

Elkhart County Ground Water Protection Ordinance

The purpose of the Elkhart County Ground Water Protection Ordinance (GWPO) is to enhance and preserve the public health, safety and welfare of persons and property in Elkhart County by protecting the groundwater of Elkhart County from degradation resulting from the spills of toxic and hazardous substances. The GWPO focuses on secondary containment of toxic or hazardous materials and on spill reporting and clean up.

The GWPO applies to any commercial facility, which has either:

- 1) On-site wastewater disposal (i.e., septic system, drywells, lagoons, etc.) and/or
- 2) Toxic or hazardous materials exceeding 100 kilograms (approximately 25 gallons)

Basic Ordinance Requirements Include:

- 1) *Registration of a facility includes the following:*
 - A) The location and mailing address
 - B) Individual contacts and phone numbers
 - C) Types of wastewater disposal
 - D) Chemical storage areas
 - E) Types of toxic or hazardous substances



2) *Wastewater testing:*

- A) Any facility, which has an on-site wastewater disposal system and uses and stores toxic or hazardous substances will be required to perform an initial wastewater characterization.
- B) A facility, which has previously tested its system, will not be required to test again unless other conditions exist, which would require another test.

3) *Above ground storage of toxic or hazardous substances may require secondary containment:*

- A) Containment systems are designed and maintained to prevent spills from migrating onto soils or into ground water or surface water.
- B) Certain exemptions and considerations exist in the rules and these should be reviewed.

4) *Spill reporting is an important requirement of the ordinance:*

- A) A spill of petroleum based products greater than or equal to 55 gallons must be reported to Elkhart County Health Department.
- B) A spill of any other toxic or hazardous substance must be reported if required by the state of Indiana.

5) *Records need to be retained three (3) years. This is especially important when facilities change ownership or personnel.*

Special Situations:

1) *Temporary outside storage of toxic or hazardous substances is allowed for 2 business days provided the following steps are taken:*

- A) Store them on a surface impervious to the material,
- B) Develop a spill response plan,
- C) Provide documentation of date of delivery to an inspector in order to determine compliance.

2) *Construction sites may store petroleum based products without secondary containment provided the following steps are taken:*

- A) There is only one such storage site at a location,
- B) No single container exceeds 300 gallons,
- C) The total gallons of all containers does not exceed 660 gallons,
- D) The facility has established a weekly inspection program for the storage location,
- E) Containers are labeled,
- F) Spill response plan as outlined in 327 IAC 2-10-8 has been developed and is in place.

This is a brief synopsis of the Ordinance and in no means covers all the requirements a facility may have. Please do not hesitate to contact the Groundwater Staff at the Environmental Health Services Division at 875-3391 with any questions.

**Elkhart County Ground Water
Protection Ordinance 09-172
Registration Form**

Facility Name

Facility Street Address

Mailing Address

Name of Contact Person

Phone Number for Initial Inspection

**Please Mail to:
Elkhart County Health Department
Environmental Health Services
4230 Elkhart Road
Goshen, IN 46526
Or Fax to:
(574) 875-3376**

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