

ORDINANCE NO. 91-2001

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA REGULATING THE POSITIONING, CONSTRUCTION AND INSTALLATION OF WATER WELLS NOT OTHERWISE GOVERNED BY STATE OR OTHER REGULATORY AGENCIES, PROVIDING FOR A TITLE, PURPOSE OF ORDINANCE AND SCOPE OF COVERAGE, DEFINITIONS, PROVIDED DISTANCES FROM SOURCES OF POLLUTION TO LOCATION OF WELL, PROTECTION FROM CROSS CONNECTIONS, PERMIT PROCEDURES, REPEALING INCONSISTENT ORDINANCES, PROVIDING FOR SEVERABILITY, PENALTIES FOR VIOLATION, AND THE EFFECTIVE DATE.

AN ORDINANCE ENACTED BY THE SUPERVISORS OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA AS FOLLOWS:

SECTION 1. This Ordinance shall be known as The Centre Township Water Well Ordinance of 2001.

SECTION 2. Purpose. The purpose of this Ordinance is to establish minimum standards for location, construction and/or modification of water wells and installation; also, to require a permit for construction of a water supply. After the effective date of this Ordinance, no well shall be constructed, repaired, or modified or any pump be installed, repaired or modified or any pump be installed, repaired or modified contrary to the provisions of this Ordinance.

SECTION 3. Scope. Except where clearly noted in the text, the provisions of this Ordinance shall apply to all wells not otherwise governed by State or other regulatory agencies. Nothing in this Ordinance, is construed to exempt a public water system from the requirements of any State or other regulatory agency

SECTION 4. DEFINITIONS. The following words and terms when used in this Section, shall have the following meanings unless the context clearly indicates otherwise.

- (a) "Alterations". Any action which necessitates entering a well with drilling tools; treating a well to increase yield; altering the physical structure or depth of the well, blasting; removal or replacement of well casing; or alterations involving grouting or curbing
- (b) "ANSI". American National Standards Institute.
- (c) "API". American Petroleum Institute
- (d) "Aquifer" A geological formation that contains and transmits water.

- (e) "ASTM" American Society for Testing Materials.
- (f) "AWWA". American Water Works Association
- (g) "Back Siphonage" The following back of used, contaminated, or polluted water from a plumbing fixture or vessel or other sources into a potable water supply pipe due to negative pressure in such pipe.
- (h) "Casing" A steel pipe placed in a well to prevent the walls from caving and to seal off surface drainage or undesirable water, gas or other fluids and prevent their entering the well.
- (i) "Community Water System" As defined by PA DEP.
- (j) "Construction of Wells" All acts necessary to obtain groundwater, or artificial recharge groundwater. Provided however, such term does not include an excavation made for the purpose of obtaining or for prospecting for oil, natural gas, minerals, or products of mining or quarrying, or for inserting media to repressure oil or natural gas formations or for storing petroleum, natural gas, or other products and services. Construction of wells includes the location and excavation or drilling of the well, but excludes the installation of pumps and pumping equipment
- (k) "Cross Connection". An arrangement allowing either direct or indirect connection through which backflow, including back siphonage, can occur between the drinking water in a public water system and a system containing a potential source of contamination.
- (l) " Flowing Well" A well that yields water by artesian pressure at the ground surface.
- (m) "Groundwater" Water within the earth below the water table within the zone of saturation. Groundwater includes both water under water table conditions and confined within deep aquifers.
- (n) "Individual Water Supply" A system including wells, pumps, and piping equipment, which supplies water to a private home.
- (o) "Installation of Pumps and Pumping Equipment". The procedure employed in the placement and preparation for operation of pumps and pumping equipment, including all construction involved in making entrance to the well and establishing seals but not including repairs to existing installations.
- (p) "N.S.F." National Sanitation Foundation.

- (q) "Pumps and Pumping Equipment". Any equipment or materials utilized or intended for use in withdrawing or obtaining groundwater including, but not limited to, piping, seals and tanks, together with fittings and controls.
- (r) "Pump Installation Contractor". Any person in the business of installing or repairing pumps, pumping equipment, drop pipes, pitless adaptors, and the other equipment used for the extraction and conveyance of water from the aquifer to the distribution system of the structure to be served.
- (s) "Public Water System". As defined by PA DEP.
- (t) "Township" Township of Centre, Berks County. Pennsylvania.
- (u) "Well" Any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, acquisition or artificial recharge of groundwater. This includes but is not limited to test wells, test borings, and monitoring wells, in addition to wells to be utilized as individual or semi-public water supplies.
- (v) "Well Contractor". Any individual, corporation, partnership, or association in immediate supervision of and/or responsible for the construction, test pumping or equipping or development of an individual or semi-public well or wells, test wells, test borings and/or monitoring wells.

SECTION 5. Drilled Water Supply Wells.

- (i) Location. The source of supply shall be from a water bearing formation drawn not less than twenty-five (25) feet (7.6 m) from the ground surface. Cap wells shall be located at a point free from flooding and at a higher elevation (wherever possible) and at the following minimum distance to existing or potential sources of well contamination:

Minimum isolation distance from the proposed well to the facilities listed below:

- (a) Lakes, ponds, streams or other surface waters 25 feet
- (b) Storm drains, retention basins, storm water stabilization ponds 25 feet
- (c) Preparation area or storage area of hazardous spray materials, fertilizers or chemicals; salt piles provided the area of the above described is delineated in a plan which also sets forth the well location and the Code Enforcement Officer is satisfied as to site conditions including drainage, leakage potential, topography, and protective devices. 300 feet

- (d) Gravity sewer lines and drains carrying domestic sewage or industrial waste. 50 feet. (except when the sewer line is cast iron pipe with either watertight lead caulked joints or joints filled with neoprene gaskets, or if solvent welded Schedule 40 (or SDR equivalent) or better polyvinylchloride (PVC) pipe) which has been installed in the past five (5) years in which case the minimum distance is ten (10) feet
- (e) Sewage drains carrying domestic sewage or industrial waste under pressure. 50 feet. (except welded steel pipe or concrete encased pipe installed in the past five (5) years in which case the minimum distance is ten (10) feet
- (f) Septic tanks or aerobic tanks. 50 feet
- (g) Existing on-lot sewage disposal systems and areas which have been tested and found suitable for the installation of an on-lot sewage disposal system. 100 feet
- (h) Farm silos, barnyards 100 feet
- (i) Rainwater pits 25 feet
- (j) Spray irrigation site; sewage, sludge and septage disposal sites 300 feet
- (k) Property lines or Right-of-Way 10 feet

Any other potential source of contamination: As approved by Code Enforcement Officer upon submission of requisite documentation which shall be at the discretion of the Code Enforcement Officer.

- (ii) The Code Enforcement Officer shall have the authority to require plans prepared by an Engineer or Surveyor setting forth data as to topography, soil conditions, screening material and site protection procedures.
- (iii) Any proposed deviation or modification of the above stated standards must be approved in writing by the Township with reasons stated for such deviation or modification.
- (iv) In addition to the above, the well installation shall be sited in such a way as to plan for future activities on adjacent open space.

SECTION 6. Construction. All construction shall be in accordance with established standards of the industry, as well as all applicable codes (e.g. electrical, NSF, etc.) and Federal and State rules and regulations.

SECTION 7: Ground Water Monitoring Wells. Due to the variability in the information to be obtained, ground water monitoring wells shall not be subject to strict compliance with sections of these regulations relating to water well construction. The construction of each monitoring well must first receive written approval of the Township. The design of each monitoring well must be such as to minimize potential contamination of the aquifer and to maximize the information obtained from each monitoring well.

SECTION 8:

- (a) Cross Connections. Every portable water distribution pipe shall be protected against cross connection with, and backflow from, any plumbing fixture or other piece of equipment or appliance capable of affecting the quality of the portable water by having the outlet end from which the water flows spaced a minimum distance of twice the diameter of the water supply pipe above the flood level rim of the receptacle into which the portable water flows, except:
- (b) Where it is not practicable to provide this minimum distance, the connection to the fixture, equipment, or appliance shall be equipped with a cross connection prevention assembly of a type of location approved by the Township.
- (c) Public water systems shall comply with the requirements of the Pennsylvania Safe Drinking Water Act (35 P.S. 721.1 et.), and any revisions or amendments thereto.

SECTION 9: Permit Procedure

- (a) All water supplies shall be constructed in strict conformity with this Ordinance.
- (b) The installation, repair, or modification of a well, casing, well pit, pitless adaptor, well pump, or an individual water supply line constitutes the installation of a water supply or monitoring well and requires a permit prior to the beginning of the installation of a water supply system or of any building(s) for which such a system is to be installed. No permit will be required for the installation of a water supply line that is connected to a public source, or for the repair or replacement of a well pump or for treatment processes.
- (c) The application shall contain such information as the Township deems necessary, including:
 - (i) Property Lines, Street Rights-of-Way, and other such boundaries, and all features listed in Section 5 herein.
 - (ii) Existing and proposed on-lot sewage disposal system locations on the affected and adjacent lots.
 - (iii) Location of all existing and proposed improvements, including buildings, driveways, etc.

- (iv) Location of proposed well.
- (v) Such further information as may be required by the Township to insure that the proposed construction complies with this Ordinance.
- (d) When the Township has found an application incomplete, or the Township is unable to verify the information submitted, the applicant shall be notified in writing within seven (7) days and the time for acting thereon shall be extended fifteen (15) days beyond the date of receipt of the supplementary or amendatory information.
- (e) When the Township is satisfied that the application is complete and the proposed design meets the requirements found in this Ordinance, a permit will be issued.
- (f) Permits shall be issued or denied with seven (7) days after receiving a completed application for a permit .
- (g) If construction or installation of a water supply and of any building or structure for which such water supply system is to be installed has not commenced within two years from the date of issuance of the permit, said permit shall expire. A new permit shall be obtained prior to the commencement of said construction or installation.
- (h) A permit shall be revoked by the Township at any time for anyone or more of the following reasons, which shall be incorporated into a written revocation:
 - (1) When any change has occurred in the physical conditions of any lands which will materially affect the operation of water supply.
 - (2) When information material to the issuance of the permit has been falsified
 - (3) When the decision of the Township fails to conform with the provisions of the Ordinance or:
 - (4) When the permittee has violated the provisions of this Ordinance.
- (i) Upon receipt by the applicant of a notice of denial or revocation of a permit, the applicant may request a hearing before the Township
- (j) If an emergency condition exists such that the lack of water poses an immediate and significant danger to the health and welfare of persons, livestock or domestic fowl or crops, then the Township is authorized to issue an emergency well permit. The following procedure shall be used in obtaining an emergency well permit:

- (i) The well driller must telephone the Code Enforcement Officer and provide the necessary information for validation of the emergency.
- (ii) Upon validation of the emergency, the Code Enforcement Officer is to issue a verbal emergency permit number to the well driller.
- (iii) The well driller must have in his possession the emergency well permit number during all subsequent emergency well drilling activities for that specific job site.
- (iv) The emergency permit shall be void if emergency well construction does not commence within 48 hours after the emergency permit issuance.
- (v) Within 72 hours after the start of construction of the emergency well, the well driller shall submit for the property owner, a completed water well permit application including the emergency well permit number.

SECTION 10: REPEALER

Ordinance No. 44-1990 and all subsequent revisions or amendments are hereby repealed, and any ordinance of the municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

SECTION 11: SEVERABILITY

Should any article, section, subsection, paragraph, clause, phrase, or provision of these regulations be declared, by a final unappealed judgment or order of a court of competent jurisdiction, to be invalid, such judgment or order shall not affect the validity of the regulation as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional.

SECTION 12: PENALTIES

Any person violating any provision of this ordinance shall for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars and not less than Three Hundred (\$300.00) Dollars and costs of prosecution. Provided: each day that any such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Provided further: any violation of any provision of this ordinance that shall also constitute a violation of a specific provision of the laws of Pennsylvania or of any regulation of the Commonwealth or any department or agency thereof having the effect of law shall be prosecuted under the said State Law or regulation and not under this ordinance.

SECTION 13: EFFECTIVE DATE

The effective date of this Ordinance shall be five (5) calendar days after adoption.

ENACTED AND ORDAINED AS AN ORDINANCE OF THE TOWNSHIP OF CENTRE THIS _____
DAY OF _____, 2001.

Ronald Krapp

Larry Zimmerman

Clair L. Miller

Debbie Stein

Attest: