

CHAPTER 26

WATER

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PART 1**CONNECTION TO WATER SYSTEM****§26-101. Definitions.**

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part shall be as follows:

AUTHORITY - the Oley Township Municipal Authority, a municipality authority of the Commonwealth.

BUILDING MAIN - the extension from the water system of any structure to the lateral of a main.

COMMONWEALTH - the Commonwealth of Pennsylvania.

IMPROVED PROPERTY - any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals.

INDUSTRIAL ESTABLISHMENT - any improved property located within this Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article.

LATERAL - that part of the water system extending from a main to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a main which is provided for connection of any building main.

MAIN - any pipe or conduit constituting a part of the water system used or usable for water distribution purposes.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON - any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity.

TOWNSHIP - the Township of Oley, Berks County, Pennsylvania, a municipal subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

WATER SYSTEM - all facilities, as of any particular time, for supply, treatment, transmission, storage and distribution of water in, to and for this Township and owned by the Authority.

(Ord. 175, 10/11/1982, Art. D)

§26-102. Use of Public Water System Required.

1. The owner of any improved property abutting upon the water system, except any improved property that shall constitute an industrial establishment or a farm and that has its own supply of water for uses other than human consumption, shall connect such improved property with and shall use such water system in such manner as this Township may require within 90 days after notice to such owner from this Township to make such connection. Subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.
2. The notice by this Township to make a connection to a main, referred to in subsection (1), shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary of each Section hereof, and a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within 90 days after the date such notice is given or served. Such notice may be given or served at any time after a main is in place that can deliver water to the particular improved property. Such notice shall be given upon the owner by personal service or by registered or certified mail to his last known address.

(Ord. 175, 10/11/1982, Art. II)

§26-103. Building Mains and Connections.

1. No person shall uncover, shall connect with, shall make an opening or shall use, shall alter or shall disturb, in any manner, any main or part of the water system without first obtaining a permit, in writing, from this Township.
2. Application for a permit required under subsection (1) shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.
3. No person shall make or shall cause to be made a connection of any improved property with a main until such person shall have fulfilled each of the following conditions:
 - A. Such person shall have notified the Secretary of this Township of the desire and intention to connect such improved property to a main.

- B. Such person shall have applied for and shall have obtained a permit as required by subsection (1).
 - C. Such person shall have given the Secretary of this Township at least 48 hours notice of the time when such connection will be made so that this Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing.
 - D. If applicable, such person shall have furnished satisfactory evidence to the Secretary of this Township that any tapping (or connection) fee that may be charged and imposed by the Authority against the owner of each improved property who connects such improved property to a main has been paid.
- 4. Except as otherwise provided in this Section each improved property shall be connected separately and independently with a main through a building main. Grouping of more than one improved property on one building main shall not be permitted, except under special circumstances and for good cause shown, but then only after special permission of this Township, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Township.
 - 5. All costs and expenses of construction of a building main and all costs and expenses of connection of a building main to a main shall be borne by the owner of the improved property to be connected and such owner shall indemnify and shall save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building main or of connection of a building main to a main.
 - 6. A building main shall be connected to a main at the place designated by this Township or by the Authority and where, if applicable, the lateral is provided. A smooth, neat joint shall be made and the connection of a building main to the lateral shall be made secure and watertight.
 - 7. If the owner of any improved property located within this Township and abutting upon the water system subject, however, to the exception provided for in §26102(1), after 90 days notice from this Township, in accordance with §26-102(1), shall fail to connect such improved property, as required, this Township may enter upon such improved property and may construct such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

(Ord. 175, 10/11/1982, Art. III)

§26-104. Rules and Regulations Governing Building Mains and Connections to Mains.

1. No building main shall be covered until it has been inspected and approved by this Township. If any part of a building main is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a main.
2. Every building main of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
3. Every excavation for a building main shall be guarded adequately with barricades and lights to protect all person from damage and injury. Any street, sidewalk or other public property disturbed in the course of installation of a building main shall be restored, as the cost and expense of the owner of such improved property being connected, in a manner satisfactory to this Township.
4. If any person shall fail or shall refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building main within 60 days of receipt of such notice, this Township or the Authority may refuse to permit such person to be served by the water system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township and of the Authority.
5. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a main and with the water system which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(Ord. 175, 10/11/1982, Art. IV)

§26-105. Enforcement.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 175, 10/11/1982, Art. V; as amended by Ord. 311, 6/14/2004, §1)

PART 2**WELLS****§26-201. Purpose.**

The purpose of this Ordinance is to:

1. Allow for the protection, orderly development and management of the ground water resources in the Township of Oley, Berks County, Pennsylvania; and,
2. Ensure that new wells constructed within the Township are able to provide a reliable, safe and adequate water supply to support intended uses; and,
3. Provide for certain well construction and testing criteria to insure subparagraphs A and B above, and initiate a database for long-term planning and resource management.

§26-202. Severability.

The provisions of this Part are severable and, if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decisions of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Part. It is hereby declared to be the intent of the Board that this Part would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

§26-203. Applicability.

This Part shall apply to all wells to be drilled, or which are not in operation, or are not in operable condition at the time of passage of this Part. It shall not, however, apply to wells intended to serve single-family dwellings already drilled at the time of passage of this Part which are not yet in operation, and operable wells on properties that are vacated while being sold, unless substantial modification occurs.

§26-204. Permit Required.

1. It shall be unlawful for any person to locate, drill or have drilled, any well; to install or have installed any relating pumping equipment; or to alter an existing well until a permit for such location, drilling, installation or alteration shall have been issued by the duly appointed Code Enforcement Officer or other proper representative of the Township.
2. No construction, drilling, digging, reconstruction, major repair, abandonment, retirement or other change of or for any well for the production of water shall

commence unless the property owner, or a duly authorized agent, shall apply for and receive a permit for such activity from the Township.

3. No permit is required for work on an existing well's pumping system unless that work increases the withdrawal capability of the system and the daily pumpage.
4. Where applicable, approval by Township shall be in addition to approvals by the Commonwealth (PaDEP) and the Delaware River Basin Commission (DRBC), and not in lieu of.

§26-205. Public Water Supply Wells.

Every corporation, organization, private or public company or individual must obtain a permit from the Township to construct a well. For those wells to be constructed for public water supply use, the Applicant must first obtain approval of the drilling site from the Township and the Pennsylvania Department of Environmental Protection ("PaDEP"), or the County Department of Health acting in behalf of the PaDEP.

§26-206. Application Forms and Permit Procedure.

1. Application Forms. Application for a well permit shall be made by the property owner, or his/her agent, upon a form supplied by the Township, and shall be submitted to the duly appointed Code Enforcement Officer or other proper representative of the Township. It shall be the obligation of the Applicant to bring this Part to the attention of the well driller.

The Application shall set forth the name or names of owners of the property, a sketch of the premises showing the proposed location of the well, the location or proposed location of all buildings and septic tanks and drain fields, the boundary lines of the premises, and such other information as may be required thereon.

2. Site Inspection. Upon receipt of an Application for a well permit, the Township, through its duly appointed Code Enforcement Officer or other proper representative, shall, within thirty (30) days, review the site plan showing the location of the proposed well and perform an inspection of the premises on which the well is to be constructed to determine if the location conforms to acceptable standards. The inspection shall be conducted in accordance with the provisions of this Part and the provisions of any and all other relevant Ordinances of the Township. Upon completion of the inspection, the inspection officer shall either:
 - A. Issue a permit to the Applicant indicating the approved location for the well and special instructions for construction, if any; or,
 - B. Refuse to issue the said permit and, in such event, shall provide the Applicant with written reasons for such refusal.

§26-207. Effective Date of Permits.

All permits shall be in effect as of the date of issuance, and shall remain in effect for a period of one (1) year. In the event that construction under the permit has not been completed at the expiration of one (1) year from the date of issuance, the permit shall expire, the validity of the permit shall cease and terminate, and all fees paid will be forfeited.

§26-208. Fees.

All Applications for a well permit shall be accompanied by a fee payable to Oley Township in accordance with a schedule of fees established from time to time by Resolution of the Board of Supervisors of Oley Township.

§26-209. Well Certification.

1. All new or altered water wells constructed in Oley Township shall be approved by the Township prior to use after meeting the requirements as set forth in this Part.
2. The drilling, construction and testing of all newly drilled wells in Oley Township shall be done by a licensed driller in conformance with accepted construction standards, and shall comply with the requirements set forth hereinafter for the various types of wells.

§26-210. Definitions.

1. **COMMUNITY WATER SUPPLY SYSTEM** - A system for the provision of water for human consumption if such system has at least fifteen (15) service connections, or regularly serves at least twenty-five (25) individuals. The Community Water Supply System is regulated by the Pennsylvania Department of Environmental Protection ("PaDEP") and the Township of Oley.
2. **COMMUNITY WATER SUPPLY WELL** - A well associated with a community water supply system. A community water supply well that withdraws ten thousand (10,000) gpd or more over a thirty (30) day period is regulated as a (potable) water supply under this Section, and under Sections 13, 14 and 15 for well permitting.
3. **HYDROGEOLOGIST** - A person registered in the Commonwealth of Pennsylvania as a Professional Geologist with education and experience in ground water, hydrogeology and wells.
4. **INDIVIDUAL WATER SUPPLY SYSTEM** - A system including wells, pumps, piping, storage and/or treatment equipment supplying water for human consumption and not regulated under the Pennsylvania Safe Drinking Water Act or regulations promulgated thereunder.

5. **INDIVIDUAL WATER SUPPLY WELL** - A well associated with an individual water supply system. An individual water supply well that withdraws ten thousand (10,000) gpd or more over a thirty (30) day period is regulated as a (potable) water supply under this Section, and under Section 13, 14 and 15 for permitting of the well.
6. **LARGE YIELD WELL** - A ground water well from which withdrawals are proposed to be more than ten thousand (10,000) gallons per day (gpd) over any thirty (30) day period.
7. **NON-COMMUNITY/NON-INDIVIDUAL WATER SUPPLY WELLS** - These wells, as defined in Title 25, Chapter 109 of the Pennsylvania Code and the Public Water Supply Manual, are hereby regulated by the Township under this Ordinance as Community Water Supply Wells. Non-Community/Non-Individual Water Supply Wells that withdraw ten thousand (10,000) gpd or more over a thirty (30) day period are regulated as (potable) water supplies under this Section, and under Sections 13, 14 and 15 for well permitting.
8. **PERSON** – Any individual, partnership, association or corporation, whether the same be an owner of real estate, lessee or tenant, general agent, special agent or independent contractor.
9. **TOWNSHIP** – The Township of Oley.
10. **WELL** – A hole or shaft sunk into the earth, customarily utilized to withdraw or obtain a fluid from a subterranean supply.

§26-211. Individual Water Supply Wells.

The criteria to be followed in the drilling and construction, pump testing and quality testing of new individual wells, and the requirements to be met for well certification, are outlined below.

1. Setback From Property Line. On properties adjacent to land used for agriculture, as that term is defined in the Oley Township Zoning Ordinance, no well may be drilled, dug or constructed after the effective date of this Ordinance without providing a fifty (50) foot minimum setback from the adjoining property having the agricultural use. Upon Petition filed, and after a public hearing thereon, the Board of Supervisors shall have the authority to vary this setback requirement in those instances where the characteristics and/or dimensions of the property would not allow for the required setback.

Should the Applicant request a public hearing as described above, an Application for the hearing shall be filed on Township forms, and the adopted fee shall be paid. The Township may adopt a fee by Resolution and revise said fee from time to time as deemed appropriate by the Board of Supervisors.

2. Well Drilling and Construction.

- A. Wells shall be sufficiently deep to guarantee long-term reliability.
- B. The well shall be cased with forty (40) feet of casing, or the casing shall extend a minimum of five (5) feet into unweathered bedrock, whichever is greater.
- C. The space between the casing and the bedrock shall be properly grouted with neat cement or equal.
- D. Pump setting should be deep and/or as close as possible to the major water-bearing zones, consistent with subparagraph (2) above.
- E. A drilling record and geologic log shall be prepared during construction of the well. The geologic log shall include a general description of the rock types encountered, and shall provide information on location and yield of the water-bearing zones intersected.
- F. In cases where yields of new wells are determined to be less than four (4) gallons per minute, the well shall be drilled to provide a minimum bore hole storage of two (2) days of residential water use (800 gallons). The storage capacity of the well shall be calculated on the total depth from static water level to the proposed pump intake elevation.

3. Water Quality of Individual Water Supply Wells. The potability of the ground water at every newly drilled well shall be determined via chemical analysis. Ground water samples shall be collected at the end of the pump test and submitted for analysis to a Pennsylvania Department of Environmental Resources (PaDEP) certified laboratory. The following parameters must be analyzed for individual water supply wells: total coliform, fecal coliform, nitrates as N.

4. Well Certification. The data collected during the drilling and pump testing of the well, and the laboratory results of the chemical analysis, shall be submitted to the Township, together with a concise report stating that the well meets technical requirements for reliability and potability of the water source. This report can be prepared by a Pennsylvania licensed driller. Any deficiency in the water quality must be remedied by treatment facilities prior to operation.

5. Multiple Wells (Subdivisions).

- A. When multiple wells are proposed, as in the case of a subdivision, the Applicant shall, with the assistance of a hydrogeologist, conduct a preliminary hydrogeologic study and submit the results to the Township. This requirement shall apply when the proposed subdivision meets either of the following criteria:
 - (1) The proposed subdivision is greater than five (5) lots and the lot density of the proposed subdivision and/or the area within a half mile

radius of the proposed development has a density of 0.5 lots per acre or greater; or,

- (2) The subdivision contains more than twenty-five (25) lots.

Said preliminary hydrogeologic study may be accomplished using published literature and information, such as the Pennsylvania Well Inventory, or geologic reports where available.

- B. In cases where insufficient information exists, or where the preliminary hydrogeologic study indicates questionable quantity or quality, further on-site studies may be required by the Township or its consultants. These advanced studies may include, but need not be limited to, installation of test wells, pump testing, monitoring of nearby wells for drawdown, and sampling. Said studies shall be performed by a hydrogeologist.

The information desired from the advanced hydrogeologic study is typical well yields and characteristics of the ground water aquifer (conductivity, storativity and transmissivity). An analysis of existing and proposed water balance should be completed using published ground water recharge rates and base flow considering the use proposed. The study conclusions should indicate whether the proposed land development will negatively impact existing wells by either affecting the availability of water and/or the ground water quality.

- C. In cases where advanced hydrologic studies are performed and water quality sampling is conducted, the samples shall include testing for pesticides and herbicides. Exhibit 1 lists the parameters to be tested and the required drinking standard. In the event that the PaDEP revises these standards subsequent to the adoption of this Ordinance, the newer standards shall apply.
- D. The Township and/or its agents shall oversee and participate in the hydrogeologic studies to the extent deemed necessary by the Township. The drilling of individual wells shall not commence until the study is approved by the Township.

§26-212. Community Water Supply Wells.

1. Setback From Property Line. On properties adjacent to land used for agriculture, as that term is defined in the Oley Township Zoning Ordinance, no well may be drilled, dug or constructed after the effective date of this Ordinance without providing a fifty (50) foot minimum setback from the adjoining property having the agricultural use. Upon Petition filed, and after a public hearing thereon, the Board of Supervisors will have the authority to vary this setback requirement in those instances where the characteristics and/or dimensions of the property would not allow for the required setback.

Should the Applicant request a public hearing as described above, an Application for the hearing shall be filed on Township forms, and the adopted fee shall be paid. The Township may adopt a fee by Resolution and revise said fee from time to time as deemed appropriate by the Board of Supervisors.

2. Notification. The Applicant shall notify the Township at least thirty (30) days prior to commencement of drilling by applying for a drilling permit. The Application for the drilling permit shall, in addition to the information required by Section 6, be accompanied by the following information:
 - A. Projected long-term water supply needs.
 - B. A map showing the location of the proposed test well(s).
 - C. Location of existing wells within a two thousand five hundred (2,500) foot radius of the proposed well.
 - D. Location of all known points of pollution within a two thousand five hundred (2,500) foot radius of the proposed well.
 - E. Amounts of existing ground water withdrawals, in tabulated form, within a two thousand five hundred (2,500) foot radius of the proposed well.

Upon receipt of the complete Application and information, the Township, through its duly appointed officer or representative, shall, within thirty (30) days, review the available data and perform an inspection of the property on which the well is to be constructed to ascertain that the drilling site meets all necessary sanitary requirements. Upon completion of the inspection and review, the Township officer or representative shall issue or deny the drilling permit. In the latter circumstance, the Township officer or representative will provide written reasons for such denial. When a State permit is required, the Applicant shall see and obtain approval of the drilling site from the PaDEP. The Township shall be provided with copies of all correspondence to and from the PaDEP. Drilling of the well shall not commence until all necessary approvals have been received.

3. Well Drilling and Construction of Community Water Supply Wells.
 - A. Community water supply wells shall be about three hundred (300) feet deep. Actual depth may vary, and some wells may have to be deeper in order to provide the necessary supply. In every circumstance, the initial yield of the well must be sufficient to provide a reliable source of supply under most adverse conditions, when accounting for the reduction in yield with long-term operation.
 - B. A detailed drilling record and geologic log shall be prepared during drilling of the test well(s). Rock specimens shall be analyzed at five (5) foot intervals in order to describe the lithology encountered, and information shall be obtained as to depth and estimated yield of the water-bearing zones. Proper methodology shall be used to estimate the yield of the water bearing zones.

- C. Community water supply wells shall be constructed at an eight (8) inch diameter or larger. The wells shall be double-cased with a minimum of ten (10) feet of outer casing and forty (40) feet of inner casing, and the annulus or space between the two (2) casings and the inner casing and the bedrock shall be grouted with neat cement.
4. Pump Test of Community Water Supply Wells. Upon completion of drilling and well construction, the well shall be submitted to a step-drawdown and long-term pump test. Prior to implementation of the pump test, the Applicant shall prepare and submit to the Township, for its review and approval, a network of existing wells located near the project to be monitored during the test, and a protocol for the implementation of the step-drawdown and long-term pump tests. The protocol shall address and comply with the following minimum requirements:
- A. Collection of background water level data in the production well. The water level data in this well should be collected with a continuous water level record in order to properly define water level trends and degree of impact, if any, from nearby pumping centers.
- B. Collection of background water level data in the monitoring network wells.
- C. Number of steps and rates to be used during the step-drawdown test.
- D. Upon completion of the step-drawdown test and analysis of the data thereof, the Applicant shall provide to the Township the discharge rate to be used during the long-term test. The long-term test shall be of forty-eight (48) hour duration or longer, and shall be conducted at a constant rate of discharge. The well shall be equipped with the proper apparatus to readily verify and adjust the discharge rate as required.
- E. Detailed water level measurements in the pumping well shall be collected during pumping and, after cessation of pumping, during recovery.
- A pump test shall not be implemented until the monitoring network and protocol have been approved by the Township.
5. Water Quality of Community Water Supply Wells. Ground water samples shall be collected at the pumping well after forty-eight (48) hours of continuous pumping and submitted to a PaDEP certified laboratory for chemical analysis. The samples shall be analyzed in accordance with PaDEP's New Source Sampling and Testing Matrix (DER-BCEC-44; 7/85; PGN-PWS-P-3, or as revised).
6. Well Permit For Community Water Supply Wells. Upon completion of the work tasks set forth hereinbefore, the Applicant shall submit an Application to the Township for a well permit. The Application shall be accompanied by a hydrogeologic report prepared by a qualified hydrogeologist. Hydrogeologic reports shall be prepared in accordance with the following guidelines:

A. General report requirements:

- (1) The report shall certify that previous reports prepared by other consultants in the Township, which are determined to be relevant by the Township, have been reviewed and referenced;
- (2) While statements concerning regional geologic and hydrogeologic conditions are acceptable, the report shall emphasize Township-specific conditions;
- (3) The text of reports shall contain all appropriate data, graphs, analyses and methods used to reach the conclusions contained in the report regarding well and aquifer characteristics. It shall include, but not be limited to, conductivity, storativity, transmissivity, cones of depression and possible influences on surrounding wells. At a minimum, the report shall be in the format and include all information required by PaDEP. The methodologies used to determine the well and aquifer characteristics shall be those generally accepted by the geologic/hydrogeologic professional. Appendices shall contain all data collected during implementation of the various work tasks.
- (4) Figures within the report shall contain a complete legend, title and scale.
- (5) All numerical parameters shall be presented with appropriate units, and all data shall be appropriately referenced.
- (6) Every report shall contain a topographic map at a minimum scale of 1-inch = 2000 feet showing the location of the project site, production well(s), monitor wells, stream flow monitoring stations (where applicable), and existing large yield wells within one-half (1/2) mile of the site.
- (7) The report shall include calculations for all appropriate parameters.
- (8) While inclusion of general and regional ground water recharge rates as offered by various authors is acceptable, estimate of long-term or dry period yield of the well shall be based on analysis of the well-specific hydrogeologic data, and the method used shall be described in the text of the report. The estimate(s) shall be presented in tabular form.
- (9) The water quality data shall be tabulated and presented within the text of the report. The report from the laboratory performing the analysis shall be included in the Appendix.

Upon review of the information and data submitted by the Applicant and within one hundred twenty (120) days therefrom, the Township shall issue or deny a permit for the operation of the well. If a permit is denied, the rationale for the denial shall be

given in writing. A permit for the operation of the well may be issued subject to conditions, and approval by the Township does not exonerate Applicant from obtaining all other necessary approvals and permits. Construction of the well facilities and operation of the well shall not commence until all necessary approvals have been obtained.

Whenever an agreement is reached between the Applicant and the Township for dedication of the well and appurtenances thereto to the Township or any other public agency, additional and more specific requirements may be imposed by the Township or agency officials as deemed appropriate and/or necessary.

§26-213. Large Yield Wells.

1. Setback From Property Line. On properties adjacent to land used for agriculture, as that term is defined in the Oley Township Zoning Ordinance, no well may be drilled, dug or constructed after the effective date of this Ordinance without providing a fifty (50) foot minimum setback from the adjoining property having the agricultural use. Upon Petition filed, and after a public hearing thereon, the Board of Supervisors will have the authority to vary this setback requirement in those instances where the characteristics and/or dimensions of the property would not allow for the required setback.

Should the Applicant request a public hearing as described above, an Application for the hearing shall be filed on Township forms, and the adopted fee shall be paid. The Township may adopt a fee by Resolution and revise said fee from time to time as deemed appropriate by the Board of Supervisors.

2. Notification. At the time of notification to the DRBC of intent to drill, the Applicant shall also notify the Township and shall apply for a drilling permit. The Application for the drilling permit shall include the following information:
 - A. Projected long term water supply needs.
 - B. Section of U.S.G.S. Quadrangle showing the location of the proposed test well(s).
 - C. Location of existing wells within a radius defined as follows:
 - 1/2 mile for withdrawals up to fifty thousand (50,000) gpd;
 - 3/4 mile for withdrawals between fifty thousand (50,000) and one hundred thousand (100,000) gpd;
 - 1 mile for withdrawals in excess of one hundred thousand (100,000) gpd.
 - D. Amounts of existing ground water withdrawals, in tabulated form, within applicable radius;
 - E. Location of all known points of pollution within a one (1) mile radius of the proposed test well.

The test well site(s) shall be determined by Applicant's consultant, and the information shall be submitted to the Township and PaDEP.

Upon receipt of the Application and the required information, the Township shall schedule a conference with Applicant to discuss the well project. At such a conference, the Applicant shall set forth the water supply requirements and will present preliminary plans, location maps, layout sketches, and will address final disposition of the well(s) and related appurtenances.

The Township shall further, within thirty (30) days of receipt of the Application, review the necessary information and perform an inspection of the proposed drilling sites to verify that they meet the necessary sanitary requirements. The Township shall then, through its duly appointed officer or representative, issue or deny the drilling permit. If the drilling permit is denied, the Township shall provide written reasons for such denials.

Applicant shall seek and obtain sanitary approval of the drilling site(s) from PaDEP.

The Township shall be provided with a copy of all correspondence to and from PaDEP. Drilling and construction of the proposed well(s) shall not commence until all necessary approvals have been received.

3. Well Drilling and Construction of Large Yield Wells.

- A. Large yield wells shall be four hundred (400) feet deep minimum, and deeper when necessary, in order to provide the required water supply. Determination of appropriate depth must be based on site-specific conditions encountered during drilling.
- B. A detailed drilling record and geologic log shall be prepared during drilling of the test well(s) and construction of the production well(s). Rock specimens shall be analyzed at five (5) foot intervals in order to describe the lithology encountered, and reliable information shall be obtained as to depth and estimated yield of the water-bearing zones. Proper methodology shall be used to estimate the yield of the water-bearing zones and shall be appropriately described. The logging shall be performed by a qualified geologist/hydrogeologist.
- C. Large yield wells shall be constructed at ten (10) inch diameter or larger, and shall be double cased, with a minimum ten (10) foot outer, and forty (40) feet inner casing, or as required by site-specific conditions. The annulus or space between outer and inner casing, and between inner casing and bedrock, shall be grouted with neat cement or similar compound. Emplacement of the grout shall be uniform, from the bottom up, with a tremie pipe or other approved method.

Prior to commencement of drilling, if required by the Township, Applicant shall submit to the Township a protocol outlining the drilling program. The program shall be modified as required until approved by the Township.

4. Pump Test For Large Yield Wells. The necessary pump tests shall be implemented in full compliance with State and DRBC requirements. Applicant shall provide copy of correspondence from and to the DRBC, including information on the well and stream network approved by this agency for monitoring. Applicant shall also provide the Township with a protocol for the implementation of the step-drawdown and long-term pump tests. The protocol shall address and comply with the following requirements, in addition to those that may be imposed by the DRBC or other regulatory agencies.
 - A. Collection of background water level data in the production well. The water level data should be collected with a continuous water level recorder to properly define water level trends and degree of impact, if any, from nearby pumping centers.
 - B. Collection of background water level data in the monitoring network wells (and streams, if required by the DRBC).
 - C. Number of steps and rates to be used during the step-drawdown tests. Proposed discharge rate should be consistent with the estimated yield of the well after drilling and construction.
 - D. Proposed pumping rate for the forty-eight (48) hour pump test. The rate again should be consistent with the estimated yield of the well. The test shall be conducted at a constant rate, and the well shall be equipped with the proper apparatus to readily verify and adjust the discharge as necessary.
 - E. Detailed water level measurements in the pumping well shall be collected during pumping and, after cessation of pumping, during recovery.

Monitor well network and protocol for the step-drawdown and long-term pump test shall be modified until approved by the Township.

The Township shall be provided advance notice of the dates of step-drawdown and long-term pump tests.

5. Water Quality of Large Yield Wells. Sampling and analysis of the ground water at the well shall be in accordance with PaDEP requirements. The PaDEP staff shall be provided sufficient notification time for planning collection of split samples. The Township shall be informed of expected date and time of sampling.
6. Well Permit For Large Yield Wells. Submittal to the Township for large yield wells shall include all modules, applications, reports and follow-up information required by PaDEP and the DRBC.

The large yield well must be approved by PaDEP and the DRBC prior to receiving a permit from the Township.

The hydrogeologic report submitted in support of the Application for a ground water withdrawal permit shall be prepared by a qualified hydrogeologist, as defined in this Ordinance.

To the extent that they are not in conflict with requirements of the DRBC, hydrogeologic reports shall be prepared in accordance with the following guidelines:

A. General report requirements.

- (1) The report shall reference, to the extent applicable, data from previous reports prepared by other consultants in the Township, which are determined to be relevant by the Township.
- (2) While statements concerning regional geologic and hydrogeologic conditions are acceptable, the report shall emphasize site and Township-specific conditions.
- (3) The text of reports shall contain all appropriate data, graphs, analyses and methods used to reach the conclusions contained in the report. Appendices shall contain all data generated during implementation of the various hydrogeologic work tasks.
- (4) Figures within the report shall contain complete legend, title and scale.
- (5) All numeric parameters shall be presented with appropriate limits, and all data shall be appropriately referenced.
- (6) Every report shall contain a topographic map at a minimum scale of 1 inch = 2000 feet, showing the location of the project site, production well(s), monitor wells, stream flow monitoring stations (where applicable) and existing large yield wells within one-half (1/2) mile of the site.
- (7) The report shall include calculations for all appropriate parameters.
- (8) While inclusion of general and regional ground water recharge rates as offered by various authors is acceptable, estimates of long term or dry period yield of the well shall be based on analysis of the well-specific hydrogeologic data, and the method used shall be described in the text of the report. The estimate(s) shall be presented in tabular form.
- (9) The water quality data shall be tabulated and presented within the text of the report. The report from the laboratory performing the analysis shall be included in the Appendix.

Upon review of the information and data submitted by the Applicant, and within one hundred twenty (120) days therefrom, the Township shall issue or deny a permit for the operation of the well. If a permit is denied, the rationale for the denial shall be given in writing. A permit for the operation of the well may be issued subject to conditions, and approval by the Township does not exonerate the Applicant from obtaining all other necessary approvals and permits. Construction of the well facilities and operation of the well shall not commence until all necessary approvals have been obtained.

Whenever an agreement is reached between the Applicant and the Township for dedication of the well, and appurtenances thereto to the Township or a municipal agency, additional and more specific requirements may be imposed by Township officials as deemed appropriate and/or necessary.

§26-214. Sealing of Abandoned Wells.

The owner shall, upon abandonment of any existing production well or test well, fill such well or test well in accordance with the procedure described hereinafter.

All wells to be sealed must be completely filled with two thousand five hundred (2,500) pound concrete or approved equal, and the work shall be done by a licensed driller, who shall have a formal report to the Township.

A well not in operation for three (3) or more years or improperly maintained to prevent contamination may be deemed to have been abandoned.

§26-215. Waste Disposal.

No well shall be drilled nor any existing wells used for the purpose of disposing of domestic or industrial wastes underground.

§26-216. Registration of Well Drillers.

It shall be unlawful and in violation of this Ordinance for any person to drill, dig or construct a well in the Township without having first registered with the Township Secretary. Such registration shall be deemed completed upon submission of a written request, along with a registration fee, and the issuance of a statement of registration by the Township Secretary.

§26-217. Term and Revocation of Registration.

The registration provided for in Section 16 hereof shall be perpetual unless revoked for cause by the Township. Said registration will be automatically revoked upon conviction or judicial decision that the registrant has violated any terms of this Ordinance.

§26-218. Modifications to Permitting Procedure.

The Township may, at its discretion, waive or apply requirements for permitting under this Ordinance based upon individual circumstances when determined to be in the best interests of the Township and consistent with the stated purpose of this Ordinance.

§26-219. Violations and Penalties.

Any person or persons, firm or corporation, violating any provisions of this Ordinance, or the rules and regulations adopted hereunder by the Board, shall be liable, on conviction thereof, to pay a fine or penalty not exceeding One Thousand Dollars (\$1,000.00) for each and every offense, and whenever such person or persons shall have been notified by the Board or by a service of a warrant and summary proceedings that he/she is committing such violations, each day thereafter that he/she continues and persists in such violations shall constitute a separate offense. Such fine and penalty shall be collected as provided by law, and in default of the payment of the fine and penalty imposed and the costs, the Defendant may be sentenced and committed to the County jail for a period not exceeding thirty (30) days.

(Ord. 256, 11/14/1994; Repealed by Ord. 321, 09/07/2005)

EXHIBIT 1**Potable Water Testing Parameters**

| <u>PARAMETER</u> | <u>CURRENT DRINKING WATER LIMIT</u> |
|-------------------------------------|-------------------------------------|
| Total Coliform Bacteria | 0 cfu/100ml |
| Fecal Coliform | 0 cfu/100ml |
| pH | 6.5 to 8.5 |
| Nitrate as N | 10 mg/l |
| Herbicides/Pesticides | |
| Alachlor | 0.002 mg/l |
| Atrazine | 0.003 mg/l |
| 2, 4-D | 0.07 mg/l |
| 1, 2 Dibromo-3-chloropropane (DBCP) | 0.0002 mg/l |
| Dinoseb | 0.007 mg/l |
| Diquat | 0.02 mg/l |
| Endothall | 0.1 mg/l |
| Endrin | 0.002 mg/l |
| Glyphosate | 0.7 mg/l |
| Methoxychlor | 0.04 mg/l |
| Lindane | 0.0002 mg/l |
| 2, 4, 5-TP (Silvex) | 0.05 mg/l |
| Petroleum Breakdown Products | |
| Benzene | 0.005 mg/l |
| Ethylbenzene | 0.7 mg/l |
| Toluene | 1 mg/l |
| Xylenes | 10 mg/l |
| Chlorides | 250 mg/l |
| Total Dissolved Solids | 500 mg/l |
| Iron | 0.3 mg/l |
| Manganese | 0.05 mg/l |