

ARTICLE VI

AQUIFER PROTECTION OVERLAY ZONE

§157-101 FINDING

The Borough of East Stroudsburg finds that:

- A. The groundwater underlying the Borough is a major source of its existing and future water supply, including drinking water.
- B. The groundwater aquifers are integrally connected with and flow into the surface waters, lakes, and streams, which constitute a major source of drinking water for East Stroudsburg.
- C. Accidental spills and discharges of toxic and hazardous materials may threaten the quality of such groundwater supplies and related water resources in the Borough, posing potential public health and safety hazards.
- D. 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 in Borough.

§157-102 PURPOSE

The purpose of this section is to protect the public health, safety and welfare through the preservation of the Borough's major groundwater resources to ensure a future supply of safe and healthful drinking water for the Borough of East Stroudsburg, local residents and employees and the general public. The designation of Aquifer Protection Zones (Wellhead Zone; Zone 1 and Zone 2) and careful regulation of development activities within these zones can reduce the potential for groundwater contamination. The purpose of this section 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 of the Borough of East Stroudsburg.

§157-103 AQUIFER PROTECTION ZONE: (WELLHEAD ZONE, ZONE 1 AND ZONE 2) LOCATION, APPLICABILITY.

- A. These regulations shall apply to all land uses encompassed within the Aquifer Protection Zones as designated on a map entitled "Aquifer Protection Map, Borough of East Stroudsburg, Monroe County, Pennsylvania" dated April 11, 1990, which is held by the Borough Zoning Officer. The Aquifer Protection Areas are also shown on the Zoning Map.
- B. These regulations shall be in addition to other requirements for the zoning districts designated on the Zoning Map of the Borough of East Stroudsburg and shall apply irrespective of other sections of this code.

§157-104 USE REGULATIONS FOR AQUIFER PROTECTION ZONES

- A. Permitted principal and accessory uses. All uses which are permitted under the existing zoning regulations are permitted in the Aquifer Protection Zones unless otherwise identified in Subsection B. below. Additional "zone specific" restrictions are identified under subsections D, E and F below.
- B. Prohibited uses. The following uses are prohibited within the Aquifer Protection Zones.
 - (1) The disposal of hazardous materials or solid waste.
 - (2) The treatment of hazardous materials, but not including rehabilitation programs authorized by a government agency for treating existing hazardous materials.
 - (3) The storage of hazardous materials, except in sealed or unopened containers for resale or in containers normal for household use.
 - (4) The creation of hazardous materials.

- (5) The storage of hydrocarbon products except for heating oil and vehicle fuel stored in vehicle tanks.
 - (6) Oil, gasoline or hazardous material pipelines.
 - (7) Disposal of septic sludge.
 - (8) Uses otherwise allowed in the zone which may discharge hazardous materials into the groundwater.
 - (9) Automotive service stations; public garages.
- C. All sewage and wastewater disposal systems must be connected to the public sewer system.
- D. Wellhead Zone - W1, W2, W3
- (1) Land use of any type and storage or use of herbicides and pesticides is prohibited within a 200-foot radius of a supply well with the exception of construction of a well house and access road.
- E. Zone 1 - Restrictive Zone
- (1) On-site storage of hazardous materials in above or below ground tanks is prohibited.
 - (2) The handling and storage of road salt and deicing materials is prohibited.
 - (3) Ground water heat pumps are prohibited.
 - (4) The following facilities are prohibited.
 - a. Dry-cleaning and dyeing establishments and laundries that utilize cleaning solvents.
 - b. Printing and photo processing establishments.
 - c. Furniture and finish stripping establishments.

(5) Special permit uses.

a. Such permits will not be considered.

F. Zone 2 - Protective Zone

(1) On-site storage of heating oil in tanks of less than one thousand one hundred (1,100) gallons installed below ground, provided that such tanks are designed and constructed in accordance with the standards of the Pennsylvania State Department of Environmental Resources rules and regulations for bulk storage. Replacement tanks must meet the requirements of this section.

(2) Special permit uses.

(a) Within Zone 2, each use below requires the issuance of a special permit by the Borough Council:

1) The handling and storage of road salt and deicing materials, provided that structural and nonstructural measures are implemented to prevent leachate contamination. Such measures may include, but are not limited to, building enclosures, impervious pads and pavements, self-contained drainage systems, detention basins, filters, separators or other devices and other management practices.

2) Groundwater heat pumps supplying heating and cooling for other than a one-family detached dwelling unit, provided that such systems are designed to treat, if necessary, and return discharged water to the groundwater.

(b) The Borough Council may attach such conditions and safeguards to any special permit as are, in its opinion, necessary to ensure initial and continued conformance to

all applicable standards and requirements. Such conditions may include, but are not limited to, monitoring wells and the requirement of additional setbacks from sewage disposal systems to downgradient property lines.

- (3) Nonconforming uses or structures. Any lawful use of a structure or of land, existing as of the effective date of this section, shall be deemed nonconforming and may be continued.

§157-105 AQUIFER IMPACT ASSESSMENT

All applications for a special use permit pursuant to Section 157-104E(2) shall include an aquifer impact assessment. The purpose of this assessment shall be to demonstrate that no activities will be conducted upon the property that will result in groundwater infiltration into a designated aquifer such that, at a confidence level of ninety percent (90%), the Pennsylvania State Drinking Water Standards will not be violated at the property line. Said assessment shall be prepared by a qualified hydrogeologist at the expense of the applicant. The cost to the Borough of hydrogeologic review of such assessment shall be paid by the applicant. The aquifer impact assessment shall include, insofar as it is pertinent to the application:

- A. Aquifer flow characteristics, including a delineation of the primary recharge area, distribution of transmissivity and details of the hydrologic budget, including natural and man-induced sources of recharge and withdrawal. Existing data from Borough studies on the aquifer areas may be used in the aquifer impact assessment.
- B. Details of the proposed aquifer usage, including static conditions of the potentiometric surface, range of withdrawals anticipated and the potentiometric surface at critical points in that range. An estimate of the quantity of induced surface flows at each critical point in the range shall also be detailed.
- C. Potential impacts resulting from the planned discharges or withdrawals, including impacts to other users of the aquifer (wells, surface expressions of groundwater, etc.) in terms of levels, quantity of water available and

induced quality changes. The impacts resulting from induced infiltration, including quantity implication to both the groundwater and surface water systems, shall be addressed.

- D. Proposed measures to mitigate any adverse impacts, the system for monitoring quantity, quality or any other aspect deemed important, including monitoring wells, and a reporting schedule shall be specified.