

WELLHEAD OVERLAY PROTECTION DISTRICT RESOLUTION

A Resolution adopted for the purpose of amending the Haywood County, Tennessee Regional Zoning Resolutions to create a wellhead overlay district to protect groundwater resources from contamination, prevent the expenditure of public funds for potential future remediation projects, minimize business interruptions, minimize damage to utilities, and protect the natural resources of the State.

STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSE, AND PROCESS.

(A) Statutory authority.

- (1) The Federal Safe Drinking Water Act, Section 1428, requires each state to protect public water supplies which use a groundwater source. Pursuant to the Act, The United States Environmental Protection Agency authorized the Tennessee Department of Environment and Conservation to enforce the Act, and the Department has adopted rules and regulations [under the authority of TCA §68-221-701 et seq.](#)
- (2) Tenn. Code Ann. §§ 13-7-101 (a) (1) and 13-7-103 delegated the responsibility to local governments to adopt regulations to protect public water supplies.

(B) Findings of fact.

The Wellhead Protection Plans prepared by the University of Memphis Center for Applied Earth Science and Engineering Research (CAESER) and published September 2023 and June 2026 meets the regulations established by the TDEC Division of Water Resources, Rule 0400-45-01-.34 under the Tennessee Safe Drinking Water Act. Protection of ground water supplies can be achieved by designating areas around wellheads within which land use activities are restricted or prohibited.

(C) Purpose

The purpose of this overlay district is to protect the drinking water supply for the current and future residents, employees, and visitors of Haywood County from land uses which pose a threat to quality of the aquifer. The designation of two Wellhead Protection Areas and the regulation of activities within these zones will reduce the potential for groundwater contamination.

(D) Process - The Wellhead Protection Overlay District shall be considered as overlaying other districts as shown on the Zoning Map for Haywood County.

- (1) Any use not allowed in the underlying districts shall not be allowed in the Wellhead Protection Overlay Zone. Such use shall not be allowed.
- (2) Any use allowed in underlying zoning districts shall be allowed in the Wellhead Protection Overlay Zone, except where the WP Overlay Zone prohibits uses or imposes greater restrictions or additional requirements. Such use shall not be allowed until such restrictions/requirements are complied with.
- (3) If conflicts arise between this WP Overlay Zone and existing zoning resolutions, the more restrictive regulation/requirement shall apply.

(E) DEFINITIONS.

For this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AQUIFER. A geologic formation, group of formations or part of a formation capable of storing and yielding groundwater to wells or springs.

BEST MANAGEMENT PRACTICES. Operational procedures for handling, storage and disposal of regulated substances and procedures which are designed to minimize the impact of certain activities or land uses on groundwater quality and quantity.

BOARD OF ZONING APPEALS (BZA). The Board of Zoning Appeals is the quasi-judicial body which determines whether variances may be issued for the use of property within Haywood County.

CERTIFICATE OF CONFORMANCE. A document issued by a hydrologic engineer which certifies that the proposed development meets or exceeds the requirements of this subchapter.

CONSTRUCTION. Includes building, erecting, moving or any physical operations on the premises which are required for construction. Excavation, fill, paving and the like shall be considered part of construction.

CONTAMINATE. To have unwanted chemicals or bacteria mixed into a water system formerly void of such substances.

GROUND WATER. The water contained within the earth's surface that has penetrated from precipitation and from infiltration by streams, ponds and lakes.

GROUND WATER CONTAMINATION. Presence of any substance designated by the U.S. EPA or the State of Tennessee as a primary or secondary water quality parameter more than the maximum allowable contaminant level (MCL) or as regulated under the Primary Drinking Water Standards of the Safe Drinking Water Act.

HAYWOOD COUNTY WELLHEAD PROTECTION OVERLAY MAP. A map generated by Haywood County illustrating the location of Wellhead Protection Areas, Zone 1 and Zone 2. The map is available for inspection at the office of the Haywood County Building and Codes Department, 1 N. Washington, Brownsville, TN 38012.

HAZARDOUS MATERIALS. A material which is defined in one or more of the following categories.

- (1) Ignitable. A gas, liquid or solid which may cause fires through friction, absorption of moisture or which has low flash points. Examples: white phosphorous and gasoline.
- (2) Carcinogenic. A gas, liquid or solid which is normally considered to be cancer causing or mutagenic. Examples: PCBs in some waste oils.
- (3) Explosive. A reactive gas, liquid or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combinations thereof. Examples: dynamite, organic peroxides and ammonium nitrate.
- (4) Highly toxic. A gas, liquid or solid so dangerous to man as to afford an unusual hazard to life. Examples: parathion and chlorine gas.
- (5) Moderately toxic. A gas, liquid or solid which, through repeated exposure or in a single large dose, can be hazardous to humans. Examples: atrazine.
- (6) Corrosive. Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

PERCOLATION RATE. The rate at which water flows or trickles through porous soils, as determined by a percolation test.

POLLUTANT TRAVEL TIME. The time required by pollutants to travel from one point to another.

POTABLE WATER. Water that is satisfactory for drinking, culinary and domestic purposes, meeting current state and federal drinking water standards.

RESPONSIBLE AGENT. The **Zoning Compliance Officer** in consultation with the Haywood County Planning Staff, Haywood County Health Department, TDEC, the County Attorney, and qualified engineer, is the responsible agent for Haywood County who reviews all development plans within the Wellhead Protection Area, makes any necessary interpretation of Wellhead Protection Area Zones and reviews any other related matters that may arise in the administration of this Chapter.

STORM WATER DRAINAGE. A sewer or other system for conveying surface runoff due to storm events and unpolluted groundwater or surface water, including that collected by cellar drains, but excluding sanitary sewage and industrial waste.

SURFACE RUNOFF. That part of the precipitation that passes over the surface of the soil to the nearest surface stream without first passing beneath the surface.

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC). A state agency, authorized by the United States Environmental Protection Agency to adopt and enforce Section 1428 of the amendments to the Federal Safe Drinking Water Act which mandates the protection of public water supplies that utilize a ground water source.

TRAVEL TIME CONTOUR. Locus of points from which water takes an equal amount of time to reach a given destination such as a well or wellfield.

WASTEWATER. Any combination of water carried wastes from institutional, commercial and industrial establishments and residences, together with any storm, surface water or groundwater as may be present.

WATER TABLE. The upper surface of a zone of saturation except where that surface is formed by an impermeable barrier.

WELL, ABANDONED. An abandoned or unused well may be defined under one or more of the following:

- (1) A well which has been out of service continuously for one year or more and does not meet the definition of an inactive well;
- (2) A monitoring well from which no measurement or sample has been taken for a period of three years;

- (3) A well which is in such a state of disrepair that it cannot be made operational;
- (4) A test hole or exploratory boring 24 hours after construction and testing work has been completed;
- (5) A cathodic protection well that is no longer functional for its original purpose;
- (6) Any boring that cannot be satisfactory completed as a well.

WELL, ACTIVE. A well that has been utilized at least once in the preceding 12 months for the extraction of groundwater.

WELL, INACTIVE. An inactive well or standby well means a well that has not been used for a period of one year or more to produce groundwater but is maintained in such a condition that it could be so used, a monitoring well maintained for such use or a cathodic protection well maintained for such use.

WELLFIELD. A tract of land, either continuous or disjointed, containing existing or proposed wells for supplying water as specified in the wellfield protection maps.

WELLFIELD AREA OF CONTRIBUTION. Area of the aquifer where groundwater flow is diverted to a pumping well due to a lowering of the water table.

WELLFIELD RECHARGE AREA. The area from which groundwater flows directly to the wellfield area of contribution.

WELLHEAD. The specific location of the source area for water which is withdrawn from a well or spring.

WELLHEAD PROTECTION AREA (WPA). The surface and subsurface area surrounding a water well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach.

WELLHEAD PROTECTION OVERLAY DISTRICT. An overlay district on the existing zoning districts which represents the area covered by Wellhead Protection Areas, Zone 1 and Zone 2.

ZONE OF CONTRIBUTION. The area from which groundwater flows to a pumping well.

AUTHORITY AND APPLICABILITY.

- (A) The Tennessee Wellhead Protection Regulations (Rule 1200-5-1-.34) require that every Public Water System (PWS) in the state set up a two-zone protection system for its groundwater source.
- (B) This Chapter shall apply to any proposed use, either allowed by right or requiring a special use permit, that is located within the Wellhead Protection Area of Haywood County. Neither the Haywood County Regional Planning Commission nor the Building and Codes Officer shall grant a permit or certificate of occupancy to any property located within any Wellhead Protection Area unless such application demonstrates compliance with this Chapter.
- (C) Requirement for development permit.
 - (1) Prior to site plan approval by the Planning Commission, the applicant shall obtain a certificate of conformance with this chapter from a hydrologic engineer in a timely manner for all proposed land-use activities in Wellhead Protection Areas, Zone 1 and Zone 2 within Haywood County.
 - (2) If, upon review of the site plan, the Planning Commission determines that additional information is necessary to completely evaluate the proposed development, the Planning Commission may defer the development plan for 30 days to obtain more information from hydrology and geology experts prior to approval of the plan for a certificate of conformance.
 - (3) A building permit shall be required in conformity with this subchapter prior to the commencement of any development activity. No building permit shall be issued without first obtaining a certificate of compliance from a hydrologic engineer.
- (D) Compliance. No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.
- (E) Interpretation. In the interpretation and application of this Chapter, all provisions shall be:
 - (1) Considered as minimum requirements;
 - (2) Construed in favor of potable water protection; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(F) Interpretation of Wellhead Protection Area.

Any person contesting the location of the Wellhead Protection Area, Zone 1 and Zone 2, shall be afforded reasonable opportunity before the Haywood County Board of Zoning Appeals (BZA) to present any technical evidence he or she may wish to support his or her position. Any proposed adjustments shall be based on the same modeling techniques defined in Zone 1 and Zone 2 reports approved by TDEC (November 1995) and the latest approved delineation of Zone 1 and Zone 2 by TDEC. The Board of Zoning Appeals shall not consider any application for a variance from the provisions of this chapter until the Planning Staff has had an opportunity to review the application and make a written recommendation to the Board of Zoning Appeals. The Planning Staff shall have 45 working days from the filing of any application for a variance from this subchapter to review and issue its recommendation. The application shall be advertised for public hearing for the next regularly scheduled Board of Zoning Appeals meeting following the expiration of the 45-day period.

(G) Warning and Disclaimer - The levels of wellhead protection required by this Chapter are considered reasonable for regulatory purposes and are based on scientific and engineering considerations approved by TDEC. This Chapter shall not create liability on the part of Haywood County or by any officer or employee thereof for any damages to groundwater resources that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

(H) Applicant's responsibility. It shall be the responsibility of any person owning real property and/or owning or operating a business within Haywood County to make a determination of the applicability of Wellhead Protection Area Overlay District Zones as it pertains to the property and/or business under his or her ownership or operation and his or her failure to do so shall not excuse any violations of the sections.

(I) Injunctive relief. If any person who engages in nonresidential activities and stores, handles, uses and/or produces toxic substances listed in 40 CFR 116 (Designation of Hazardous Substances) of the Federal Water Pollution Control Act, within the Zone of Contribution, as indicated on the Haywood County Wellhead Protection Overlay Map, without having obtained a permit as provided for herein or continues to operate in violation of the provisions of this Chapter, then Haywood County or neighboring property owner may file an action for injunctive relief in the appropriate court.

(J) Severability. Should any part or provision of this subchapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this subchapter as a whole or any part thereof other than the part held to be invalid.

(K) Penalties for violation. Violation of the provisions of this subchapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be punishable as provided in the Enforcement Chapter.

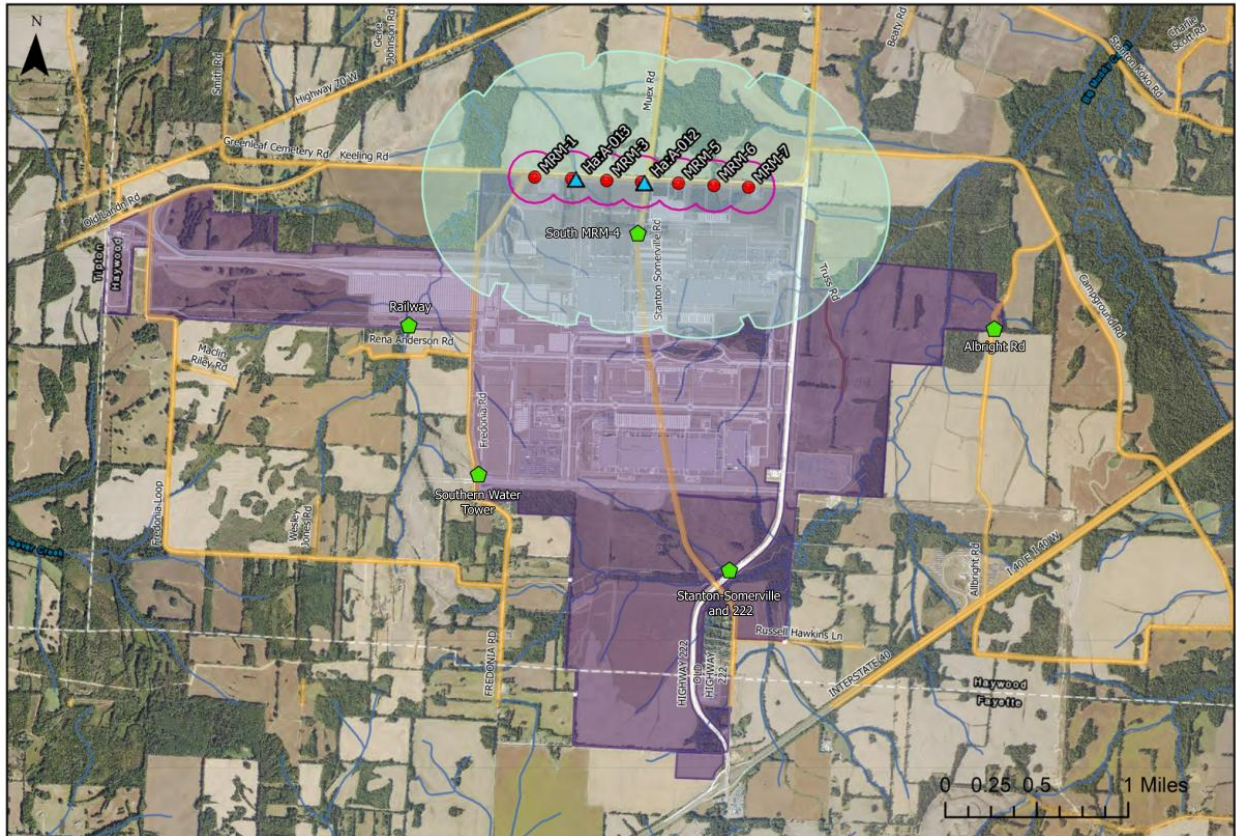
(L) Abrogation and greater restrictions. This subchapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

EXTENT AND DESIGNATIONS.

(A) Extent of Wellhead Protection Area. The Wellhead Protection Area (WPA) consists of two areas (WHPA Zone 1 and Zone 2) which are listed and described below.

- (1) Zone 1 - The zone adjacent to the well where the Public Water System (PWS) actively draws the water which supplies the well or spring where contamination could enter the aquifer alongside the well casing or be drawn into the cone of depression of the well. The distance for this zone is designated with a fixed radius of 250 feet around the Category 1 Public Water System. Rule 0400-45-01-.34 (1) (f). This zone requires the highest level of protection.
- (2) Zone 2 - The zone surrounding zone 1 which is delineated based on ground water flow direction and recharge where contamination is reasonably likely to move toward and reach the well or spring. The Wellhead Management Zone for a Category 1 PWS shall be a fixed radius of 750 feet that encompasses the area from the outer boundary of Zone 1 outward to the fixed radius of 750 feet.

(B) Wellhead Protection Area delineation. Boundaries for the Wellhead Protection Area zones for the Wellhead Protection Overlay Districts are shown below.



Legend: Blue Triangle – xx, Green, Pentagon – x, Red Circle – 250 Feet, Blue Circle – 750 Feet, Green Area – x (Illustration – University of Memphis)

(C) Delineation methodology

Wellhead Protection Areas, Zone 1 and Zone 2, were designated following TDEC's Water Resources Rule 0400-45-01-.34 for Category 1 PWS which describes:

Zone 1 – The zone adjacent to the well or spring, where contamination could enter the aquifer alongside the well casing or be drawn into the cone of depression of the well. The distance of this zone is designated with a fixed radius of 250 feet for Category 1 PWS. This zone requires the highest level of protection.

Zone 2 - The zone surrounding Zone 1 which is delineated based on groundwater flow direction and recharge, where contamination is reasonably likely to move toward and reach the well or spring. The wellhead management zone for Category 1 PWS shall be a fixed radius of 750 feet that encompasses the area from Zone 1 to this set radius (Rule 0400-45-01-34 (1)(f) 2).

(D) Map Maintenance - The Wellhead Protection Areas may be reviewed and updated on an annual basis by the Haywood County Commission after a recommendation from the Regional Planning Commission. The basis for such an update may include, but is not limited to, the following:

- (1) To incorporate recent and more accurate hydrogeologic data concerning the aquifer.
- (2) Changes in allowed pumping capacity of public well fields.
- (3) Changes to the Contaminant Source Inventory
- (4) Addition or deletion of wells in existing or new wellfields

(E) Interpretation of boundaries

- (1) Properties located wholly within one zone reflected on the Wellhead Protection Area Overlay Map shall be governed by the restrictions applicable to that zone.
- (2) Properties having parts lying within more than one zone as reflected on the Wellhead Protection Area Overlay Map shall be governed by the restrictions applicable to the zone in which that part of the property is located.
- (3) Where a time-travel contour which delineates the boundary between two zones of influence passes through a building, the entire building or structure shall be in that zone with the greatest restrictions.

USE REGULATIONS

(A) Allowed uses. Allowed uses are allowed in the underlying zone, subject to the procedures and restrictions in the underlying zone, and subject to the following additional limitations and restrictions:

- (1) Allowed uses or changes in use or the enlargement and alteration of allowed uses existing as of the effective date of this overlay and allowed outright in the underlying zone are allowed in the Wellhead Protection Overlay District when no chemicals or other products are used, produced by or commonly associated with the activity which, in the event of introduction of a large quantity thereof into the groundwater might cause, materially contribute to or create a material risk of any adverse effect upon the municipal water source;

- (2) In order to justify a change in allowed uses or the enlargement and alteration of allowed uses for a property or portion of a property, a study shall be prepared under the supervision of a Tennessee registered professional engineer trained and experienced in hydrogeology to examine the impact of the use upon the public water source, under reasonably possible hydrologic or geologic conditions. Technological evidence shall be based on the modeling techniques defined in Wellhead Protection Area, Zone 1 and Zone 2 reports, approved by TDEC. The report from the study shall be submitted to the Haywood County Planning Commission and.
- (3) To ensure that the quality of groundwater shall be maintained, a groundwater monitoring program shall be established as part of the report prepared pursuant to TDEC. The program shall establish the number of wells to be installed, as well as the duration and frequency regarding the monitoring of the wells to be installed. All laboratory test results shall be submitted to a hydrologic engineer approved by the Planning Commission to assure that potable water is maintained.

(B) Prohibited Uses.

- (1) The following uses remain prohibited in the Wellhead Protection Overlay District, even if they shall be allowed by right in the underlying zoning district. Manufacturing and production of hazardous materials, excluding production for on-site usage only. These materials include:
 - (a) Any hazardous substance or hazardous waste as listed in the following federal regulations:
 1. Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302, Extremely Hazardous Substances List (40 CFR 300, App. A and B);
 2. Comprehensive Environmental Response Compensation and Liability Act Superfund (CERCLA) of 1980, Hazardous Substances List (40 CFR 302, Table 302.4);
 3. SARA of 1986, Section 313, Toxic Chemicals List (40 CFR 372.45); and,
 4. Resource Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Wastes List (P and U Categories) (40 CFR 261.33 (e) and (f)). Note: The lists referenced in subsection (B)(2) are summarized on the Title III List of Lists - Chemicals Subject to Reporting Under Title III of the Superfund Amendments and

Reauthorization Action (SARA) of 1986, published July 1987, U.S. EPA.

- (b) Nuclear or radioactive materials or wastes.
- (c) Do we want to prohibit the use of underground storage tanks in Zone 1?
- () Storage of fuel and lubricants for vehicle operations in conjunction with permitted uses shall be either in above ground storage tanks meeting EPA regulations for such facilities or underground storage tanks meeting the requirements of this Chapter.
- () Underground storage tanks locating in Zone 2 shall meet all EPA regulations for underground storage tanks and be double wall with monitoring of the space between the tank walls. All piping shall be double wall. Ground water monitoring shall include one monitoring well in the excavation where the tank is located. All monitoring results for underground storage tanks in Zone 2 shall be provided to the Zoning Compliance Officer on a monthly basis.
- (2) Haywood County shall maintain the right to determine and document, when necessary, the contaminants subject to the provisions of this chapter.
- (3) The substances prohibited by this overlay district represent the state of present knowledge and most common description of the uses. As other polluting uses are discovered, or other terms of description become necessary, it is the intention to add them to the list of uses prohibited by this overlay district. To screen for such other uses or terms for uses, no use shall be allowed in this overlay district without first submitting its building, site, and operational plans for review and approval to the Haywood Planning Commission.
- (4) Any request to delete a use from the prohibited list or allow a substance conditionally shall be accompanied by a study as required in this Chapter to examine the impact of the use upon the public water source, under reasonably possible hydrologic or geologic conditions. Technological evidence shall be based on the modeling techniques defined in Wellhead Protection Area, Zone 1 and Zone 2 reports, approved by TDEC (November 1995). The report from the study shall be submitted to a hydrologic engineer.
- (C) Special exemptions and limited exclusions. Special exemptions and limited exclusions from the provisions of Sub-Sections (A) and (B) of this section are authorized for:

- (1) Fire, police, emergency medical services, emergency management center facilities and public utilities of this chapter;
- (2) Transportation of any regulated substances through Wellhead Protection Area, Zone 1, provided the transporting vehicle is in continuous transit;
- (3) Storage of fuel and lubricants for vehicle operations, either in above ground storage tanks meeting EPA regulations for such facilities or underground storage tanks meeting the requirements of this subchapter; see prior page.
How do make it simple?
- (4) Use of certain regulated substances such as pesticides, herbicides and fungicides in recreational, agricultural, pest control and aquatic weed control activities shall be allowed, provided that:
 - (a) The use is in strict conformity with the use requirements as set forth in the substances EPA registries and as indicated on the containers in which the substances are sold; and,
 - (b) In a Wellhead Protection Area, Zone 1, the use of any of the regulated substances shall be flagged in the records of the certified operator supervising the use. The certified operator shall provide specific notification in writing to the applicators under his or her supervision that they are working at a site located in a Wellhead Protection Area, Zone 1, for which particular care is required. Records shall be kept of the date and amount of regulated substances used at each location. Records shall be made available for inspection by the Haywood County Zoning Compliance Officer, and TDEC; and,
 - (c) In Wellhead Protection Area, Zone 1, the regulated substances shall not be handled during use in a quantity exceeding 700 gallons of formulation.
- (5) Use, storage, handling and/or production of regulated substances, associated with non-routine maintenance or repair of property or equipment, shall be limited to:
 - (a) The aggregate of regulated substances in use, storage, handling and/or production not to exceed 50 gallons or 400 pounds at any time; and
 - (b) The total use, storage, handling and/or production of regulated substances not to exceed 100 gallons or 800 pounds in any 12-month period;
- (6) Regulated substances associated with medical and research laboratory uses shall be stored, handled or used in containers not to exceed five gallons or

40 pounds of each substance and the aggregate inventory of regulated substances shall not exceed 250 gallons or 2,000 pounds;

- (7) Regulated substances which are cleaning agents shall be packaged for personal or household use or be present in the same form and concentration as a product packaged for use by the general public. The aggregate inventory of such cleaning agents shall not exceed 100 gallons or 800 pounds at any time. In no case shall regulated substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents;
- (8) Regulated substances associated with construction for which a permit has been issued, paving or the pouring of concrete shall be excluded from regulation while present on the construction site, provided such regulated substances do not pose a real and present danger of contaminating surface and/or groundwater;
- (9) Office supplies that are used solely for the operation of on-site administrative offices, provided such supplies are prepackaged in a form ready for use;
- (10) Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers;
- (11) Geotechnical borings;
- (12) Residential activities;
- (13) Public utility emergency generating facilities above ground, except that permanently installed fuel storage facilities shall meet EPA regulations for such facilities; and

(E) Nonconforming uses prior to adoption.

- (1) Nonconforming uses may continue in the overlay district in the form in which they exist prior to the adoption of this chapter unless such nonconforming use poses a direct hazard to the public water supply.

VARIANCES

- (A) The provisions of this section shall apply exclusively to areas of Wellhead Protection Overlay Districts. In applying for a variance, the following additions apply.
- (B) Board of Zoning Appeals:

- (1) The Board of Zoning Appeals (BZA) shall hear and decide appeals and requests for variances from the requirements of this chapter. The Board of Zoning Appeals shall not consider any application for a variance from the provisions of this chapter until the development staff has had an opportunity to review the application, seek guidance from hydrologic/geologic engineers, and make a written recommendation to the Board of Zoning Appeals;
- (2) Variances may be issued for the use of property upon a determination from the Board of Zoning Appeals that the proposed use will not cause, materially contribute to, or create a material risk of any adverse effect upon the public water source, under reasonably possible hydrologic or geologic conditions. All technological evidence shall be based on the modeling techniques defined in Wellhead Protection Area, Zone 1 and Zone 2 reports, approved by TDEC;
- (3) In reviewing a variance application, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:
 - (a) The practical difficulty and hardship on the property owner related to the use and enjoyment of the property caused by the regulation or restriction as enacted within the Wellhead Protection Areas, Zone 1 and Zone 2;
 - (b) That no variance may be requested nor granted to circumvent the intentions of this chapter or as a remedy for a violation of this chapter;
 - (c) May attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter;

PERFORMANCE STANDARDS

- (A) Use of regulated substances in conjunction with municipal water supply and treatment activities shall not be restricted by this chapter.
- (B) Use of regulated substances in conjunction with public parks, playgrounds, golf courses and community centers shall be in accordance with best management practices.
- (C) Storage of regulated substances in conjunction with municipal water supply and treatment activities shall not be restricted by this subchapter.

- (D) Nonconforming uses in this district presently utilizing underground storage tanks for fuel and lubricants for vehicle operations shall be allowed to replace existing tanks with those constructed as per the specifications of division (D) of this section and not exceeding the capacity of existing tanks. Replacement of underground tanks for regulated substances other than fuel and lubricants for vehicle operations is not allowed.
- (E) Storage of regulated substances other than fuel and lubricants for vehicle operations in conjunction with allowed and conditional uses in this district is prohibited.

SITE PLAN SUBMISSION AND ADMINISTRATION REQUIREMENTS.

All Site Plans in a designated Wellhead Protection area shall conform to the submission requirements outlined in the site plan requirements of Chapter XV of the Haywood County Zoning Resolution.

In addition, these site plans shall include:

1. Location of all existing public water supply wells within 1,000 feet;
2. Location of Wellhead Protection Zone 1 and Zone 2 areas within 500 feet of property; and
3. Location of septic tanks (including size and capacity) and/or sewage lift stations, force mains and grease traps.
4. The procedures and practices to be used to control the uses allowed in the project and the uses specifically prohibited;
5. A complete list of the types and volumes of all hazardous materials (including fuels) used, stored, processed, handled or disposed, other than those volumes and types associated with normal household use;
6. A description of the types of wastes generated and method of disposal including solid wastes, hazardous wastes, sewage and non-sewage wastewater discharges;
7. Plans and documents containing information to show compliance with the performance standards;
8. Other additional information as may be required by reviewing agencies regarding: the proposed use, its potential impact on water quality, hydrogeologic information, monitoring and mitigation measures.

- 9 A complete list of the types and volumes of all hazardous materials (including fuel) used, stored, processed, handled or disposed, other than those volumes and types associated with normal household use;
- 10 A description of the types of wastes generated and method of disposal including: solid wastes, hazardous wastes, sewage and non-sewage wastewater discharges;
- 11 Other additional information as may be required by reviewing agencies regarding: the proposed use, its potential impact on water quality, hydrogeologic information, monitoring and mitigation measures.

The applicant may, if desired, submit only one final plan for the purpose of securing approval of the development plan if the plan submitted complies with all the requirements of the final plan. The Planning Commission may grant final approval of such a plan after only one review.

CONTAINMENT SOURCE INVENTORY

Potential contaminant sources have been identified by TDEC in Rule 1200-5-1.34 Appendix 7 (May 1994). The most recent CSI conducted was in May 2026 and is listed in Appendix ____.

BEST MANAGEMENT PRACTICES

This chapter also requires the use of best management practices for the protection of groundwater resources.

These may change over time, but do we want to have these available to show as examples

[Conservation Practice Standard Nutrient Management \(Code 590\)](#)

[Pesticides - Businesses - Department of Agriculture - TN.gov](#)

[Pesticide Safety and Education Program | Pesticide Safety and Education Program](#)

***Do we want to include anything about Fire Dept reviewing chemicals?*