

From Joel @ PRWA

- see my comments on this document. I've also attached copies of sections of other WHP ordinances for reference.

ORDINANCE 2002 - _____

Borough of Mt. Pocono
Monroe County, Pennsylvania

AN ORDINANCE OF THE BOROUGH OF MT. POCONO, MONROE COUNTY, PENNSYLVANIA, ESTABLISHING WELLHEAD PROTECTION ZONES; DELINEATING WELLHEAD PROTECTION ZONES; PROVIDING FOR THE REGULATION OF LAND USES WITHIN SUCH ZONES FOR THE PURPOSE OF PROTECTING GROUNDWATER SUPPLIES; PROVIDING FOR VARIANCES WITHIN THE WELLHEAD PROTECTION ZONES; AND ESTABLISHING A MEANS FOR ENFORCEMENT OF THE ORDINANCE; AND PROVIDING FOR THE IMPOSITION OF FEES FOR REVIEW OF SUBDIVISION AND DEVELOPMENT PLANS AFFECTING LAND USE WITHIN WELLHEAD PROTECTION ZONES.

BE IT ENACTED AND ORDAINED by the Council of the BOROUGH OF MT. POCONO, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

1. Findings.

The Borough of Mt. Pocono finds that:

- a. The groundwater underlying the borough is a major source of its existing and future water supply, including drinking water.
- b. Accidental spills and discharges of toxic or hazardous materials may threaten the quality of such groundwater supplies and related water resources in the borough, posing potential public health and safety hazards.
- c. Unless preventive measures are adopted to control the discharge and storage of toxic and hazardous materials within the borough, spills and discharges of such materials will predictably occur, and with greater frequency and degree of hazard by reason of increasing construction, commercial and industrial development, population and vehicular traffic within the borough.

2. Purpose.

The purpose of this Ordinance is to protect the public health, safety and welfare through the preservation of the borough's groundwater resources to ensure a future supply of safe and healthful drinking water for the Borough of Mt. Pocono, local residents, employees, visitors and the general public. The designation of wellhead protection zones and careful regulation of development activities within these zones can reduce the potential for groundwater contamination. The purpose of this Ordinance is to protect areas having a high potential for use as a water supply and thereby to maintain the existing quality and improve the future quality of the groundwater in the Borough of Mt. Pocono.

3. Wellhead Protection Zones.

- a. The delineation methodology utilized to determine the Wellhead Protection Areas are based upon analytical methods described by the United State Environmental protection Authority's "Guidelines for Delineation of Wellhead Protection Areas".
- b. The Wellhead Protection Areas include three zones of protection as recommended by the Pennsylvania Department of Environmental Protection.
 - i. Zone 1 is a 400 foot fixed radius around the well.
 - ii. Zone 2 represents the recharge zone of the well based upon a ten year time-of-travel.
 - iii. Zone 3 represents the drainage area that contributes overland flow to the recharge area.

4. Delineation of Zones.

a. Each Zone is delineated as follows:

- i. Zone 1: A 400 foot fixed radius around each well within the Borough of Mt. Pocono that is regulated by the Pennsylvania Department of Environmental Protection.
- ii. Zone 2: [reserved]
- iii. Zone 3: [reserved]

① Put a clause regarding challenges to delineation. Challenging party must provide a delineation report from a PA licensed Geologist at their cost.

② should reference a WHP Delineation Map instead of exact numbers in the ordinance - easier to update map than ord. - make sure it references most recent delineation map that has been approved by the Borough

5. Source Prohibitions.

- a. The following land uses, facilities, and /or activities shall not be permitted in a Zone 1 protection area.
1. Industrial, commercial, and manufacturing facilities.
 2. Underground storage tanks.
 3. Aboveground storage tanks.
 4. Hazardous material storage, processing and disposal facilities.
 5. Road salt stockpiles.
 6. Golf courses.
 7. Quarries and mining operations.
 8. Non-sewered residential development.
 9. On-site floor drains.
 10. Land application of wastewater and waste sludges.
 11. Medical offices, veterinarian clinics, and funeral homes.
 12. Cemeteries.
 13. Junk or salvage yards.
 14. Stormwater detention basins.
 15. Sanitary sewer lines and other utilities and pipelines.
 16. Open burning sites and dumps.
 17. Construction material stockpiles and debris
 18. Storage and mixing of pesticides and fertilizers.
 19. Construction additives.
 20. Well drilling.
 21. Pumping of private wells.
 22. Dry-cleaning and dyeing establishments and laundries that utilize cleaning solvents
 23. Printing and photo-processing establishments.
 24. Furniture and finish-stripping establishments.
- b. The following land uses, facilities, and/or activities shall not be permitted in the Zone 2 protection area:
- [reserved]
- c. The following land uses, facilities and/or activities shall not be permitted in the Zone 3 protection area:
- [reserved]

6. Variances for Existing Land Uses, Facilities and Activities.

- a. Any of the land uses, facilities, and/or activities identified in Section 5 lawfully in existence within the Wellhead Protection Zone as delineated prior to the effective date of this Ordinance, may continue to exist on the parcel upon which it is located subject to compliance with federal, state and local regulations as the same may exist from time to time.
- b. Variances to the provisions of this Ordinance may be granted for undue hardships caused to existing property owners in the Wellhead Protection Zones. Applications for variances shall be presented to the Zoning Hearing Board.

7. Administration and Enforcement.

- a. All subdivision proposals and other proposed new development plans within the delineated Wellhead Protection Zones shall be reviewed for compliance with the provisions of this Ordinance. The subdivision or development plan as submitted shall designate the delineated Wellhead Protection Zones in which any subdivision or development may take place.
- b. It shall be the responsibility of the Planning Commission to recommend approval, disapproval, or approval with modifications of the proposed subdivision or development plan.
- c. The zoning officer is authorized to issue cease and desist orders whenever a violation of this ordinance may appear.
- d. Whenever it is determined that there is a violation of this Ordinance, the Notice of Violation issued shall:
 - i. Specify the violation or violations in writing.
 - ii. Specify the length of time available to correct the violation
 - iii. Clearly state any penalties associated with the subject violation.

8. Fees.

In addition to any fees imposed by the Borough for the review of subdivision and land development plans, the Borough may impose an additional fee for

the review of any plan that proposes subdivision or development within a Wellhead Protection Zone.

9. Severability and Amendment.

- a. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.
- b. This Ordinance or any part thereof may be amended from time to time in accordance with procedures established by law.

ORDAINED AND ENACTED this day of , 2002. This Ordinance shall become effective on the day of , 2002.

BOROUGH OF MT. POCONO

ATTEST:

Secretary