

Frequently Asked Questions Warner's Proposed Groundwater Protection Ordinance and Overlay District

1. Why do we need a Groundwater Protection Ordinance?

A Groundwater Protection Ordinance (GPO) will keep potentially harmful or incompatible land uses from locating above the aquifer and wellhead protection areas in Warner. The proposed Ordinance pertains to *future* uses only and would give us some local control for drinking water protection.

New Hampshire's Groundwater Protection Act passed in 1991 enables local entities such as water suppliers and town boards to play a role in actively managing activities that have the potential to contaminate valuable groundwater. The Act permits the local prohibition of these incompatible uses. About 110 communities in our State have some form of local groundwater protection in their zoning.

2. What are these potentially harmful, incompatible land uses we want to keep away from our drinking water?

The State RSA 485-C Groundwater Protection Act (read the full Act at <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-L-485-C.htm>) lists those land uses least compatible with drinking water resources. Our GPO includes:

- ◆ The development or operation of a solid waste landfill or processing facility;
- ◆ Disposal, processing, storage, or recycling of hazardous waste, as defined in NH RSA 147-A:2, VII;
- ◆ The outdoor storage of road salt or other deicing chemicals in bulk;
- ◆ The development or operation of a junkyard;
- ◆ The development or operation of a snow dump;
- ◆ Biosolids processing/disposal/mixing/application; and,
- ◆ The development or operation of a petroleum bulk plant or terminal.

3. Doesn't the State permit and regulate these incompatible land uses?

In many cases, no. Most new developments over our aquifer will not trigger State review criteria. The NH Department of Environmental Services (NHDES) relies on municipal groundwater protection requirements to approve and monitor the land uses over drinking water supplies. A GPO is very important to enable local control and protection of our groundwater from *future* incompatible land uses.

4. Don't we already have some incompatible land uses above our aquifer?

Yes we do, but the proposed GPO only applies to *future* uses and the expansion of *existing* incompatible uses. *Existing* incompatible uses, in some cases, are governed by state or local regulation and follow recommended best management practices.

5. Is a GPO going to raise my taxes or water bills? Are there costs associated with the Ordinance?

No. The proposed Groundwater Protection Overlay Zone will not raise taxes or water bills. Having a GPO in place could keep municipal costs down by preventing *future* development's contamination of our drinking water supplies which can be expensive to address.

6. What is the worst that could happen if we don't approve a GPO?

If we do not approve this GPO, we have little local control over any new development of potentially hazardous uses that might be proposed over our drinking water supplies – the aquifer and Warner Village Water District wellheads that serve hundreds of customers.

7. How do I know if I live on top of an aquifer or if I'm in the proposed Groundwater Protection Overlay zone?

The delineation of the aquifer is based on the mapping work completed by the *US Geological Survey's Geohydrology and Water Quality of Stratified Drift Aquifers in the Contoocook River Basin, South-Central New Hampshire, 1995 Report 92-4154*.

The proposed GPO Map uses the boundary of the delineated contiguous aquifers present under the Warner River and I-89 area and includes the Water Village District's wellhead protection areas. The GPO area would be delineated on the Zoning Map and would "overlay" all parcels within that area.

Check the maps at Town Hall to find where your parcel is located (map and lot number) or visit the Warner Tax Maps webpage at <https://warner.nh.us/departments/assessing/#taxmaps>. Then, view the proposed new Zoning Map with Groundwater Protection Overlay District Boundary which will be posted online and will be available for viewing at Town Hall.

8. Will a GPO drive business away from Town?

No, a Groundwater Protection Ordinance will encourage businesses with minimal impact to groundwater to locate within the Groundwater Protection Overlay Zone. The GPO only impacts the small list of prohibited uses.

The few *future* conditional uses will be required to do a little more to protect groundwater, such as complying with NHDES Best Management Practices and providing a Spill Control and Containment Plan. No one wants to contaminate their own drinking water, and no one wants to pay for environmental spill cleanup.

Everyone wants clean drinking water, including businesses. Having a GPO will protect *future* business by enabling better land uses along the aquifer/Warner River corridor and will guide *future* development along the Warner River.

9. Who will enforce this new Ordinance?

The Selectboard serves as local code enforcement for the Zoning Ordinance. A GPO will enable us to be proactive, not reactive, to land use conflicts. The Planning Board will apply the GPO regulations to any *future* development or expansion of *existing* land uses. Hopefully, enforcement will not be a big issue because there will be compliance with the GPO.

10. Why not include the whole Town within the Overlay District?

The proposed Ordinance focuses on protecting our public water supplies, our well-defined contiguous aquifer and the areas of Town most likely to see commercial development.

11. Have we ever had groundwater contamination in Warner?

Yes, the State has indicated Warner received nearly \$500,000 for water contamination containment and remediation within the last couple of decades. We were unable to determine exactly when and where those funds were expended, but NH DES sources indicated the funds had been provided.

12. Will a GPO impact agricultural uses along the river and in the proposed overlay district?

The GPO would prohibit the spreading of biosolids (processed human waste sewage) over the aquifer. An Environmental Protection Agency definition of biosolids is listed here:

<https://www.epa.gov/biosolids/basic-information-about-biosolids>.

13. How can I get my well water tested?

NHDES enables homeowners to obtain free kits to collect water for testing at

<https://www4.des.state.nh.us/DESONestop/HOBottles.aspx>. Then, the water can be tested for a fee at one of the many local laboratories DES recommends. Read the NHDES February 2022 blog entry at <https://www.des.nh.gov/blog/february-2022-well-it-might-be-time-test-your-water> regarding contaminants and then review testing options on the NHDES Private Wells page at <https://www.des.nh.gov/water/drinking-water/private-wells>.

14. What if a large water withdrawal business like Poland Springs wants to locate in Warner?

Under NH law, the scope and purpose of the GPO may only cover pollution. Commercial water withdrawal is regulated by NHDES, which oversees the review, permitting, and operation of large groundwater withdrawals. More information can be found at

<https://www.des.nh.gov/water/groundwater/water-use-and-withdrawal>.

Please participate in the Planning Board public hearings on the Groundwater Protection Ordinance and support this initiative!

Visit our Warner Groundwater Protection Committee website for more information, including our Newsletters, NH Department of Environmental Services Fact Sheets, and more at:

<https://WarnerNH.gov/gpc>
