxicity, or adverse impact on natural resources.
- (2) Hazardous substance as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-520, 94 Stat. 2767.
- (3) Hazardous waste as defined in part 111 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994 as amended; MCL 324.11101 et seq.
- (4) Petroleum as described in part 213 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994 as amended: MCL 342.21301 et Seq.

Section 69—Groundwater Protection Standards Applicability

69.100—Scope

These provisions shall apply to all businesses and facilities, including private and public facilities, which use, store, or generate hazardous substances in aggregate quantities greater than 100 kilograms per month (equal to 25 gallons or 220 pounds) and which require site plan review under the provisions of this ordinance.

Groundwater Protections Standards

69.200

1. Land use and the design of related improvements should seek to protect the natural environment, including wetlands, water bodies, water courses, flood plains, groundwater and soils.
2. The design of storm water management and drainage facilities should seek to retain the natural retention and storage capacity of any wetland, water body, or water course, and not increase flooding or the possibility of polluting surface or groundwater, on-site or off-site.
3. General purpose floor drains shall be connected to an approved public sewer system, an on-site closed holding tank (not a septic system), or as authorized and regulated through a State of Michigan groundwater discharge permit.

4. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the surface of the ground, groundwater, lakes, streams, rivers or wetlands.
5. State and federal agency requirements for storage, spill prevention, record-keeping; emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals. If regulations for more than one government agency apply to a proposed land use, the most stringent regulations shall be followed.
6. Secondary containment for aboveground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
7. Outdoor storage of hazardous substances shall be prohibited except in product tight containers which are protected from weather, leakage, accidental damage and vandalism. And where same complies with the standards of this Section with regard to secondary containment.
8. The design and construction of areas and facilities for loading/unloading of hazardous substance shall be designed to prevent spills and discharges to the surface of the ground, groundwater, lakes, streams, rivers or wetlands.
9. Bulk Storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
10. Out-of-service water wells shall be sealed and abandoned on accordance with applicable requirements of the Kalamazoo County Human Services Department.
11. Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the State Fire marshal Division and the Michigan Department of Natural Resources. (ord. no. 330 eff. Sept. 25, 1995)