

## § 187-79.1. Wellhead protection buffers.

**[Added 1-25-2011 by Ord. No. 11-04]**

- A. No buildings, structures, or paved surfaces shall be permitted to be constructed nearer than 150 feet to a public drinking water supply well, except that buildings and access associated with the well and related fencing, treatment, water storage, and distribution facilities shall be permitted.
- B. The natural runoff flowing into and through the one-hundred-fifty-foot wellhead buffer shall be allowed, and all new stormwater runoff shall be diverted around the buffer.
- C. Between 150 and 300 feet from a public drinking water supply well, stormwater from new development shall be treated using water quality best management practices in accordance with current requirements of the Delaware Sediment and Stormwater Regulations dated October 11, 2006, or as later revised.
- D. A public drinking water supply well is any well from which the water is used to serve a community water system by Section 22.146 (Public Water Systems) in the Delaware State Regulations Governing Public Drinking Water Systems.
- E. Maps prepared by the Delaware Department of Natural Resources and Environmental Control delineating applicable wells in accordance with 7 Del. C. § 6082(b) and 9 Del. C. § 4956(g)(4), and which may be updated from time to time in accordance with 7 Del. C. § 6082(e) and (f), are available in the office of the Department of Planning Services.
- F. The following are exempt from these buffer standards:
- (1) Private residential wells serving individual households;
  - (2) Wells used for agricultural purposes;
  - (3) The replacement of any existing public water supply well that was not required to meet the wellhead protection requirement at the date of its original installation and has failed shall be exempt from meeting this wellhead protection requirement, provided that the replacement well is drilled at a distance not to exceed 10 feet from the original well;
  - (4) Minor subdivisions;
  - (5) Recorded subdivisions;
  - (6) Revisions to recorded subdivision plans that do not result in the creation of additional lots;

- (7) Minor changes or alterations to approved site plans in accordance with § **187-42** of this Code;
- (8) Improvements to existing residential lots, including additions to existing one-family dwellings, the placement of sheds, and fences;
- (9) Subdivision and land development projects, conditional use site plans, and site plans for which a preapplication has been conducted and conditional use site plans for water supply in an existing recorded subdivision; and
- (10) Any nonmotorized recreational facilities, including but not limited to pavilions, walking trails, playgrounds, etc.