

**ELDRED TOWNSHIP
MONROE COUNTY, PENNSYLVANIA
ORDINANCE NO. 2020-03**

AN ORDINANCE PROVIDING FOR THE SUPERVISION AND REGULATION OF WATER WELLS IN ELDRED TOWNSHIP; ESTABLISHING RULES AND REGULATIONS GOVERNING CONSTRUCTION AND OPERATION OF WATER WELLS; PROVIDING FOR WELL CERTIFICATION; AND PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED by the Township of Eldred, Monroe County, Pennsylvania, under the authority granted by the Pennsylvania Second Class Township Code, Act of May 1, 1933 (P.L. 103, No. 69), Reenacted and amended July 10, 1947 (P.L. 1481, No 567), as amended; and it is hereby enacted and ordained by the authority of the same as follows:

**ARTICLE I
PRELIMINARY PROVISIONS**

Section 1. Short Title

This Ordinance shall be known and may be cited as THE ELDRED TOWNSHIP WATER WELL ORDINANCE.

Section 2. Purpose

The purpose of this Ordinance is:

- A. To promote and protect the general health and welfare of the residents of Eldred Township by conserving the supply and preventing the pollution and contamination of groundwater;
- B. To protect the quantity, quality, suitability, and sustainability of water supplies;
- C. To provide notice of all well projects in order to secure and maintain the minimum required isolation distances between water supplies and sewage disposal systems or other sources of pollution and contamination; and
- D. To provide proper documentation of well locations for Eldred Township property information files.

Section 3. Applicability

This Ordinance shall apply to the construction, alteration, and/or installation of all water wells, except to the extent that the regulations of this Ordinance are preempted by federal, state, or Delaware River Basin Commission (DRBC) statutes, regulation or rules.

**ARTICLE II
PERMITS**

Section 1. Permit Required

No person in the Eldred Township shall construct, alter, and/or install a water well, casing, or well pit, for any purpose, without first obtaining a written permit from the Township in accordance with this Ordinance. A property owner and/or its agent shall also obtain all other required Federal, State, DRBC, and County well permits, if applicable, and provide copies to the Township.

Section 2. Application Form; Enforcement Officer (EO)

Application for a well permit shall be made upon a form supplied by the Township and shall be submitted to the duly appointed EO. In the event the EO determines that the well is agricultural and therefore regulated by the Department of Environmental Protection and/or the Department of Agriculture, no further action is required under the within Ordinance.

Section 3. Application Information; Site Plan

- A. Application Information -The application shall be completed in full and be signed and dated. The Township shall require any such additional information as deemed necessary to document compliance with the provisions of this Ordinance.
- B. Site Plan - The Applicant shall provide a site plan of the premises drawn to scale showing:
1. The boundary lines of the premises upon which the well is proposed and the name of the adjoining street;
 2. The proposed location of the well;
 3. The location or proposed location of all buildings;
 4. The location or proposed location of septic tanks and drain fields;
 5. The location of neighboring wells within 50 feet;
 6. The location of neighboring septic tanks and drain fields within 100 feet;
 7. The names of adjoining property owners; and
 8. Such other information as may be required to document compliance with the isolation distance and other requirements of this Ordinance.
- C. Survey - In cases where the well is proposed at or near the minimum isolation distance requirements of this Ordinance, the Township may require a survey made by a Professional Land Surveyor.

Section 4. Fees

Each application for a well permit shall be accompanied by a fee payable to Eldred Township in accord with a schedule of fees established from time to time by resolution of the Board of Supervisors.

Section 5. Incomplete or Inadequate Information

When the EO finds an application incomplete, or the EO is unable to verify the information submitted, the application shall be rejected.

Section 6. Inspection; Permit Issuance, Denial and Revocation

- A. Site Inspection - Upon receipt of a complete application, the EO shall perform an inspection of the premises on which the well is to be constructed to determine if the location conforms to the standards of this Ordinance. Assurance from having water ponded around the wellhead in high water conditions is required.
- B. Well and Lot Line Locations - The location of the well and all lot lines shall be clearly marked on the premises by the Applicant.
- C. Action - Upon completion of the inspection, the EO shall either:
 - 1. Issue a permit to the Applicant indicating the approved location for the well and special instructions for construction, if any; or
 - 2. Deny the issuance of the permit, and, in such event, provide the Applicant with written reasons for such denial.
- D. Time for Action - Permits shall be issued or denied within fourteen (14) days after receiving a completed application for a permit.
- E. Permit Effective Dates - All permits shall be in effect as of the date of issuance and shall remain in effect for a period of one (1) year. After one (1) year and not more than three (3) years, permits are to be reviewed and must adhere to any changes made within this or supportive regulation as well as Minimum Required Isolation Distance ("MRID") not previously referenced on the previously submitted Site Plan. If construction has not been completed within the three-year (3) the permit shall expire, all fees paid shall be forfeited, and a new permit shall be required.
- F. Revocation - A permit shall be revoked by the EO for any one (1) 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 the well;
 - 2. When information material to the issuance of the permit has been falsified; or
 - 3. When the Permittee has violated any of the provisions of this Ordinance.

Section 7. Final Inspection; Certificate of Operation

- A. Inspection - Upon the completion of construction, or at such other time as the EO may deem appropriate, the EO shall perform a final inspection of the well to determine compliance with the permit issued.
- B. Action - Upon completion of the said inspection, the EO shall:
 - 1. Issue a certificate of operation upon the original permit; or
 - 2. Deny such approval due to non-compliance with the permit issued, and, in such event, provide the Applicant with written reasons for such denial.
- C. Information Required -As a condition precedent to the issuance of the certificate of operation, the Applicant shall provide the well completion report as required by this Ordinance, including, but not limited to, the number of gallons of water per minute produced by the well, the depth, size and type of casing, extent of

grouting, and water quality test reports. Well analysis: After water well disinfection, water samples must be collected and analyzed for pH, total solids, iron, nitrate-nitrogen, and coliform bacteria. The applicant or his representative shall utilize the appropriate means and methods for sampling and stabilization and obtain sample analysis from a laboratory certified by the Commonwealth of Pennsylvania for that purpose. One (1) copy of the analysis results shall be provided to the owner of the water well and one (1) copy provided to the Township.

- D. Non-Guarantee - The issuance of an operating permit by the Township does not in any way constitute a guarantee to the applicant that the subject well will produce any quantity of water or that the subject well is pure and fit for consumption either at the time of the issuance of the permit or at any time in the future.

Section 8. Appeal

Upon denial of a permit or certificate of operation, or the revocation of a permit, the Applicant may request in writing a hearing before the Board of Supervisors within fourteen (14) days of the Applicant's receipt of the denial or revocation. The Board shall conduct a hearing within sixty (60) days of receipt of such request. Hearings and any subsequent appeal shall be pursuant to the Act of December 2, 1968, P.L. 1133, No. 353, as amended, known as the Local Agency Law.

Section 9. Reporting

The Applicant shall, upon completion of the well, provide to the Township a copy of the Well Completion Report submitted to the Pennsylvania Department of Conservation and Natural Resources and the results of the testing required.

ARTICLE III WATER WELL LOCATION AND CONSTRUCTION

Section 1. Adjoining Lots

When proposing a location for water well the Applicant shall take into consideration the need to site water well and/or an on-lot sewage disposal system on neighboring properties. Unless a waiver is granted in accord with ARTICLE VI of this Ordinance, no permit shall be issued for any well location which would preclude the development of an adjoining lot with a single-family dwelling. No such waiver shall be granted unless the Board of Supervisors finds that there is no other location possible for the construction of the well.

Section 2. Aquifer Depth

The source of supply for any water well shall be drawn from a water bearing formation not less than sixty (60) feet from the ground surface.

Section 3. Isolation Distances

A. The following isolation distances shall be maintained from all water wells:

POTENTIAL POLLUTION SOURCE	MINIMUM REQUIRED ISOLATION DISTANCE (feet)
Animal enclosures and manure piles	100
Any clear water (roof/basement) drain	10
Building foundations	10
Cemetery or grave site	100
Chemical preparation/storage area	300
Chemicals; above- or below-ground storage	100
Fertilizers preparation/storage area	300
Hazardous spray materials preparation/storage area	300
Lakes, ponds, streams	25
Landfill, existing, proposed, or abandoned	1,000
Property lines	10
Railroad tracks	50
Rainwater pits	25
Road right of way, private	10
Road right of way, public	25
Salt piles	300
Salvage yard	300
Septic tanks	50
Sewage disposal systems, subsurface	100
Sewage disposal systems, surface	100
Sewage seepage pits, privies, cesspools	100
Sewage sludge or septage disposal sites	300
Sewer lines	50
Silos, farm	100
Spray irrigation sites	300
Storm drains	25
Storm water retention/stabilization basins	25
Water well, properly decommissioned	10
Water well, existing	25
Waste Treatment Facility	300

Section 4. Construction Standards

The construction of all water wells in the Township shall conform to the following standards and such compliance shall be certified by the well driller in the Well Completion Report. In cases where state or federal regulations are more stringent, such standards shall apply.

- A. Construction by Licensed Driller - All water wells in the Township shall be constructed in accordance with PA Act 610 (Water Well Drillers License Act) by a well driller licensed by the Commonwealth of Pennsylvania.
- B. Disinfection Criteria- The well owner shall disinfect a water well in accord with Section 4.a of AWWA Standard A100 prior to testing and prior to use. A statement that the well has been disinfected shall be submitted to the Township along with the Water Well Completion Report.
- C. Sanitary Well Seal - A vermin-proof, vented cap shall be provided on the top of the water well casing per PA DEP Guidance. In accordance with AWWA Standard A 100, water should not be able to enter the well by penetrating in and around the casing. The well casing will be elevated a minimum of twelve inches (12") above grade as stipulated in the AWWA Standard A100.

D. Casing

1. Casing Stickup

- a. Permanent casing for all water wells shall project at least twelve inches (12") above a pump house floor or concrete apron, and at least twelve inches (12") above the final ground surface.
- b. Where a well house is constructed, the floor surface shall be at least six inches (6") above the final ground surface.

2. Casing Length

- a. All water wells shall be constructed in such a manner to be watertight to such depths as may be necessary to exclude pollution from surface runoff and from polluted aquifers above the aquifer serving as the source of supply.

The minimum protective casing depth shall be fifty feet (50') or five feet (5') into competent bedrock if bedrock is encountered shallower. If competent bedrock is deeper than fifty feet (50'), the casing depth shall be extended as required to terminate a minimum of five feet (5') into competent bedrock.

3. Casing Material

- a. Protective casing of steel or plastic shall have minimum weights and thickness as specified in AWWA's Standard A100, latest version. Well casing material must be resistant to the corrosiveness of the water and to the stresses to which it will be subjected during installation, grouting and operation. Casing and grouting materials must be compatible.

- b. In general, the criteria established in AWWA Standard A100 should be followed.

- c. Steel casings shall:

- 1) Be new pipe meeting ANSI/AWWA, ASTM or API manufacturing standards for water well construction per Table 2 of AWWA Standard A100;

- 2) Have minimum wall thickness listed in Table 4 of AWWA Standard A100. If minimum thickness is not considered sufficient to ensure reasonable life expectancy of the well, additional thickness will be required;
- 3) Be capable of withstanding forces to which it is subjected;
- 4) Be equipped with a steel drive shoe when pushed or driven. Drive shoe shall be heat-treated SAE 1040 steel ring or equivalent per Section 4.7.4.2 of AWWA Standard A100; and
- 5) Have full circumferential welds or threaded and coupled pipe joints.

d. Plastic casing shall meet appropriate ASTM standards for well casing applications as outlined in AWWA Standard A100. Plastic casing materials shall not impart taste, odor or toxic substances to the well water. Plastic casing, if used, shall not be driven. The casing shall be placed a minimum of five feet (5') into the consolidated formation with a minimum annular opening of three inches (3") larger than the outside diameter of the casing so that grout can be placed in accordance with the requirements of this Ordinance.

E. Grout Requirements - A statement that the well has been grouted in accord with this Section shall be submitted to the Township along with the Well Completion Report. All permanent water well casings shall be surrounded by a minimum of one and one-half inches (1.5") of grout to a minimum depth of at least five feet (5') below grade to effectively prevent contamination from ground surface sources. Grouting materials shall comply with the standards established by the American Water Works Association in the most current AWWA Standard for Water Wells or as otherwise approved by the Township.

F. Well Pits

1. Where well pits are used, such pits shall be designed to remain free of water at all times. The floor of the pit shall be a watertight reinforced concrete platform at least four inches (4") thick poured around the casing and shall be provided with a watertight seal. The floor of the pit shall extend at least two feet (2') from the center of the casing in all directions. In all cases, the pit shall be sized to allow adequate working space.
2. The pit shall have watertight reinforced concrete walls four inches (4") thick or equivalent which provide for an effective watertight seal against the floor. The top of the pit shall be a watertight reinforced monolithic concrete slab at least four inches (4") thick (or an approved equivalent) which shall be sealed with the wall to effectively prevent the entrance of water. The top of the pit shall not be more than six inches (6") below the ground surface. A durable watertight manhole shall be installed in the top of the pit centered over the casing and effectively sealed with the top to prevent the entrance of water, or an approved equivalent.
3. Pit installations shall not be used in areas subject to flooding by ground or surface water or where the ground water level rises to within one foot (1') of the bottom of the proposed pit.
4. Where pipes enter the pit, the annular opening between the pipes and the wall shall be effectively sealed by a watertight permanent seal.
5. The design of the well and well pit system shall make provision for:

- a. Access to disinfect the well;
- b. A properly constructed casing vent;
- c. Facilities to measure water levels in the well;
- d. A cover at the upper terminal of the well that will prevent the entrance of contamination;
- e. A contamination-proof entrance connection for electrical cable; and
- f. An inside diameter as great as that of the well casing, up to and including casing diameters of twelve inches (12”), to facilitate work and repair on the well, pump, or well screen.

G. Pitless Well Installations -

1. Pitless units shall:

- a. be shop-fabricated from the point of connection with the well casing to the unit cap or cover;
- b. have a secure, screened, varmint-free well cap installed on all water wells to prevent any surface pollutants from entering the water well or any vandalism to the water well or aquifer. In the event of a flowing well, the well cap must stop overflow from the flowing well;
- c. be threaded or welded to the well casing;
- d. be of watertight construction throughout;
- e. be of materials and weight at least equivalent and compatible to the casing;
- f. have field connection to the lateral discharge from the pitless unit of threaded, flanged or mechanical joint connection; and
- g. have the well casing terminate at least twelve inches (12”) above final ground elevation.

2. The design of the pitless unit shall make provision for:

- a. Access to disinfect the well;
- b. A properly constructed casing vent;
- c. Facilities to measure water levels in the well;
- d. A cover at the upper terminal of the well that will prevent the entrance of contamination;
- e. A contamination-proof entrance connection for electrical cable; and
- f. An inside diameter as great as that of the well casing, up to and including casing diameters of twelve inches (12”), to facilitate work and repair on the well, pump, or well screen.

ARTICLE IV

YIELD AND QUALITY

- A. Certification - Certification as to capacity and quality by a licensed well driller shall be required prior to issuance of a certificate of operation of any water well in accord with ARTICLE II PERMITS, Section 6.
- B. Yield Test - The well yield shall be determined by a pumping test of not less than one (1) hour in duration which continues until equilibrium is achieved and drawdown stabilizes. The test shall be conducted at a rate of not less than one hundred fifty (150%) percent of the intended long-term withdrawal from the well. The 1-hour test shall be conducted at a constant pumping rate that should not deviate greater than five (5%) percent, plus or minus, during the test.
- C. Report - Upon completion of the well the Applicant shall provide the Township with a copy of the report submitted to the Pennsylvania Department of Environmental Protection and sufficient data and documentation to verify compliance with this ARTICLE IV.

ARTICLE V ABANDONED WATER WELLS

- A. Filling and Sealing - An abandoned well shall be filled and sealed in accord with Act 610, the Water Well Drillers License Act, which includes a provision for abandonment of wells. This legislation makes it the responsibility of a well owner to properly seal an abandoned well according to the rules and regulations of DEP. In the absence of more stringent regulatory standards, the procedures outlined in this section represent minimum guidelines for proper abandonment of wells and borings. These procedures may be applicable for, but not limited to, public and domestic water supply wells, monitoring wells, borings or drive points drilled to collect subsurface information, test borings for groundwater exploration, and dry wells (drains or borings to the subsurface).
- B. Act 610 - Well owners shall comply with the well abandonment requirements of the regulations implementing PA Act 610.

ARTICLE VI WAIVERS/MODIFICATIONS

Section 1. Intent

The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the Applicant, to the satisfaction of the Board of Supervisors, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the Applicant shows that an alternative proposal will allow for equal or better results, the Township may grant a waiver/modification from such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this Ordinance.

Section 2. Conditions

In granting waivers/modifications the Board of Supervisors may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements of this Ordinance.

Section 3. Procedure

All requests for waivers/modifications shall be in writing, shall accompany and be a part of the development application, and shall include:

- A. The specific sections of this Ordinance in question;
- B. Provisions for the minimum waiver/modification necessary as an alternate to the requirements; and
- C. Justification for the waiver/modification including the full grounds and facts of unreasonableness or hardship.

Section 4. Action

If the Board of Supervisors denies the request, the applicant shall be notified, in writing, of the reasons for denial. If the Board of Supervisors grants the request, the water well permit shall include a note which identifies the waiver/modification as granted.

ARTICLE VII DEFINITIONS

For purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein unless the context clearly indicates otherwise:

Abandoned Water Well: A water well, the regular use of which has been discontinued for a period of one (1) year or more, or which is in such a state of disrepair that continued use for the purpose of obtaining groundwater is impracticable, or which has been replaced by a new water well or public water supply.

Alteration: Any action which necessitates entering a water well with drilling tools; treating a water well to increase yield; altering the physical structure or depth of the water well; blasting; removal or replacement of water well casing.

ANSI: American National Standards Institute.

Aquifer: A geological formation that contains and transmits water.

Annular Opening: The space between two (2) cylindrical objects, one of which surrounds the other, such as the space between a borehole and a casing pipe.

API: American Petroleum Institute.

ASTM: American Society for Testing and Materials.

AWWA: American Water Works Association.

Board of Supervisors: The Board of Supervisors of Eldred Township, Monroe County, Pennsylvania.

Casing: An impervious durable 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.

Community Water System: A public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents .

Coliform: All of the aerobic and facultative anaerobic, gram negative, non-spore-forming, rod-shaped bacteria which are capable of fermenting lactose with gas formation within forty-eight (48) hours at 35°C.

EO: Eldred Township Enforcement Officer for this Ordinance, as appointed by the Board of Supervisors.

Groundwater: Water within the earth below the water table within the zone of saturation. Groundwater includes both water under water table (unconfined) conditions and confined conditions within deep aquifers.

Grout: A fluid mixture made with concrete, neat cement, bentonite or other approved impervious material between the casing and the undisturbed formation surrounding the well or between two (2) strings of casing.

NSF: National Sanitation Foundation.

Pitless Adaptor: A device or assembly of parts which will permit water to pass through the wall of the well casing or extension thereof, and which provides access to the well and to the parts of the water system within the well in a manner to prevent entrance of pollution into the well and the water produced.

Township: Eldred Township, Monroe County, Pennsylvania.

Water Well or 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, diversion, 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 private, shared, agricultural, or irrigation water supplies.

Water Well Tag: A metal marking device supplied by the Township for installation on the water well cap for every new or reconstructed water well.

Well Seal: An approved devise or method used to protect a well casing or water system from the entrance of any external pollutant at the point of entrance into the casing of a pipe, electric conduit or water level measuring device.

ARTICLE VIII PENALTIES FOR VIOLATIONS

This Ordinance shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this Ordinance shall, upon conviction in a summary proceeding, pay a fine of not less than \$100 nor more than \$1,000 per violation, plus all court costs and reasonable attorney's fees incurred by Eldred Township in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of Eldred Township are hereby authorized to seek equitable relief, including injunction to enforce compliance with this

Ordinance. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid to Eldred Township for its general use.

**ARTICLE IX
MISCELLANEOUS**

Section 1. Severability

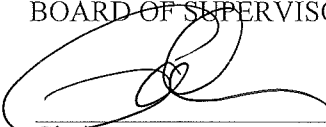
Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

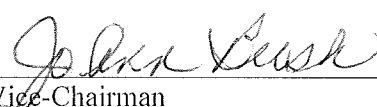
Section 2. Effective Date

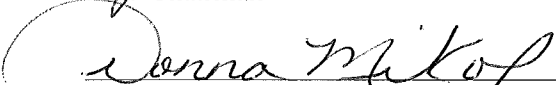
This Ordinance shall become effective five (5) days after the adoption thereof.

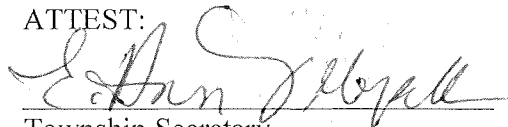
Enacted and Ordained into law by the Board of Supervisors of Eldred Township, Monroe County, Pennsylvania, this 17th of June, 2020.

TOWNSHIP OF ELDRED
BOARD OF SUPERVISORS



Chairman

Vice-Chairman

Supervisor
ATTEST:

Township Secretary