

WEST PENN TOWNSHIP  
SCHUYLKILL COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2017- 2

AN ORDINANCE OF THE TOWNSHIP OF WEST PENN, SCHUYLKILL COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE REGISTRATION, REGULATION AND CONTROL OF WATER WELLS WHICH MAY BE CONSTRUCTED, REPAIRED OR REPLACED FOR OBTAINING POTABLE WATER FOR DOMESTIC PURPOSES IN WEST PENN TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT RESPONSIBILITY; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THE ORDINANCE; REPEALING OR RESCINDING ALL ORDINANCES OR PARTS THEREOF WHICH ARE INCONSISTENT HERewith; AND ESTABLISHING THE EFFECTIVE DATE OF THE ORDINANCE.

WHEREAS, the Board of Supervisors of West Penn Township, Schuylkill County, Pennsylvania desires to protect the quality and suitability of individual and semi-public water supply systems utilized for domestic consumption purposes; to require a permit for the construction of individual water supply systems and semi-public water supply systems; and to establish minimum construction standards for such systems including their location, installation, construction, reconstruction, replacement, modification, reactivation or abandonment; and

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1993, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. §66506, entitled "General Powers," authorizes the Board of Supervisors to make and adopt ordinances necessary for the proper management, care and control of the Township, and the maintenance of the health and welfare of the Township and its citizens; and

WHEREAS, Section 1517 of the Second Class Township Code, found at 53 P.S. §66517, entitled "Building and Housing Regulations", inter alia, authorizes the Board of Supervisors to enact codes and ordinances to govern and regulate the water supply of all buildings and houses constructed, erected, altered, designed or used for any use or occupancy.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of West Penn Township, Schuylkill County, Pennsylvania, and it is hereby ordained and enacted pursuant to the above authority, as follows:

## I. PREAMBLE

The preamble of this Ordinance is incorporated herein by reference and approved as part hereof.

## II. SHORT TITLE

This Ordinance shall be known as the "WEST PENN TOWNSHIP Water Well Ordinance".

## III. APPLICABILITY

Except as otherwise set forth herein, this Ordinance shall apply to all Water Wells which have not been completed, or which are not in operation or in operable condition at the effective date of this Ordinance, and to all alterations to an existing Water Well, but not to normal maintenance and minor repairs to keep a Water Well in proper working order.

## IV. DEFINITIONS

The following words, terms, and phrases, when used in this Article, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

**Abandoned Water Well:** A Water Well, the regular use of which has been discontinued for a period of one year or more, or which is in such a state of disrepair that continued use for the purpose of obtaining ground water 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.

**Annular Space:** The space between two (2) cylindrical objects, one of which surrounds the other, such as the space between a drill hole and a casing pipe and a liner pipe.

**API:** American Petroleum Institute.

**Aquifer:** A geological formation that contains and transmits water.

**ASTM:** American Society for Testing Materials.

**AWWA:** American Water Works Association.

**Backflow:** The flowing 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.

**Board of Supervisors:** The Board of Supervisors of West Penn Township, Schuylkill County, Pennsylvania.

**Casing:** An impervious durable pipe placed in a Water 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 Water Well.

**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 thirty-five (35 °C) degrees Celsius.

**Community Water System:** A water system which serves at least 15 services connections used by year round residents or regularly serves at least 25 year round residents.

**Construction:** All acts necessary to install or construct a Water Well. Construction of Water Wells includes the location and excavation or drilling of the Water Well, but excludes the installation of pumps and pumping equipment.

**DEP:** Pennsylvania Department of Environmental Protection.

**Flowing Well:** A Water Well that yields water by artesian pressure at the ground surface.

**Groundwater:** Water within the earth below the water table within the zone of satisfaction. Groundwater includes both water under water table conditions and confined within deep aquifers.

**Grout:** A permanent watertight joint or connection made by filling with concrete, neat cement, or other approved impervious material between the casing and the undisturbed formation surrounding the Water Well or between two (2) strings of casing.

**Individual Water Supply:** A system including wells, pumps, and piping equipment, which supplies potable water to a single dwelling unit.

**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 Water Well and establishing seals but not including repairs to existing installations.

**Non-Community Water Systems:** A public water system which is not a community water system.

**Owner:** Any person vested with sole or partial, legal or equitable ownership of property located in the Township.

**Person:** Shall mean any individual, partnership, company, association, corporation, trust or other group or entity.

**Pitless Adaptor:** A device or assembly of parts which will permit water to pass

through the wall of the Water Well casing or extension thereof, and which provides access to the Water Well and to the parts of the water system within the Water Well in a manner to prevent entrance of pollution into the Water Well and the water produced.

**Potable:** Water which is safe for human consumption as determined pursuant to applicable state and federal laws and regulations.

**Public Water System:** A system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term is either a community or non-community system and includes collection, treatment, storage and distribution facilities under the control of the operator of the system and used in connection with the system.

**Semi-Public Water Supply:** A potable water supply which services one or several facilities such as industrial or commercial establishments, parks, camps, hotels, motels, schools, institutions, eating and drinking establishments or a water supply which services two (2) or more dwelling units and is not a public water system as defined by the Pennsylvania Safe Drinking Water Act (35 P.S. 721.1 et. seq.).

**SEO:** West Penn Township Sewage Enforcement Officer.

**Township:** West Penn Township, Schuylkill County, Pennsylvania, a political subdivision of the Commonwealth of Pennsylvania, acting by and through its Board of Supervisors, and including any authorized Person acting on its behalf.

**Water 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, diversion or acquisition of groundwater for an Individual Water Supply or a Semi-Public Water Supply.

**Water Well Driller:** A person that is licensed by the Commonwealth of Pennsylvania pursuant to the Water Well Drillers License Act (found at 32 P.S. §645.1 et.seq.) to drill, dig, drive, bore, core, wash, jet, construct, alter or repair Water Wells in the Commonwealth of Pennsylvania.

**Water Well Seal:** An approved device or method used to protect a Water 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.

**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.

## V. REQUIREMENT FOR A PERMIT

No person shall construct, reconstruct or alter any potable Water Well within West Penn Township unless a Water Well permit authorizing the work has been issued by the SEO, or any other agent or employee so designated by the Board of Supervisors, pursuant to the terms of this Ordinance.

## VI. APPLICATION FOR AND ISSUANCE OR DENIAL OF A PERMIT

- A. The applicant for a Water Well permit shall submit to the SEO, on a form to be provided by the Township, such information as is deemed necessary by the SEO to determine that a Water Well may be constructed, reconstructed or repaired in conformity with this Ordinance. In the event the SEO determines that the well is agricultural and therefore regulated by the Department of Environmental Resources and/or the Department of Agriculture, no further action is required under the within Ordinance. At a minimum, the applicant shall supply a sketch drawing of the subject property showing the location of all buildings and structures (existing or proposed), all easements and setback lines, the location of the proposed Water Well or Wells, the location of any existing well or wells, any existing or proposed water supply lines, the location of all sewage systems, existing or proposed, specifically designating the absorption areas and treatment tanks on the property for which the permit is sought and any other septic systems, to include the absorption areas and treatment tanks, within the isolation distances set forth elsewhere in this Ordinance. In lieu of the sketch drawing, the applicant may submit an existing sewage system plot plan, providing that all necessary information is contained thereon. The applicant shall also provide the name, address and telephone number of the Water Well Driller who or which will perform the well construction, reconstruction or repair.
- B. No Water Well drilling permit shall be issued, and no well shall be constructed, reconstructed or repaired unless the Water Well Driller selected by the applicant to perform the Water Well construction, reconstruction or repair has first registered with the Township, and certified on a form provided by the Township that, in addition to any other requirements of law, all well construction, reconstruction or repair performed by that Water Well Driller in the Township will be in accordance with the standards and requirements of the West Penn Township Water Well Ordinance. For water safety purposes, this provision shall apply to "owner" or "do it yourself" construction, reconstruction or repair of water wells at their own property or residence.
- C. Within fifteen (15) calendar days after receipt of a properly completed Water Well drilling permit application, the Township SEO shall inspect the site to which said permit application pertains to ascertain compliance with this Ordinance, and either (i) issue a permit to the applicant indicating the approved location for the Water Well, the nature of the work authorized and any special instructions for the construction, reconstruction or repair of the same, or (ii) deny said permit, in which event, the township SEO shall promptly inform the applicant in writing of the reason or reasons for denial.
- D. The application shall be made by, and the permit issued in the name of, the Owner or lessee of the property or the person or entity who or which will have beneficial use of the Water Well.
- E. Whenever a Water Well drilling permit is issued, the SEO shall retain the original

permit in the files of the Township, which permit shall be available for public inspection during regular business hours of the Township. Two duplicate originals shall be issued to the applicant, one of which shall be posted conspicuously on the property where the Water Well is or is to be located, and the other shall be delivered to the Water Well Driller constructing, reconstructing or repairing the well.

F. A Water Well permit shall be valid for a period of three (3) years from the issue date. If the work authorized by the permit is not completed within three (3) years, the permit shall expire and be without effect.

## **VII. EMERGENCY WELL CONSTRUCTION**

A. If any emergency condition exists where the lack of water poses an immediate and significant danger to the health and welfare of persons, livestock, domestic fowl, or crops, then the SEO shall issue a well construction permit within twenty-four (24) hours of receipt of the completed permit application. It is the responsibility of the well contractor and/or property owner or tenant to substantiate that an emergency condition exists by submission of a signed statement to the SEO.

B. Emergency well construction permits will not be issued over the telephone except in such instances when the SEO is unavailable for a period of time in excess of twenty-four (24) hours, and then only to replace an existing water supply where the lack of water poses an immediate and significant threat to human health or when the SEO determines that other exceptional circumstances exist. When permits are issued over the telephone the well contractor must submit the required signed statement and the completed well application to the SEO by 9:00 A.M. on the next regularly scheduled SEO workday.

C. The drilling process for emergency well construction must begin within twenty-four (24) hours of receipt of the permit or verbal approval or said permit/verbal approval is void except when inclement weather conditions or other abnormal circumstances occur.

D. The well contractor must have a copy of the well permit and plot plan or verbally approved well permit number in his possession at the specific job site during all aspects of the well drilling process.

E. Wells constructed to abate an emergency condition and permitted in accordance with §VII (A) must submit the well completion information within ten (10) days after the issuance of the permit or verbal approval to drill. Water quality testing must be submitted for final "Approval To Use" not later than thirty (30) calendar days after completion of the well, or thirty (30) calendar days after the issuance of the permit, or where applicable, thirty (30) calendar days after verbal permission to construct the well has been given, which ever occurs last.

## **VIII. FEE**

The fee for a Water Well drilling permit shall be established from time to time by resolution of the Board of Supervisors.

## **IX. LOCATION**

Water Wells shall be located at the following minimum horizontal isolation distances to existing or potential sources of pollution.

Source of Pollution	<u>Minimum</u> Horizontal Isolation Distance
Lakes, ponds, streams or other surface waters	25 feet
Preparation area or storage area of hazardous spray material, fertilizers or chemicals, salt piles	100 feet
Gravity sewer lines and drains carrying domestic sewage or industrial waste	10 feet
Septic tanks, aerobic tanks or holding tanks	50 feet
Subsurface sewage disposal systems, elevated sand mounds, other sewage disposal fields	100 feet
Sewage seepage pits, cesspools	100 feet
Farm silos, privies and underground fuel tanks	100 feet
Spray irrigation sites, sewage sludge and septage Disposal sites	100 feet
Property lines, driveways, easements and private roads or rights-of-way	10 feet
Public road or right-of-way	25 feet
Building foundations (except for buildings enclosing)	10 feet

## **X. WATER WELL HORIZONTAL ISOLATION DISTANCE EXEMPTION**

**A.** Any minimum horizontal isolation distance requirement for the placement of Water Wells as set forth in Section IX is not applicable if the Township or its designee finds that the installation of the Water Well in the location proposed does not appear to pose a threat of pollution to that Water Well.

**B.** The applicant shall submit a formal written request for a Water Well minimum horizontal isolation distance exemption to the Township or its designee, which request shall

include:

- (1) Appropriate groundwater studies.
- (2) Payment of fees or costs incurred by the local agency to review the groundwater study.
- (3) A release of liability on a form provided by the Township.
- (4) Location of Aquifer which will be drilled in to

C. Upon receipt of the items required in subsection B, the Township or it's designee shall act upon an application for an exemption under this section within 45 days after receipt of a properly submitted, complete request for an exemption.

D. The Board of Supervisors, Township and SEO will incur no liability as a result of the Township or it's designee granting an exemption under this section.

## **XI. WATER WELL CONSTRUCTION STANDARDS**

A. **Casing:** All Water Wells shall be equipped with watertight and durable wrought iron, steel or other approved type casing with a minimum wall thickness of 0.1875 for iron.

The sections of casing shall be joined together by threaded couplings or joints, welding or other watertight approved method. The casing shall be carried to a minimum depth of forty (40') feet and then extended an additional ten (10') feet into firm bedrock or other impervious strata and grouted in place. Casing and grouting must be compatible. Pressure grouting is required for all wells by running tremie pipe to the bottom along casing. Cement concrete or bentonite are encouraged for use in grouting. Casing shall extend at least eight (8") inches above the ground surface. The borehole should be three (3") inches larger than the outside diameter of casing to allow for grout.

In areas known to be contaminated, the criteria established in AWWA Standards A 100-84 must be followed.

B. **Water Well Depth:** The minimum drilled depth for any Water Well is fifty (50) feet from surface of the ground.

C. **Ferrous Casing:** Ferrous Casing shall be new pipe meeting ASTM or API Specifications for Water Well construction. It shall be equipped with a drive shoe or other effective casing seal and have full circumference welds or threaded pipe joints.

D. **Grouting:** An annular space shall be provided between the Water Well casing and the earth formation. It shall be completely filled with approved grout materials in one continuous operation under pressure from the bottom of the casing to the natural ground surface within twenty-four (24) hours of completion of drilling. No activity in and around the Water Well should occur within forty-eight (48) hours after grouting of the casing, or within two (2)

hours if using bentonite.

**E. Pitless Installations:** Pitless installations are those where the casing terminates above the ground surface. Where used, they shall be effectively sealed. All buried suction lines shall be encased. The access casing shall be protected against corrosion and shall extend at least eight (8") inches above the natural ground surface and to a point below the frost line. This area shall be designed for blockage of water, insects, and rodents.

Pitless adaptors cannot be installed with torch or flame, but must be installed using hole saw or drill.

**F. Water Well Screens:** Water Well screens shall provide the maximum amount of open area while still maintaining structural strength. They shall have the size of openings based on a sieve analysis to preclude entry by sand, silt, and other undesirable elements.

**G. Water Well Cap:** A secure, screened, varmint free well cap shall be 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.

**H. Water Well Tag:** An identification tag must be permanently attached to each new or reconstructed Water Well. These tags will be issued by WEST PENN TOWNSHIP in conjunction with the issuance of the Water Well permit.

**I. Venting:** Where venting is required, an overlapping cover or pipe with an opening facing downward shall be required. In no case shall openings be less than twelve (12") inches from the ground or the floor in case of pit installations.

**J. Abandoned Water Wells:** Any Abandoned Water Wells that are in existence as of the effective date of this Ordinance shall not be used after the effective date of this Ordinance. Said well shall be properly abandoned, at the owner's expense, in accordance with applicable state and federal laws and regulations within sixty (60) days after the effective date of this Ordinance.

**K. Disinfection:** Following completion of construction, the Water Well shall be continuously pumped until the water discharge is clear. It shall be filled with water containing a concentration of not less than 100 parts per million of free chlorine. The water shall not be used for a period of four (4) hours thereafter. Other combinations of water/chlorine concentration and time interval may be used if demonstrated to be equally effective. Disposal of the purged water shall be at a point so as to minimize adverse effects to aquatic life and in no way directed into any subsurface sewage disposal system. One (1 oz.) ounce of dry calcium hypochlorite dissolved in 52.5 gallons of water makes the proper strength disinfectant solution.

**L. Cross-Connections:** If pump and piping is not installed by the Water Well Driller, the owner is responsible for proper installation of checkvalves and backflow protection. Backflow protectors must be incorporated into the system and be used as needed for each outside water hose connectors. At least one checkvalve must be incorporated into each water system that derives water from a Water Well. Except where not practical, a cross-connection prevention

assembly should be provided. For semi-public water supplies, this device is required to be installed at any fixed potable water outlet to which a hose may be connected.

**M. Well Analysis:** After Water Well disinfection, water samples must be collected and analyzed for pH, Total Solids, Iron, Nitrate-Nitrogen, and coliform bacteria. The Water Well Driller or the owner 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. The water shall be certified for human consumption in accordance with DEP regulations. One copy of the analysis results shall be provided to the owner of the Water Well and one copy provided to the Township.

**N. Completion Report:** Within 30 calendar days after completion of the Water Well, the Water Well Driller constructing the well shall (i) submit a copy of the required DEP completion report to the SEO, and (ii) certify, pursuant to 18 PA.C.S.A. Section 4904 relating to unsworn falsification to authorities, that the constructed Water Well conforms to the standards and requirements of this Ordinance.

## **XII. ACCESSIBILITY TO PUBLIC WATER**

**A.** No Water Well shall be constructed or altered where a public water system connection is within one-hundred and fifty (150') feet of the existing or proposed principal structure on the property, and public water service is available to that site.

**B.** Wells for agriculture or other purposes, excluding human consumption, shall be permitted regardless of public water availability.

**C.** Cross connections between an individual or semi-public water supply and the public water system shall be prohibited.

## **XIII. VIOLATIONS AND PENALTIES**

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 \$100.00 nor more than \$1,000.00 per violation, plus all court costs and reasonable attorney's fees incurred by West Penn 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, and each section of this Ordinance that is violated shall also constitute a separate offense. Further, the appropriate officers or agents of West Penn Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorneys' fees collected for the violation of this Ordinance shall be paid to West Penn Township for its general use.

## **XIV. DISCLAIMER**

Issuance of a permit merely provides Township approval to perform the specified Water Well work at the location shown on the application, but does not provide any other guarantees, approval, warranties, etc.

#### XV. SEVERABILITY

The provisions of this Ordinance are severable. If any section or part of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid section, or portion thereof, had not been included therein.

#### XVI. REPEALER

All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are in conflict with or inconsistent herewith, shall be and the same are hereby repealed.

#### XVII. EFFECTIVE DATE

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

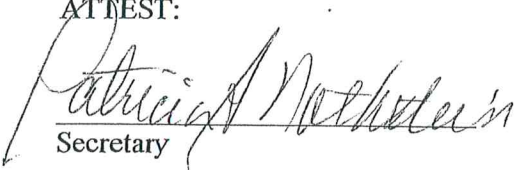
**DULY ENACTED AND ORDAINED** this 16<sup>th</sup> day of October, 2017, by the Board of Supervisors of West Penn Township, Schuylkill County, Pennsylvania, in lawful session duly assembled by a vote of 21 Yes 2 No 1 Abstained 0 Absent.

BOARD OF SUPERVISORS OF  
WEST PENN TOWNSHIP

  
JAMES G. DEAN, Chairman

  
ANTHONY J. PRUDENTI, Vice-Chairman

ATTEST:

  
Secretary

  
THEODORE BOGOSH III, Supervisor