

Groundwater Protection Ordinance

GROUNDWATER PROTECTION ORDINANCE

FOR THE TOWN OF NEW IPSWICH, N.H.

SECTION 1.

General: Because the residents of New Ipswich are dependent solely on private wells for domestic, public and business use, it has been deemed important to protect the quantity and quality of the groundwater available to these wells in so far as is possible through this ordinance.

In any case where this ordinance is more (or less) restrictive than State or Federal groundwater ordinances, the more restrictive ordinance shall apply.

Purpose: In the interest of public health, convenience, safety and welfare the following regulations are intended to help protect the water supply of New Ipswich from contamination and depletion which can be brought about by drawdown of local aquifers.

SECTION 2.

Definition of terms used in these regulations:

Aquifer: An underground zone of soil, sand, gravel or porous rock that is saturated with water.

Bulk sale: Removal and sale of groundwater in excess of one hundred (100) gallons per day.

Contamination due to drawdown: The inclusion of impurities in water due to premature replacement of water to the aquifer from the recharge area.

Drawdown: The amount of decline in the water level resulting from water withdrawals.

Groundwater: Water within the earth that supplies wells and springs. Water in the part of the ground that is wholly saturated.

Groundwater mining: Water being withdrawn at a rate exceeding the rate of recharge.

Groundwater recharge area: That area from which water is added to the saturated zone by: 1) natural processes such as infiltration of precipitation, or 2) artificial processes such as induced infiltration.

High yield well: A well which is capable of producing more than thirty four (34) gallons per minute.

Induced infiltration: The process by which water in a recharge area moves into an aquifer because of hydraulic gradient from the surface water body toward a pumping well or wells.

Metered sale: Charge per unit.

Water table: The upper level of the zone of saturation of groundwater.

Well: A pit or hole sunk into the earth to reach a supply of water.

SECTION 3.

Exceptions: The restrictions in this ordinance do not apply to wells drilled for domestic use, farming, and to supply public buildings or places of business not dependent on water as the major component of their process. No restrictions beyond those in place by the New Hampshire Water Supply and Pollution Control Commission and the Water Resources Board shall apply to wells to be used for the above purposes unless such a well is altered in a way which would make it subject to this ordinance.

SECTION 4.

The following activities shall be prohibited:

1. The drilling of wells for bulk sale or metered sale of water.
2. The water mining of bedrock for bulk sale or metered sale of water.
3. The drilling of high yield wells. Should a high yield well be created without intent, the takage from such a well would be limited to thirty-four (34) gallons per minute.

SECTION 5.

Jurisdiction: The Board of Health is responsible for the enforcement of this ordinance.

Penalty for violation of the Ordinance: Any violation of this ordinance shall be punishable by a fine of \$100.00 for each day that such violation occurs.

SECTION 6.

Right of Appeal: Any person wanting an exception to the provisions of this ordinance may make a written appeal to the Board of Appeals with copies to the Planning Board and the Conservation Commission and the Board of Health and must prove that to overrule these restrictions would not create drawdown or contamination of the aquifer or aquifers involved.

The above applicant would be required to provide a geohydraulic impact statement compiled as a result of a complete investigation of the area in question by a qualified geohydrologic engineer other than himself and may also be required to fund a second geohydrologic engineer to review the findings on behalf of the Town. The scope of the study will be determined at the time of the application according to the location of the proposed well and the proposed amount of takage from the well.

If any section, provision, portion, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect, impair or invalidate any other section, provision, portion, clause or phrase of this ordinance.

Adopted March 13, 1984