

**AN ORDINANCE TO ADOPT TOWN CODE SECTION 113, ARTICLE V PERTAINING TO THE STORAGE OF ANY SUBSTANCE WITH A MAXIMUM CONTAMINATION LEVEL IN DRINKING WATER AND THE REPORTING OF SPILLAGE OF THE SAME**

**MOTION: Councilmember Snyder**  
**SECOND: Vice Mayor Kirk**

**WHEREAS**, the Town Council is concerned about the protection of the Town’s source water; and,

**WHEREAS**, the Council appointed the Wellhead Protection Advisory Committee to advise it on ways to protect the Town’s source water, including its wells; and,

**WHEREAS**, the Wellhead Protection Committee worked with the Virginia Department of Health, Virginia Department of Environmental Quality and TetraTech, a consultant, to develop a Wellhead Protection Plan for the Town of Middleburg; and,

**WHEREAS**, this Plan was adopted by the Town Council on May 23, 2013; and,

**WHEREAS**, one of the recommendations contained in the Plan is the adoption of an ordinance to limit the amount of any substance with a Maximum Contamination Level in drinking water that could be stored or applied in Wellhead Protection Zone 1;

**NOW THEREFORE BE IT ORDAINED** that Article V of Chapter 113 of the Middleburg Town Code is adopted as set forth below:

**ARTICLE V**  
**STORAGE OF ANY SUBSTANCE WITH A MAXIMUM CONTAMINATION LEVEL IN DRINKING WATER AND THE REPORTING OF SPILLAGE OF THE SAME**

**Section 113-32 Purpose**

To encourage proper storage and disposal of substances and to notify the Town in the event of a spill of a regulated substance in order to protect the public’s health and safety by minimizing the risk of contamination and to preserve and protect the existing and potential sources of drinking water as allowed under Virginia Code Section 15.2-2109.

**Section 113-33 Definitions**

Maximum Contamination Levels (MCLs): The highest level of a contaminant that is allowed in drinking water.

Maximum Contamination List: The list of contaminants and their MCLs as identified by the United States Environmental Protection Agency under the Safe Drinking Water Act, as may be amended, a copy of which can be found on the Town of Middleburg website.

**Section 113-34 Application**

This Article shall apply to all properties located within the Town of Middleburg located within Wellhead Protection Zones 1 and 2.

**Section 113-35 Adoption of Maps**

The Wellhead Protection Area Maps as contained in the Wellhead Protection Plan as adopted by Council on May 23, 2013 are hereby adopted by reference and made a part of this Ordinance.

**Section 113-36 Storage of Regulated Contaminants**

In the event a substance containing a contaminant as identified on the Maximum Contamination List is stored, handled, manufactured or used on an individual property in Wellhead Protection Zones 1 and 2, they shall be stored as follows:

- A. Contaminants shall be stored in accordance with the manufacturer's recommendations;
- B. Storage containers shall be labeled and shall allow for visual inspection;
- C. Storage containers shall be designed to have proper containment to protect against spillage and release during filling, mixing, withdrawal or use of the contents;
- D. Storage containers shall be maintained, repaired and/or replaced so as to be kept in good working order for the prevention of leaks, spills or escapes;
- E. Storage containers that are no longer in use shall be emptied, closed and properly disposed of.

**Section 113-37 Reporting of Spills**

- A. Any discharge of a regulated substance(s) in excess of five (5) gallons if liquid or twenty-five (25) pounds if solid, or in a lesser amount if otherwise recommended on the packaging, shall be reported immediately by the owner or responsible party to the Town Administrator. Such reporting shall in no way relieve the owner or responsible party from other local, state or federal reporting obligations. The owner or responsible party providing notification shall inform the Town Administrator of the substance(s) discharged, the amount, location, duration of discharge and potential hazard to groundwater, if known.
- B. A discharge of a quantity of a regulated substance must be remedied such that containment of soils, surface water or groundwater is brought into compliance with local, state and/or federal regulations.
- C. Clean-up activities shall begin concurrent with or immediately following emergency response activities. A full written report including the steps taken to contain and clean-up the spill shall be submitted to the Town Administrator within forty-five (45) days of the discovery of the spill.

This ordinance shall be effective upon passage.

**Vote: Aye: Councilmembers Kirk, Hazard, Daly, Leonard-Morgan, Miller and Snyder  
Nay: N/A  
Abstain: N/A  
Absent: Councilmember Littleton**

APROVED:

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Betsy A. Davis, MAYOR

ATTEST:

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Rhonda S. North, MMC  
Town Clerk

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This ordinance was adopted by the Middleburg Town Council on the 8<sup>th</sup> day of December, 2014.