

426 Wellhead and Source Water Protection Overlay District

426.1 Findings.

The Township of Milford finds, based on the Sawkill Creek Stormwater Management Plan, as well as other resources, that:

- A. The groundwater underlying the Township 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 Township, posing potential public health and safety hazards.
- C. Unless preventative measures are adopted to control the discharge and storage of toxic and hazardous materials within the Township, 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 Township.

426.2 Purpose.

The purpose of this Section is to protect the public health, safety, and welfare through the preservation of the Township's groundwater resources and public water supply and to ensure a future supply of safe drinking water for the Township, local residents and employees, and the general public. The designation of wellhead protection zones and careful regulation of development activities within these zones will reduce the potential for groundwater contamination by promoting project designs and best management practices that minimize impacts to surface and ground water quality and quantity from development and pollution sources.

426.3 Applicability.

These regulations shall apply to all land uses within the wellhead protection zones identified in Section 426.4 hereof and shall be in addition to other requirements for the zoning districts designated on the Township Zoning Map and shall apply irrespective of other sections of this Code, superseding any sections that conflict. Pre-existing uses which shall become non-conforming by virtue of the adoption of this Ordinance shall be exempt from the requirements herein until or unless there is a change in use or expansion of use; however, all property owners are encouraged to be the best stewards reasonably possible of groundwater quality.

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426.4 Establishment and Delineation of Wellhead Protection Zones.

Wellhead Protection zones, which shall apply in addition to ordinary provisions of existing zoning districts that shall remain in place, shall be defined as follows:

- A. Zone A: A 400-foot fixed radius around a well that is regulated by PADEP as a community water system. In the case of the ***wellhead protection Zone A around the*** Milford Water Authority's springs, the 400' area shall be limited to the portion of the radius that is upgradient from the springs. The Township Board of Supervisors may modify the extent of Zone A on a detailed delineation study conducted by a Pennsylvania-licensed geologist. A developer may submit such detailed delineation for consideration of the Township at the developer's expense. ***Applications for projects within the Zone A 400 foot radius but downgradient must provide a certification by a licensed Professional Engineer or PA licensed geologist that the applicable property is downgradient of the springs.***
- B. Zone B: A 1,000-foot radius around each well within the Township that is regulated by PADEP as a community water system, with Zone B encompassing the area not located in Zone A. The Township Board of Supervisors may modify the extent of Zone B on a detailed delineation study conducted by a Pennsylvania-licensed geologist. A developer may submit such detailed delineation for consideration of the Township at the developer's expense. In the case of the ***wellhead protection zone B around the*** Milford Water Authority's springs, the 1000' area shall be limited to the portion of the radius that is upgradient from the springs. ***Applications for projects within the Zone B 1000 foot radius but downgradient must provide a certification by a licensed Professional Engineer or PA licensed geologist that the applicable property is downgradient of the springs.***
- C. Zone C: Other areas of Milford Township delineated ***as depicted on the attached map incorporated herein***, based upon the Sawkill Creek Stormwater Management Plan and which are intended to encompass the watersheds of Sawkill Creek and Vantine Brook upgradient of Milford Springs. The Township Board of Supervisors may modify the extent of Zone C on a detailed delineation study conducted by a Pennsylvania-licensed geologist. A developer may submit such detailed delineation for consideration of the Township at the developer's expense.

SEE MILFORD TOWNSHIP WATERSHED/WELLHEAD REFERENCE MAP PREPARED BY PIKE COUNTY PLANNING AUGUST 2023

- D. Applicants shall use a Professional Engineer or Registered Land Surveyor to locate the precise boundaries of these wellhead protection zones as applied to any particular parcel that is not clearly within the wellhead protection zones described and mapped above.

426.5 Use Regulations.

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Land uses, facilities and/or activities within Wellhead and Source Water Protection Zones A, B and C shall be regulated according to the Schedule of Regulated Activities and Land Uses Under Section 426 of Zoning Ordinance. Land uses, facilities, and/or activities shall be prohibited (designated with an "X" in the schedule) or permitted by conditional use approval (designated with a "C" in the schedule). No use shall be permitted via the above that is not otherwise permitted in the underlying zoning district.

426.6 Uses Permitted by Conditional Use Approval.

- A. Applications shall include, at a minimum, a detailed description of each of the activities to be conducted upon the lot or tract of land in question which shall constitute a regulated land use, including a listing of all substances which are to be stored, handled, used or produced in connection with each regulated land use being proposed and which substances are subject to federal and/or state authorities.
- B. The applicant shall demonstrate that the regulated land use will not, during construction or thereafter, cause the degradation of the groundwater quality upon or beneath the lot or tract of land or adjacent lots or tracts of land, the degree and extent of which degradation would violate safe drinking water standards promulgated by federal, state or county governmental agencies.
- C. The Township 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:
 - 1. Monitoring wells.
 - 2. Requirement of additional setbacks from sewage disposal systems to downgradient property lines.
 - 3. The installation of adequate containment facilities and systems so as to prevent the contamination of groundwater by substances regulated by federal, state and/or county governmental authorities.
 - 4. The preparation, filing and periodic revision of an emergency plan addressing the means by which any potential contamination of groundwater will be controlled, collected and remediated, including emergency contacts and identification of potential contaminants.
 - 5. Regular inspection and monitoring, by the owner, occupant, Township and/or third parties of the regulated land use.

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6. Compliance by the applicant with the provisions of the Township Subdivision and Land Development Ordinance pertaining to sanitary sewage disposal, water supply, stormwater management, utilities and easements.
 7. The design of stormwater detention basins with an impermeable liner to prohibit infiltration of impounded water to the subsurface.
 8. The use of structural and/or nonstructural measures to prevent leachate contamination, including but not limited to building enclosures, impervious pads and pavements, self-contained drainage systems, detention basins, filters, separators or other devices and other management practices.
 9. Compliance with all federal and state laws and regulations applicable to the regulated land use.
 10. Prohibitions against land applications of herbicides, pesticides and fertilizers containing any substances which present hazards to the groundwater quality.
- D. Public water supply projects which require the use of chemicals for disinfection or treatment will be allowed in all wellhead protection areas subject to approval, construction and operation in accordance with Pennsylvania DEP regulations.
- E. Prior to the issuance of any zoning permit for new construction or the preliminary approval of land development plans within any wellhead protection zone, the applicant shall submit a Spill Prevention Plan to Milford Township for review and approval as part of said plan, provided that the following activities shall be exempted from this requirement:
1. Any construction activity, land development or use which stores/sells/utilizes any hazardous material with a combined total quantity of less than 35 gallons, or 55 gallons in instances where secondary containment is provided, for all substances.
 2. Permanent residential uses, provided the total volume of any stored/used hazardous material is less than 35 gallons, or 55 gallons in instances where secondary containment is provided.

Spill Prevention Plans shall, simultaneous with submission of applications for permits or approvals by Milford Township be submitted to the Pike County Conservation District, Milford Water Authority and such other entities as the Township shall determine, for review, comment and recommendations within a period of 30 days thereof. For purposes of review, comment and recommendation the Milford Water Authority may utilize, in addition to state law and regulations and Milford Township ordinances, the *Source Water Protection Plan for the Milford Springs*, The Municipal Authority of the Borough of Milford and T. Giddings, 2004 which is incorporated herein by reference.

426.7 Additional Regulations.

- A. Storage of the following hazardous substances for non-residential use in amounts of 35 gallons, or 55 gallons or more in instances where secondary containment is provided, shall be prohibited in all wellhead protection zones:
1. Petroleum hydrocarbon compounds including, but not limited to, gasoline, kerosene, diesel fuel, aviation fuel, jet fuel, propane and heating oil. Notwithstanding this, self use on site is permitted provided that, in ground storage tanks in excess of 550 gallons must have secondary containment and active interstitial leak monitoring and alarm systems. Above ground and inside building tanks and containers in excess of 550 gallons must have secondary containment and the ability to monitor the interstitial space between the primary and secondary containers.
 2. Degreasing compounds and dry cleaning solvents including, but not limited to, trichloroethene, trichloroethane, trichloroethylene, perchloroethylene (also called tetrachloroethylene) and paint thinners.
 3. Herbicides, pesticides, insecticides and fertilizers in liquid or granular (solid) form.
 4. Formaldehyde and embalming compounds containing arsenic, zinc, mercury, copper, lead, silver, antimony, chloral or cyanogens, or of any compound containing any of these, or any poisonous alkaloid.
 5. Any other chemicals or chemical compounds formally identified by the Board of Supervisors, or the Milford Township Planning Commission, or upon the recommendations of an Environmental Advisory Council as may at any time be formed by the Township or County of Pike, as potential hazards.
 6. Such other compounds as may be added to the above list from time to time by resolution of the Board of Supervisors.

Storage containers include above ground tanks and containers, in ground tanks and containers, tanks and containers inside buildings, and tank trucks and freight trucks containing drums or other containers parked for a period longer than twenty-four (24) hours.

- B. Infiltration of stormwater from commercial sites in Zone C shall be employed only with the provisions for adequate pre-treatment in accordance with PADEP BMP Manual. BMP design should incorporate sampling locations upstream of the infiltration BMP as well as the ability to temporarily disconnect the infiltration BMP from the site stormwater management system(s) in event runoff became contaminate.

- C. The following general provisions shall apply:
1. The regulations of this Section 426 shall not apply with respect to officially abandoned and properly capped water wells.
 2. Article V of this Ordinance applying to Non-Conforming Uses and Structures shall also have applicability to existing uses and structures affected by these regulations.
 3. The regulations of this Section 426 shall also apply with respect to impacts on community water systems in adjoining communities.
 4. The Township Board of Supervisors may, by resolution, grant modifications of these regulations where new community water systems are developed in such proximity to existing uses and structures as to effectuate the regulations after the land uses in question have already been legally established.

Milford Township, Pike County
Schedule of Regulated Activities and Land Uses
Under Section 426 of Zoning Ordinance

Use Classification	Zone A	Zone B	Zone C
Manufacturing activities which do not utilize the substances outlined in section 426.7	C	C	C
Commercial gasoline and fuel oil sales or storage (SIC 598)	X	X	X
Dry-cleaning and dyeing establishments and laundries that utilize cleaning solvents (SIC 7215)	X	C	C
Printing and photo-processing establishments (SIC 7384)	X	C	C
Furniture and finish-stripping establishments (SIC 76)	X	C	C
Vehicle service stations, repair facilities and body repair and painting facilities (SIC's 55 & 75)	X	C	C
Trucking, bus or taxi terminal (SIC 41 & 42)	X	C	C
Used motor vehicle sales	X	C	C
Cemeteries (SIC 6553)	X	X	C
Junk or salvage yards (SIC 5093)	X	X	X
Golf courses (SIC 7992)	X	X	C
Quarries and mining operations (SIC's 10-14)	X	X	C
Hazardous material storage, processing and disposal facilities	X	X	X
Road salt stockpiles	X	X	X
Construction material stockpiles and debris	X	X	X
Underground storage tanks - On-site storage of heating oil in tanks less than 1,100 gallons, installed below ground, is permitted in Zone B , provided that tanks are designed and constructed in accordance with the standards of the PA DEP rules and regulations for bulk storage. Replacement tanks must meet the requirements of this section.	X	C	C
Aboveground storage tanks, except propane tanks for on-site use and residential home heating oil tanks located within a structure	X	C	C
On-site sewage disposal facilities and pumping stations (except for private residential sewage pumps)	X	X	C
Central sewage treatment facilities	X	X	X
Sanitary sewer lines, which connections shall be double-sleeved	C	C	C

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Land application of wastewater effluent and waste sludge	X	X	X
Sanitary landfill	X	X	X
Open burning sites and dumps	X	X	X
Stormwater retention facilities	X	C	C
Well drilling except for wells drilled by the owner of the community water supply well being protected	X	C	C
Oil, gasoline or hazardous material pipelines not subject to FERC or PUC regulation	X	X	X
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	X	C	C
Livestock animals in excess of 25 animal equivalent units per acre	X	X	X
Kennels	X	C	C
On-site floor drains unless liquids are collected and treated	X	X	X
Note: No use shall be permitted via the above that is not otherwise permitted in the underlying zoning district.			