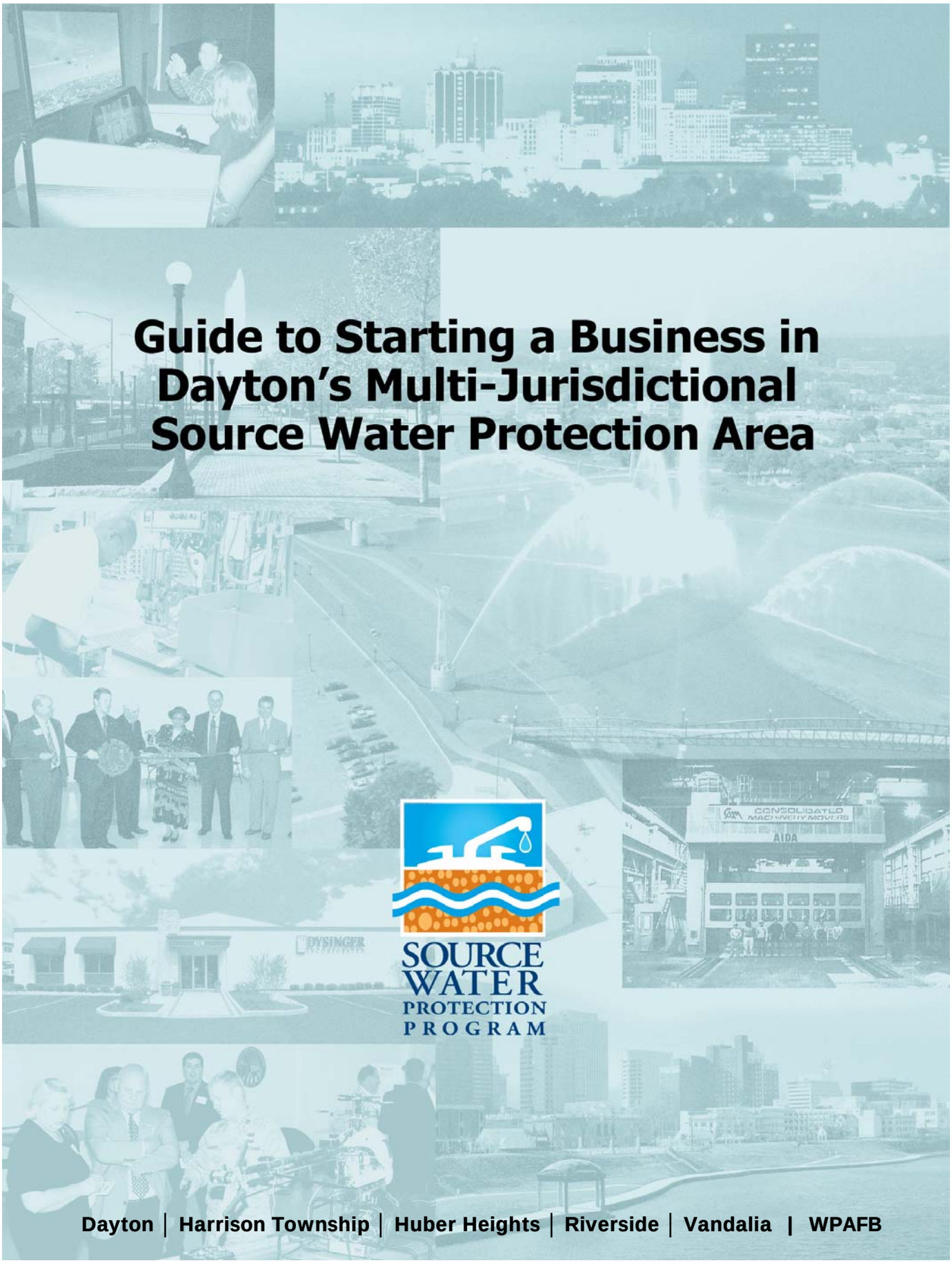


Guide to Starting a Business in Dayton's Multi-Jurisdictional Source Water Protection Area

SOURCE WATER PROTECTION PROGRAM

Dayton | Harrison Township | Huber Heights | Riverside | Vandalia | WPAFB

Guide to Starting a Business in Dayton's Multi-Jurisdictional Source Water Protection Area

IMPORTANT:

Much of the content within this guide will apply across jurisdictions in the Source Water Protection Area. If you have questions, we are here to help.

For economic-development-related questions:

- **In the City of Dayton:** Contact the City of Dayton's Office of Economic Development (OED) with any questions you may have as you read this guide.
- **In other jurisdictions within the SWPA** (portions of Harrison Township, Huber Heights, Riverside, or Vandalia): Contact the Economic Development Specialist within that jurisdiction.

For environmental/regulatory questions:

- **In the City of Dayton:** Contact the City of Dayton's Division of Environmental Management (DEM) with any questions you may have as you read this guide.
- **In other jurisdictions within the SWPA** (portions of Harrison Township, Huber Heights, Riverside, or Vandalia): Contact Public Health – Dayton & Montgomery County (PH-D&MC).

A GOOD DECISION

You're making a good decision to locate in Dayton's Source Water Protection Area

The City of Dayton has created a unique program to grow the area with **ground-water-friendly businesses**, those that have low chemical inventory. With about 600 businesses and a 90 percent occupancy rate, it's working!

We are here to help you locate and operate a business in the Source Water Protection Area (SWPA). Having a business in a protected area such as a SWPA is very doable, and, in fact, there are financial incentives for eligible businesses. There are also important guidelines to help ensure your success in locating here as well as continued environmental protection of the area.

The purpose of this guide is to make the process as simple and seamless as possible.

THEY DID IT. SO CAN YOU!

"We've a wonderful working relationship with the people of the Source Water Protection Program."

– *Pete Kossoudji, President,*
North Dayton Garden Center and Nursery

"The property we purchased in the SWPA is perfectly suited for the work that we do. We are less than five minutes away from almost everything we need to conduct our business. Plus, we evaluated the opportunity to do a Risk Point Buy Down and found it to be a win/win for the SWPA and us."

– *Drew Flora, President,*
NCT Technologies Group

CONTENTS

A BRIEF BACKGROUND **1**

What is a Source Water Protection Program? 1

Why is a Source Water Protection Program important? 1

WHY IS LOCATING IN THE SOURCE WATER PROTECTION AREA A GOOD THING? **2**

CONTACT INFO TO HELP YOU **3**

FIRST THINGS FIRST **4**

Have you found a site? Do you need help? 4

Source Water Protection Area Maps 4-5

YOU'VE FOUND A SITE – LET'S GET STARTED **6**

Five simple steps (Steps 1 through 5 at a glance) 6

Step 1: Contact the people who can help you 7

Step 2: We'll help you to complete a Regulated Substances Activity Inventory Report 8

Step 3: Apply for certificates and permits 9

Step 4: Let's see if you're eligible for financial incentives 10-11

Step 5: Occupancy is granted 12

REMEMBER, WE'RE HERE TO HELP! **13**

CHEMICAL SUBSTANCES IN THE WELL FIELD **14**

What Are Regulated Substances? 14

Examples of Regulated Substances 14

Four categories of Regulated Substances 15

Substances that are NOT regulated 16

Exempted substances 16

Regulated Substances excluded from SWPP reporting 17

HELPFUL TERMS **18-19**

FREQUENTLY ASKED QUESTIONS **20-21**

CHECKLIST AND NOTES **22**

A BRIEF BACKGROUND

The City of Dayton draws ground water from the Great Miami Buried Valley Aquifer system and supplies drinking water to more than 400,000 residents and 10,000 businesses in Montgomery County.

To control and reduce threats to this sensitive and valuable water resource, the Source Water Protection Program (SWPP) was enacted. Rather than target any specific category of business activity, a zoning area near the drinking water supply wells – called the Source Water Protection Area (SWPA) – was created.

In the SWPA, businesses are either a Conforming Use or a Nonconforming Use. Conforming Uses are businesses with equal to or less than a certain small amount of Regulated Substances. Nonconforming-Use businesses were grandfathered in with their larger chemical inventories when the SWPP was enacted. The SWPP establishes rules regulating the use, handling, storing, and reporting of Regulated Substances within the SWPA and offers financial incentives to reduce risk.

What is a SWPP?

The Environmental Protection Agency (EPA) has developed specific SWPP criteria for states to require of water suppliers, including the City of Dayton. The Ohio EPA SWPP criteria include:

Delineation – establishment of a boundary line at some distance from a single well or a well field. (See maps on pages 4-5.)

Potential Pollution Source Inventory – identification of Regulated Substances and activities in and around the area that pose a threat to the well fields.

Management Plan – establishment of measures to reduce the threat to ground water posed by the potential pollution sources in the SWPA. The four elements of a Management Plan are:

1. Source Control Strategies*
2. Contingency and Emergency Plans
3. Public Participation and Education
4. Ground Water Monitoring

*Source Control Strategies specifically affect SWPA-based businesses. These strategies often include zoning ordinances and other regulatory and voluntary approaches.

Why is a SWPP important?

The answer is very simple: Without a SWPP in place, our region's drinking water supply would be at risk for contamination, potentially rendering the water undrinkable. The SWPP is a matter of public health and helps to ensure our region's future economic viability.

WHY IS LOCATING IN THE SWPA A GOOD THING?

Seven simple reasons:

1. Creative financing

- Grants as well as zero- and low-interest loans are available for businesses located in the SWPA
- Additional financial incentives are available for all businesses

2. Strategic location

- Near Interstates 70 and 75 and State Route 4
- Five minutes from downtown Dayton
- Five minutes from Wright-Patterson Air Force Base
- Fifteen minutes from Dayton International Airport

3. Affordable land

- Superior value for ground-water-friendly businesses

4. Available facilities

- Research and development
- Technology
- Warehousing
- Production
- Office space
- Commercial
- Retail
- Recreational
- Manufacturing

5. Low water and sewer rates

- Lowest cost in the region for softened water
- Existing infrastructure

6. Great labor force

- Second in the nation for science and engineering Ph.D.s
- A large and experienced manufacturing base

7. Economic Development Specialists to help you

- We can help with site selection and acquisition, financing, plan review
- See page 3 for contact info

CONTACT INFO TO HELP YOU

City of Dayton:

Office of
Economic Development
937-333-3624

Department of Water,
Division of Environmental
Management
937-333-3725

Harrison Township
Community
& Economic Development
937-890-5611

City of Huber Heights
Planning & Development
937-233-1423

City of Riverside
Zoning
937-233-1801

City of Vandalia
Zoning
937-898-5891

Public Health – Dayton
& Montgomery County
937-225-5909

CityWide Development
Corporation
937-853-2541

FIRST THINGS FIRST

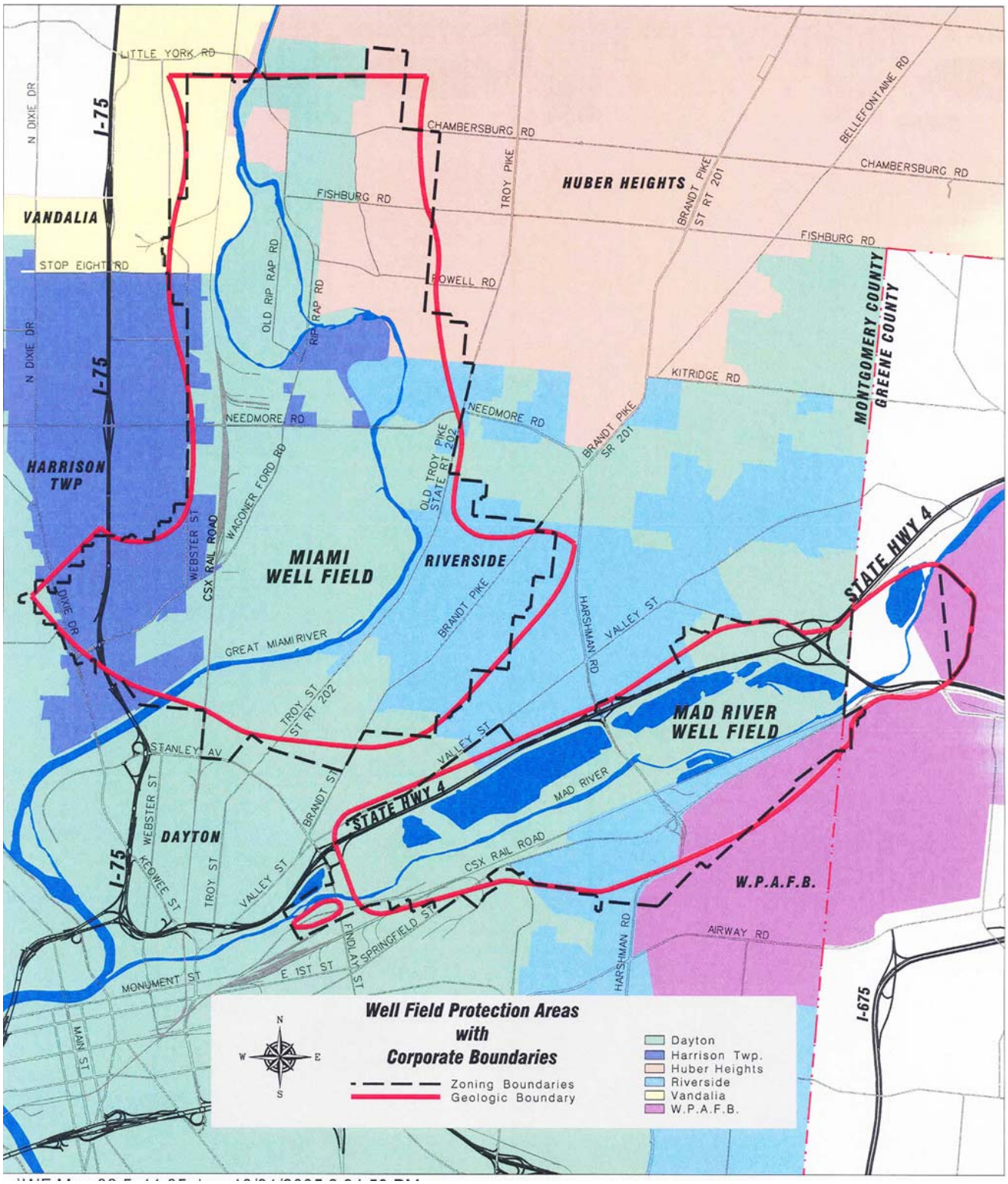
Have you found a site in the SWPA? Do you need help finding a site?

If you've already found a site, great! Review the maps below to ensure it's in Dayton's SWPA, then contact us (see page 3) to begin the process of locating your business in the SWPA.

If you need help finding a site in Dayton's SWPA, we can assist with that too: Contact the City of Dayton's Office of Economic Development (OED). If you're looking for a site in the SWPA but outside of Dayton, contact the Economic Development Specialist for that jurisdiction.

This map is a general aerial overview provided by GoogleMaps, with the Miami and Mad River SWPAs superimposed in a shaded coloring.

This map illustrates the delineated zoning boundaries of the SWPA (within the dashed black lines) and the geologic boundaries of the SWPA (within the solid red lines).



YOU'VE FOUND A SITE – LET'S GET STARTED

Five simple steps …

Step 1

Contact the Office of Economic/Business Development
in the jurisdiction where the site is located. See page 3 for contact info.

Step 2

Complete a Regulated Substance Activity Inventory Report (RSAIR)

- If in Dayton, you'll meet with the Division of Environmental Management (DEM)
- If outside Dayton, with Public Health – Dayton & Montgomery County (PH-D&MC)

These Environmental/Regulatory Specialists will help to determine: Can your business operate within established chemical limits?

YES

NO

Meet with the DEM or PH-D&MC: Can your business adjust chemical activity to operate within the established limits?

YES → **You'll submit a revised RSAIR.**

NO → **We'll help you to find a more suitable site.**

Step 3

Apply for required certificates and permits
Contact the appropriate zoning/building/planning office for the site's jurisdiction to inquire about other requirements such as zoning and occupancy certificates and building/site plans and permits. Submit required documents and await approval.

Optional Step 4

Inquire about financial incentives
such as the Risk Point Buy Down (RPBD), risk-reduction projects,
and other funding resources by talking with your Economic Development Specialist.
Apply for applicable incentives.

Step 5 → **Occupancy granted. Move in!**

Step 1:
Contact the people who will help you.

This step is invaluable in making the process simple and seamless – and, most important, so you don't buy property that you can't use in the Source Water Protection Area (SWPA). We are here to help – let us put our economic development expertise and knowledge to work for you.

IMPORTANT!

It's important to contact your Economic Development Specialist first to ensure the site you're considering will work with your proposed business.

Contact the City of Dayton's Office of Economic Development (OED) or your jurisdiction's Economic Development Specialist.

If you are considering a business site in the SWPA – or need assistance identifying or reviewing site options – we're at your service. We will help you with information on locations, economic advantages, and financial incentives, plus assist you with the regulatory process. Your Economic Development Specialist can also find out if a Zoning Certificate (ZC) and an Occupancy Certificate (OC) are needed at the site(s) you are considering.

Next step:

If it's determined that your business will work in the SWPA, you'll move on to **Step 2**.

3600 Dayton Park Drive operates successfully in close proximity to a production well.

A chemical inspection inventory is performed to assist in determining if your business will work in the SWPA.

Step 2:
We will help you to complete an RSAIR.

IMPORTANT!
The RSAIR is required in addition to other permits, such as building permits, which may be required to open a new business. DEM/PH-D&MC approval of the RSAIR is a requisite part of the review process for the issuance of Zoning Certificates and/or Occupancy Certificates.

At this early stage of planning, your assigned Specialist from Dayton's Division of Environmental Management (DEM) or Public Health – Dayton & Montgomery County (PH-D&MC) will preliminarily compare your proposed business's Regulated Substances chemical activity with the site's allowed chemical activity. The allowed chemical activity is a combination of two values or numbers:

1. TMDI – Total Maximum Daily Inventory
A value, in pounds, which is established as the largest quantity of Regulated Substances that a Nonconforming Use is permitted to handle at any one time, not including Regulated Substances that are excluded from reporting.

2. FHPR – Facility Hazard Potential Rating
A number from 1-9 that reflects the overall threat to the ground water presented by the chemical activity of the proposed use.

Are the TMDI and FHPR values within established limits for the site?

YES

Next step:
After the TMDI and FHPR are approved by DEM or PH-D&MC, go to **Step 3.**

NO

- If adjustments can be made, you'll repeat **Step 2**.
- If adjustments are not possible, then your Economic Development Specialist will assist you in finding a new location.

If your proposed business meets the initial criteria, then the next step is to complete and submit a Regulated Substance Activity Inventory Report (RSAIR). Contact your DEM or PH-D&MC Specialist with any questions concerning Regulated Substances and for assistance in completing the RSAIR. If the site proves unsuitable, your Economic Development Specialist will help you to find a more suitable site. When completed, you'll submit the RSAIR to:

If in Dayton:	**If outside of Dayton:**
Director	Well Field Protection Program
Department of Water	Public Health – Dayton & Montgomery County
City of Dayton	Reibold Building
320 W. Monument Ave.	117 S. Main St.
Dayton, OH 45402	Dayton, OH 45422-1280

Step 3:
Apply for a Zoning Certificate and, if needed, an Occupancy Certificate and a building permit.

Every new business in the SWPA must obtain a Zoning Certificate (ZC), and, in some cases, an Occupancy Certificate (OC). For the protection of the business, inquiry should be made in advance of any purchase or lease agreement. Your Economic Development Specialist will help you with this step.

IMPORTANT!

- The ZC, and the OC if necessary, is required before occupying the site.
- Before commencing any construction work, a business must have obtained all required building permits.

Architectural drawings of the site and the building may be needed to determine if the OC will be needed, but it is wise to keep the investment to a minimum until it is determined that the OC can be issued for the proposed business activity.

Construction plans will also be reviewed. Plans for construction will be approved after the business's RSAIR is acceptable and the Zoning Administrator has officially ruled that its TMDI and FHPR are less than or equal to the values established for the site.

Applications for the ZC, OC, and building permits should be submitted to:

If in Dayton:
City of Dayton, One Stop Center
Department of Building Services
2nd Floor
371 W. Second St.
Dayton, Ohio 45402

If outside of Dayton:
Submit your application to the Economic Development Specialist or appropriate department in your jurisdiction.

Next step:

After all necessary zoning, building, and occupancy permits are approved, move on to **Step 4**.

Step 4:
Let's see if you're eligible for financial incentives.

A SWPA location offers the opportunity for economic development incentives not found elsewhere. There are many financial incentive options and funding sources specific to well field protection, plus economic incentive sources in general, whether in Dayton or another jurisdiction.

To receive well field protection funding, the proposed project must be tied to protecting ground water by reducing risk. To receive economic development financial incentives, the project must be one that will further economic growth in the region.

Well Field Protection funding can be awarded to businesses that reduce risk in the SWPA. Funding has been used to:

- Remove chemical inventory
- Remove underground storage tanks
- Clean up contaminated soil and ground water
- Renovate a building
- Buy equipment
- Upgrade heating systems
- Install a new roof
- Repave a parking lot
- Install catch basins

Here are the special programs available only to businesses located in the SWPA:

1. The Risk Point Buy Down

One of the most successful incentive programs is the Risk Point Buy Down (RPBD), a program that encourages businesses to reduce their risk by permanently removing chemical inventory. To date, applicants have received more than $15 million.

2. Grants and zero- or low-interest loans

Grants as well as zero- and low-interest loans not related to a RPBD are also available through the Well Field Protection Board for eligible businesses in the SWPA. Eligible projects are those that reduce or abate ground water threats.

3. Potential non-SWPA funding sources

Please contact your Economic Development Specialist and/or CityWide Development Corporation for information on the following:

Ohio Department of Development business incentives include:

- 166 Direct Loan – building construction and acquisition, machinery and equipment acquisition
- Ohio Enterprise Bond Fund – equipment and real estate acquisition
- Job Creation Tax Credit (JCTC) – new jobs
- Further information can be found at: http://www.odod.state.oh.us/EconomicDevelopment.htm.

CityWide Development Corporation business incentives include:

- SBA 504 Loan Program – real estate acquisition, building construction and renovation, machinery and equipment acquisition
- Direct Loan Program – real estate acquisition, building construction and renovation, machinery and equipment acquisition, working capital
- Further information can be found at: http://www.citywidedev.com

Foreign Trade Zone advantages include:

- Avoidance of U.S. Customs duties
- Duty rates reduced or eliminated
- Customs duty delays eliminated
- Further information can be found at: http://www.daytonftz.org/

To apply for funding for any of the above programs, please contact CityWide Development Corporation.

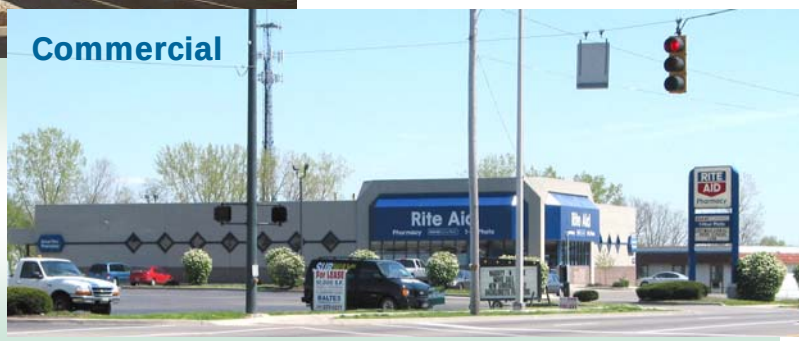
For more information, go to www.citywidedev.com. Click on "Economic Development" and you'll find Web pages that are specific to financial programs for SWPA businesses (click on "Well Field 1" and "Well Field 2").

220 Janney Road received loans for remodeling, paving the parking lot, installing catch basins, covering a chip bin, removing heating oil tanks, and tapping into natural gas.

A recreational business received a loan for fences and lighting to prevent illegal dumping.

Step 5:
Occupancy is granted. Move in!

Congratulations! Once the above steps have been completed and approved by the respective departments and/or organizations, you can move in and move forward! We look forward to helping you succeed in Dayton's SWPA.



REMEMBER, WE'RE HERE TO HELP!

City of Dayton:

Office of
Economic Development
937-333-3624

Department of Water,
Division of Environmental
Management
937-333-3725

Harrison Township
Community
& Economic Development
937-890-5611

City of Huber Heights
Planning & Development
937-233-1423

City of Riverside
Zoning
937-233-1801

City of Vandalia
Zoning
937-898-5891

Public Health – Dayton
& Montgomery County
937-225-5909

CityWide Development
Corporation
937-853-2541

CHEMICAL SUBSTANCES IN THE SWPA

What are Regulated Substances?

Regulated Substances are defined in the City of Dayton's SWPP and other participating jurisdictions' ordinances as chemicals or mixtures of chemicals that are health hazards. As new chemicals are developed that have health effects, they will automatically be regulated.

IMPORTANT!
Some items that are Regulated Substances have been excluded from the reporting requirements of the SWPP, as explained on pages 16-17. That means they do not need to be listed on a business's RSAIR. However, these items are still defined as Regulated Substances and are subject to all other requirements of the SWPP, such as the requirements for reporting chemical spills.

Quick definition: In general, if a Material Safety Data Sheet (MSDS) exists for a substance and that MSDS cites possible health hazards, it is a Regulated Substance.

Petroleum products, such as gasoline and heating oils, which are purchased without a MSDS, are specifically included as Regulated Substances. This is also true in the case of certain pharmaceuticals regulated by the Food and Drug Administration.

- **Please contact the DEM or PH-D&MC if you have questions about a specific product.**

Examples of Regulated Substances

With the automatic inclusion of newly produced chemicals that are health threats, as explained above, it is impossible to generate a complete list of Regulated Substances.

The table below gives some commonly used types of Regulated Substances, and a few examples of each, <u>but it is by no means a complete list</u>:

Regulated Substance	Example: Chemical or Mixture
Acids	Sulfuric Acid, Nitric Acid
Bases	Sodium Hydroxide, Potassium Hydroxide
Alcohols	Methyl Alcohol (Methanol), Isopropyl Alcohol
Ketones	Methyl Isobutyl Ketone (MIBK), Methyl Ethyl Ketone (MEK)
Hydrocarbons	Hexane, Benzene, Benzene, Toluene, Ethylbenzene, Xylene, Hexane
Chlorinated Hydrocarbons	1,1,1-Trichloroethane, Tetrachloroethene (PCE or Perc)
Paint Products	Oil-Based Paints, Lacquer Thinner, Spray Paints, Latex Paints
Vehicle Related Substances	Gasoline, Diesel Fuel, Motor Oil, Anti-Freeze
Machinery Related Substances	Hydraulic Oil, Cutting Oil
Agricultural Substances	Fertilizer, Fungicides, Herbicides, Insecticides
Printing Chemicals	Inks, Fixers, Developers, Replenishers, Washes
Cleaning Solvents	Mineral Spirits, Chlorinated Solvents

Four categories of Regulated Substances

The "category" classification of a Regulated Substance is determined by its use in the business, not by its chemical makeup. Since the use of the chemical determines its category, the same type of substance could be in several categories. For example, if paint is made, sold, stored, or sprayed on a part during the normal operation of a business, it is in category (R). If paint is brought temporarily to a site to paint a building, that is a non-routine project and it is in category (M). If paint is used in a laboratory as a reference standard to compare to other paint, it is in category (L).

Category	Excluded Maximum Daily Inventory	
	*In pounds	In gallons
(1) Routine Category (R) Regulated Substances for routine daily operations of the business, including routine maintenance.	160 pounds	20 gallons
(2) Non-Routine Maintenance Category (M) Regulated Substances for the non-routine maintenance or repair of property.	400 pounds	50 gallons
(3) Cleaning Category (C) Regulated Substances that are cleaning agents, provided that such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public. In no case shall Regulated Substances claimed under this exclusion include chlorinated solvents.	1,600 pounds	200 gallons
(4) Laboratory Category (L) Regulated Substances for medical and research laboratory purposes, provided that Regulated Substances are stored, handled, or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance.	2,000 pounds	250 gallons

*For calculations, use 8 lbs. = 1 gal.

A Conforming Use by the SWPP definition has no more than the Excluded Maximum Daily Inventory in all four categories. For more about Conforming Uses, see page 18.

Substances that are NOT regulated

Following are 10 substances that are not considered to be Regulated Substances under this program. Thus, they do not need to be reported on the RSAIR.

Argon
Calcium carbonate
Carbon dioxide
Diatomaceous earth
Helium
Hydrogen
Mobil EAL 224H
Nitrogen
Oxygen
Silicone dioxide

Exempted substances

The City of Dayton's Environmental Advisory Board (EAB) has the authority to exempt substances from the SWPP regulations. To qualify, a substance must pose no threat to ground water, even if it presents a health hazard in the workplace or has an MSDS. Any business can complete an application to have a substance added to this list. Following are 12 substances that have been exempted and are not regulated by the SWPP:

Acetylene
Activated carbon
Alumina desiccant
Aluminum oxide
Calcium hydroxide
Cellulose filter aid
Dow Corning 732 Multi-purpose Sealant-Clear
Dow Corning 999A Silicone Glazing Sealant-White
Portland cement
Propane
Silica gel
Trade Mate Silicone Glazing Sealant – Clear

A list of Exempted Substances is maintained by the DEM and PH-D&MC. Exempted Substances do not need to be reported on the RSAIR.

Regulated Substances excluded from SWPP reporting

In addition to the exclusion by category in the preceding section, there are other groups of Regulated Substances that have been excluded from the SWPP reporting requirements. These exclusions remain subject to all other provisions of the SWPP, however, such as the spill reporting requirements. The following chart lists these exclusions and the provisions for exclusion.

Substances excluded from reporting	Provisions for exclusion
Ice melt/salt and water softener salt.	Inside storage on an impervious floor.
Swimming pool chemicals.	Maximum of 110 gallons or 880 pounds.
Batteries (in use or new replacement).	Inside storage on an impervious floor. The warehousing, manufacturing, extraction, retailing, or repackaging of such items is not excluded.
Food-grade citric acid.	None.
Gasses.	Ammonia and halogens are not excluded. The warehousing, manufacturing, extraction, retailing, or repackaging of such items is not excluded.
Non-hazardous solids and semi-solids, such as most plastic resins, joint compounds, and caulks.	Inside storage on an impervious floor. Plastic resins containing chlorine are not excluded.
Substances contained in equipment for the operation of elevators and similar devices.	None.
Regulated Substances for 1 or 2-family residences and vehicles at residences.	Appropriate storage and use with proper handling and disposal.
Regulated Substances in a vehicle in transit.	Vehicle stopped for less than 72 hours.
Material prepackaged for personal or household use as food or drink for humans or animals.	The chemicals used for the manufacturing and extracting of such items are not excluded.
Prepackaged items for personal hygiene and cosmetics, shampoos, deodorants, etc.	The warehousing, manufacturing, extraction, or repackaging of such items is not excluded.
Office supplies that are prepackaged and are for on-site use.	The warehousing, manufacturing, extraction, or repackaging of such items is not excluded.
Refrigerants in equipment used for on-site air-cooling or in household appliances.	None.
Regulated Substances used in construction for which all necessary permits have been obtained.	Secondary containment required for on-site fuel. No threat to surface or ground water.
Regulated Substances for the operation of an operable motor vehicle or watercraft.	The tanker portion of a tanker truck is not excluded.

HELPFUL TERMS

CONFORMING AND NONCONFORMING USE

In terms of zoning in the SWPA, businesses are either a Conforming Use or a Nonconforming Use.

Conforming Use applies to a business with equal to or less than a certain small amount of Regulated Substances. A Conforming Use by the SWPP definition has no more than the excluded amount in ALL FOUR categories of Regulated Substances:

- Routine Category (160 pounds or 20 gallons)
- Non-Routine Maintenance Category (400 pounds or 50 gallons)
- Cleaning Category (1,600 pounds or 200 gallons)
- Laboratory Category (2,000 pounds or 250 gallons)

A Conforming Use is not assigned a numeric value for its TMDI or its FHPR; it is simply listed as "Conforming." Conforming Uses present the least threat to the drinking water supply.

Nonconforming-Use businesses had more than a Conforming Use's amount when the SWPP was instituted; they were also grandfathered in with this larger chemical inventory. A use is Nonconforming by the SWPP definition if it exceeds the excluded amounts in ANY ONE of the four categories listed above.

DEM

Division of Environmental Management in the City of Dayton's Department of Water

EPA

Environmental Protection Agency

FHPR

Facility Hazard Potential Rating

A number from 1-9 that reflects the overall threat to the ground water presented by the chemical activity of the proposed use.

OC

Occupancy Certificate

PH-D&MC

Public Health – Dayton & Montgomery County

REGULATED SUBSTANCES

In the SWPA, Regulated Substances are chemicals that are health hazards to humans. (See "What are Regulated Substances?" on page 14 for more information.)

RPBD

Risk Point Buy Down

RSAIR

Regulated Substance Activity Inventory Report

Required before occupying any site in the SWPA.

SWPA

Source Water Protection Area

SWPP

Source Water Protection Program

TMDI

Total Maximum Daily Inventory

A value, in pounds, which is established as the largest quantity of Regulated Substances that a Nonconforming Use is permitted to handle at anyone time, not including Regulated Substances that are excluded from reporting.

WS&T

The City of Dayton's Division of Water Supply and Treatment

ZC

Zoning Certificate

FREQUENTLY ASKED QUESTIONS

Q: Is the entire area of any jurisdiction under the SWPP?

A: Only a small percentage of the City of Dayton and other jurisdictions is included in the SWPA. Areas outside of SWPA boundaries are not affected by the rules outlined in this guide. See the maps on pages 4-5 for SWPA-delineated areas.

Q. What if my proposed site isn't in City of Dayton limits but is in the SWPA?

A: Contact the Economic Development Specialist for that jurisdiction. See phone numbers on page 3.

Q. Who do I contact for information about locating a business in the SWPA?

A. See page 3 of this guide for a list of representatives from the jurisdictions that are a part of the multi-jurisdictional SWPA. Contact the representative in the jurisdiction in which you seek to locate a business.

Q: Once a zoning lot has been rated as Conforming, is it possible to establish a Nonconforming Use there?

A: No. This prohibition is based in zoning law governing Conforming and Nonconforming Uses. It is not a rule developed exclusively for the SWPP.

Q: Must the Regulated Substances in vehicles be reported on the RSAIR?

A: (1) The Regulated Substances used for the operation of a vehicle, such as gasoline and oil, are excluded from reporting, provided that the vehicle is operable.
(2) A vehicle in transit, stopped for 72 hours or less, is excluded from reporting.
(3) The tanker or trailer portion of a tractor trailer is NOT excluded from reporting by number 1 above. If the vehicle is on site more than 72 hours, the contents of the tanker or trailer must be reported on the RSAIR.

Q: Is a business in the SWPA prohibited from expanding?

A: Onsite chemical capacity and chemical types are regulated by the SWPP, not building sizes. Adding to buildings, remodeling, or even erecting new buildings can be done if the TMDI and FHPR of the site are not exceeded, provided all other applicable Zoning and Building Department requirements are met. **Increasing the TMDI or the FHPR of a site in the SWPA is prohibited.**

Q: Is it permissible to substitute different Regulated Substances for ones listed on the RSAIR?

A: Yes, as long as the Facility Hazard Potential Rating is not exceeded.

Q. What is the Well Field Protection Fund?

A. The Well Field Protection Fund is a fund created in 1988 that receives its funding from the Well Field Protection Charge on utility bills. The fund exists to pay for projects that protect the region's ground water by reducing the risk of contamination.

Depending on the project and request, funding can take the form of a Risk Point Buy Down, a grant, or a loan.

The Well Field Protection Board administrates the fund. The board consists of four representatives from Dayton's departments of Water, Finance, and Planning, as well as the Montgomery County Administrator.

Well Field Protection funds have helped a number of businesses to reduce risk to ground water while bringing new enterprise and jobs into the SWPA that do not pose increased threats to our drinking water supply.

Q. Could I get financial assistance to change or purchase equipment / machines that use fewer hazardous chemicals?

A: Yes. Any project that reduces risk to ground water is eligible to apply for funding. Example: One company received a loan to purchase a parts washer that uses fewer hazardous chemicals.

Q. What constitutes a spill?

A. In the SWPP, an event is defined as a spill, leak, or discharge if a Regulated Substance escapes containment, contacts a non-impervious ground surface, and is not immediately and completely remediated.

Who should be notified and when?

For a spill on an impervious surface (like a building floor or concrete driveway) that is cleaned up before flowing to bare ground, reporting to the SWPP is not required unless it contacts a storm water catch basin or a dry well. *Once bare ground is contacted by a Regulated Substance, report the event, even if it is believed that the spill was immediately cleaned up or remediated.* In addition to the other spill notifications required by law, the SWPP requires notification of the Manager of Water Supply and Treatment (WS&T) within 30 minutes.

If you need to report a spill:

First call 9-1-1 (The operator is cued to call WS&T)

Then call 937-333-6030 (WS&T 24-hour number)

CHECKLIST

- ❑ **Step 1: Did I contact my Office of Economic/Business Development?**
- ❑ **Step 2: Did I complete a Regulated Substance Activity Inventory Report (RSAIR)?**
- ❑ **Step 3: Did I apply for required certificates and permits?**
- ❑ **Step 4: Did I inquire about financial incentives?**
- ❑ **Step 5: Did I receive approval – or do I need help finding another site?**

NOTES

SOURCE WATER PROTECTION PROGRAM

SOURCE
WATER
PROTECTION
PROGRAM