

**TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. *****

**AN ORDINANCE OF WASHINGTON TOWNSHIP, FRANKLIN COUNTY,
PENNSYLVANIA, ESTABLISHING A WELLHEAD PROTECTION OVERLAY DISTRICT,
PROVIDING FOR THE REGULATION OF LAND USES WITHIN SUCH OVERLAY
DISTRICT FOR THE PURPOSE OF PROTECTING GROUNDWATER SUPPLIES,
PROVIDING FOR REPORTING REQUIREMENTS FOR CERTAIN REGULATED
LAND USES WITHIN THE WELLHEAD PROTECTION OVERLAY DISTRICT, AND
ESTABLISHING THE MEANS FOR ENFORCEMENT OF THE ORDINANCE.**

WHEREAS, Section 1428 of the Federal Safe Drinking Water Act Amendments of 1986 requires that each state develop a program to protect wellhead areas of public water supplies; and

WHEREAS, the Pennsylvania Department of Environmental Protection (PA DEP) has developed a wellhead protection program, which provides that local governments have the responsibility for developing programs including regulations and management controls to protect public water supplies from contamination; and

WHEREAS, the groundwater underlying the community water supply wellhead protection areas is the source of Washington Township's existing and future community water supply, including drinking water; and

WHEREAS, the groundwater systems supplying the community water supply wellhead protection areas with groundwater are integrally connected with numerous surface waters and streams; and accidental spills and discharges of toxic and regulated substances can threaten the quality of such water supplies, posing public health and safety hazards; and

WHEREAS, unless preventive measures are adopted to control the discharge and storage of toxic and regulated substances within the community water supply wellhead protection areas, spills and discharges of such materials will predictably occur and with greater frequency and degree of hazard by reason of increasing land development, population and vehicular traffic within the wellhead protection areas.

NOW THEREFORE, be it enacted and ordained and it is hereby enacted and ordained by the Supervisors of Washington Township as follows:

Section 1. Purpose and Scope

- A. The purpose of this Ordinance is to protect the public health, safety and welfare through the preservation of the groundwater resources of Washington Township’s public water supplies and to ensure a future supply of safe and healthful drinking water for the residents of the Township. The designation of the Wellhead Protection Overlay District, as provided herein, and the regulation of activities within such Wellhead Protection Overlay District, will reduce the potential for ground and surface water contamination and overuse and thereby preserve irreplaceable groundwater resources. The delineation of the Wellhead Protection Overlay District and the development of the provisions of this Ordinance are based upon a professional study of land uses, hydrology, hydrogeology and other elements of the area in which Township water supplies are situated.
- B. This Ordinance is enacted pursuant to the authority contained in the Constitution of the Commonwealth of Pennsylvania; the Second Class Township Code, 53 P.S. § 1506, as amended, which provision authorizes the Township to enact ordinances necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers; and the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10101, *et seq.*, as amended, which provisions authorize the Township to enact ordinances regulating development and land uses to (i) ensure the public health and safety, (ii) provide a safe, reliable and adequate community water supply, and (iii) preserve natural values and aquifers.
- C. It shall be the responsibility of any Person owning real property and/or owning or operating a business within Washington Township to make a determination of the applicability of the Wellhead Protection Overlay District as it pertains to the property and/or business under his/her ownership or control, and his/her failure to do so shall not excuse any violation.

Section 2. Definitions and Terms.

Aquifer – A geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

Authority – The Washington Township Municipal Authority or its agent(s).

Authority Water System – The Public Water System owned or operated by the Authority.

Community Water Source – Water obtained from a well, spring, or other source that supplies Potable Water for a Public Water System.

Groundwater – Any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands, flows, percolates, or otherwise moves.

Municipality – The Township of Washington, Franklin County, Pennsylvania.

Owner – The Person who is the holder of the record title to real property or the person entitled to the use of the property.

Person – A natural person, firm, partnership, association, social or fraternal organization, corporation, non-profit corporation, trust, estate, receiver, syndicate, branch of government, or similar entities, any group or combination acting as a unit, or the successors or assigns of any of the aforesaid.

Pollution – The contamination or other alteration of the physical, chemical, or biological properties of any surface water or Groundwater which will or can reasonably be expected to render such waters harmful, detrimental, or injurious to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial use.

Potable Water – Water suitable for human consumption.

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 collections, treatment, storage and distribution facilities under the control of the operator of the system and used in connection with the system. The term also includes a system which provides water for bottling or bulk hauling for human consumption.

Township – Washington Township, Franklin County, Pennsylvania governmental jurisdiction or governing body represented by the Board of Township Supervisors or its agent(s).

Water Supply Well – Any well that is constructed to remove or to return water to the ground.

Water Table – That surface in an unconfined groundwater body at which the pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the water body just far enough to hold standing 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, acquisition, monitoring, or artificial recharge of Groundwater. This includes but is not limited to test wells, test borings, and monitoring wells, in addition to wells to be utilized as individual or semi-public water supplies.

Section 3. Establishment and Delineation of Wellhead Protection Overlay District and Wellhead Protection Zones

The "Wellhead Protection Overlay District" shall be defined as that area within the boundaries of the Township as is set forth on the maps attached hereto, marked as Exhibit "A" and incorporated herein by reference thereto. Within the Wellhead Protection Overlay District, the following Wellhead Protection Zones are hereby established:

- A. Zone 1 shall be that area marked on Exhibit "A" as Zone 1, which Zone 1 represents a protective zone immediately surrounding a Community Water Source, whether well or spring, which shall be an area calculated on the basis of the specific characteristics of the water source.
- B. Zone 2 shall be that area marked on Exhibit "A" as Zone 2, which Zone 2 represents an area determined to be the zone of Groundwater contribution to the Community Water Source, and
- C. Zone 3 shall be that area marked on Exhibit "A" as Zone 3, which Zone 3 represents the area that directly contributes surface water and Groundwater to Zone 2.

A single property may contain more than one Zone, with each Zone subject to the restrictions set forth herein. The boundaries of Zones 1, 2 or 3, may be revised from time to time in the event a licensed professional geologist with competence in the field of hydrogeology performs a more detailed study that establishes the need for a change. A property owner may dispute the boundaries of Zones 1, 2, or 3 only upon submission of a more detailed study performed by a licensed professional geologist with competence in the field of hydrogeology. The Authority shall review the studies submitted in support of a boundary change and shall, with the assistance of an Authority Engineer and/or licensed professional geologist, if needed, make a recommendation to the Township as to the final boundary to be used.

Any disputes concerning the boundaries for each Zone shall be determined by the Zoning Hearing Board of the Township pursuant to Section 6(A) herein.

Section 4. Regulated Land Uses

Within the Wellhead Protection Overlay District, land uses shall be regulated as follows:

- A. Lots and tracts of land located, in whole or in part, within the Wellhead Protection Overlay District, as delineated on Exhibit "A", shall be governed by the restrictions applicable to the Wellhead Protection Zone in which such lots and tracts of land are located.
- B. Certain land uses within the Wellhead Protection Overlay District shall be regulated (hereinafter "Regulated Land Uses") according to the Schedule of Regulated Land Uses attached hereto, marked Exhibit "B" and incorporated herein by reference. When evaluating a use pursuant to Exhibit B, and if such use may be considered to be within more than one Regulated Land Use category, such use shall be deemed to be the Regulated Land Use subject to greater restriction in order to further the purposes above.

Certain particular Regulated Land Uses shall be strictly prohibited within Zone 1, and/or permitted

only as Conditional Use, within Zone 2 or Zone 3 as applicable, as set forth in the Schedule of Regulated Land Uses.

C. The following uses are strictly prohibited within the Washington Township Wellhead Protection Overlay District:

- 1) Manufacturing and production of hazardous materials, excluding production for on- site usage only. These materials include any hazardous substance or hazardous waste as listed in the following federal regulations:
 - (a) Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302 Extremely Hazardous Substances List (40 C.F.R. 300, App A and B);
 - (b) Comprehensive Environmental Response Compensation and Liability Act Superfund (CERCLA) of 1980, Hazardous Substance List (40 C.F.R. 302, Table 302.4);
 - (c) SARA of 1986, Section 313, Toxic Chemical List (40 C.F.R. Section 372.45); and
 - (d) Resource Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Wastes Lists (P and Y Categories) (40 C.F.R. Section 261.33 (e) and (f). Note: The lists referenced in Section B.1 a, are summarized in the Title III List of Lists – Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Action (SARA) of 1986, as updated.
- 2) Nuclear or radioactive materials or wastes.
- 3) Wood-preserving operations using formulations of Chromated-Copper Arsenate (CCA), pentachlorophenol (PENTA), and creosote and related chemicals;
- 4) Battery recycling and reprocessing;
- 5) Agricultural application of halogenated volatile liquid organic pesticides (e.g., ethylene dibromide (EDB) and dibromochloropropane (DBCP), related chemicals and their commercial formulations);
- 6) Processing, reprocessing and storage and disposal of PCB containing oils;
- 7) Manufacturing and production of paving, roofing, and other construction materials, using asphaltic- and petroleum-based coating and preserving materials; and
- 8) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals.
- 9) Use List Not Exhaustive: The uses prohibited by this district represent the state of present knowledge and most common description of said uses. As other polluting uses are discovered, or other terms of description become necessary, it is the intention to add them to the list of uses prohibited by this district. These lists may be supplemented by amendment to this ordinance or by resolution. To screen for such other uses or terms for uses, no use shall be permitted in this district without first submitting its building, site, and operational plans to the Authority for review and the Township for approval under this Ordinance.
- 10) Changing Technology: The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by that class of uses, which technology causes the uses as a class to be groundwater pollution risks. As the technology of identified use

classes changes to non-risk materials or non-risk methods, a person may petition for such a use to be re-evaluated under this ordinance. It shall be the responsibility of that person to retain a licensed professional geologist with competence in the field of hydrogeology and other professionals to provide sufficient data in support of such a petition. The petition shall be submitted to the Authority for review. The Authority, with the assistance of an Authority Engineer or a licensed professional geologist or other professionals, as needed, shall review the petition and make a recommendation to the Township. The petitioner shall have the burden of establishing by clear and convincing evidence that the prohibited use no longer presents a pollution hazard. If the petitioner meets its burden of proof, the formerly prohibited use may be allowed by the Township, but will be subject to any conditions that the Township may attach to the use to further the purposes of this ordinance. All Authority and/or Township fees or costs arising out of, or related to, the petition shall be paid by the petitioner.

Section 5. Reporting Requirements

As to each lot or tract of land located, in whole or in part, within the Wellhead Protection Overlay District upon which there is conducted a Regulated Land Use, the owner of record thereof shall submit, or cause to be submitted, to the Zoning Officer or any representative designated by the Township, the following records and information in the manner prescribed:

- A. Facility Profile Sheet – Information to be submitted is as provided for on the Facility Profile Sheet marked Exhibit "C" and incorporated herein by reference. The Facility Profile Sheet must be completed on the form provided by the Township and available at Township Offices, within 90 days of the enactment of this ordinance, and thereafter within 60 days of the biannual ordinance anniversary date.
- B. Copies of all Federal, State and County operational approvals, certificates, permits and applications, on-going environmental reports and monitoring results relating to environmental, pollution control, hazardous substance and drinking water laws and regulations pertaining to such lot or tract of land, as and when required to be submitted to federal, state and county governments authorities.
- C. In the event that any contaminants and/or substances regulated under Federal, State or County environmental, pollution control, hazardous substance and drinking water laws and regulations are released on or from any lot or tract of land within the Wellhead Protection Overlay District, copies of any and all notices, reports and documents which such owner filed, or caused to be filed, with any Federal, State and/or County governmental authorities which provide notice of or relate to such release, at the same time as such notices, reports and documents are required to be filed with such governmental authorities; and
- D. Copies of all notices, orders, rules, decisions, recommendations, enforcement actions and similar documentation, as and when received by or on behalf of such record owner or the occupant of any such lot or tract of land from any Federal, State or County governmental authority in connection with the enforcement of environmental, pollution control, hazardous substance and drinking water laws and regulations.

Section 6. Administration

- A. The Zoning Officer, or any representative designated by the Township, is hereby designated as the Township official responsible for the administration and enforcement of this Ordinance. The Zoning Hearing Board of the Township, with input from the Authority, shall hear appeals from the written determinations and orders of the Zoning Officer regarding applications, boundary disputes, enforcement notices, cease and desist orders and other matters, and shall also hear substantive and procedural challenges to the validity of this Ordinance. Prior to any proceeding before the Zoning Hearing Board, the Authority shall be given a reasonable opportunity to review and make recommendations regarding any substantive challenge.
- B. Uses of lots or tracts of land in existence on the date of enactment of this Ordinance which are Regulated Land Uses shall be deemed to be "non-conforming uses" of land under the terms of this Ordinance. Such non-conforming uses of land may be continued by the present or any subsequent owner as long as:
- 1) Such use is and remains otherwise lawful and in compliance with all Federal, State and County environmental, pollution control, hazardous substance and drinking water laws and regulations, as they may be amended;
 - 2) Such non-conforming use has not been and is not discontinued for a period of six (6) consecutive months or more;
 - 3) Such non-conforming use is not, after the date of enactment of this Ordinance, materially altered, changed or expanded;
 - 4) The record owner of the lot or tract of land on which such non-conforming use is located is in compliance with Section 5 of this Ordinance regarding reporting requirements;
 - 5) Such non-conforming use is not an actual known source of groundwater contamination or discovered to be an actual known source of groundwater contamination;
 - 6) A Facility Profile Summary is submitted to the Township biannually as described under Section 5(a); and
 - 7) Such user upgrades its technology on a regular basis, as the technology required by applicable law is changed, or upon request of the Township, in order to minimize the risks associated with such use to the Community Water Resources. Such upgrades shall be necessary to support the right to continue with the non-conforming use.
- C. A Regulated Land Use shall be deemed to be new or materially altered, changed or expanded if:
- 1) The land use which constitutes the Regulated Land Use was not present and conducted upon the lot or tract of land in question prior to the enactment of this Ordinance;
 - 2) The production and/or storage capacity of the Regulated Land Use is increased;
 - 3) The types of any substances which give rise to the Regulated Land Use are changed;
 - 4) The number of types of substances which give rise to the Regulated Land Use are increased;
 - 5) The quantity of any substances which give rise to the Regulated Land Use is materially increased; or
 - 6) The land area subject to the Regulated Land Use is enlarged in any respect.

- D. Following the date of enactment of this Ordinance, Regulated Land Uses which are new or which constitute material changes, alterations or expansions of nonconforming Regulated Land Uses will be prohibited in accordance with the terms of section 4(c) above or Exhibit "B" annexed hereto, thereby prohibiting such Regulated Land Uses, or permitting such Regulated Land Uses only upon the granting of Conditional Use status. Any Regulated Land Use which is permitted to be conducted within the Wellhead Protection Overlay District as a result of the granting of a Conditional Use in accordance with the terms of this Ordinance shall not be deemed to be a non-conforming use of land under the terms of this Ordinance, but shall without further action be considered a land use which is in conformity with the terms of this Ordinance.
- E. As to any new Regulated Land Use or any proposed alteration or expansion of a non-conforming Regulated Land Use, and as to which such Regulated Land Use is permitted within the applicable Wellhead Protection Zone upon the granting of a Conditional Use, such Conditional Use shall only be granted upon the following conditions:
- 1) Such Regulated Land Use is one which is specifically authorized as a Conditional Use in the Wellhead Protection Zone in question, as set forth in Exhibit "B" ; and
 - 2) Such 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 in question, or upon or beneath adjacent lots or tracts of land, the degree and extent of which degradation is or would be in violation of safe drinking water standards promulgated by Federal, State or County governmental authorities; and
 - 3) Satisfactory evidence has been provided to the Township's Zoning Officer; or Zoning Hearing Board, as applicable, and the Authority, that the proposed Regulated Land Use is in compliance with all Federal, State and County laws and regulations applicable to such Regulated Land Use and the record owner or occupant has received all necessary approvals of Federal, State and County governmental authorities for the conduct of such Regulated Land Use.
- F. Application for Conditional Use shall be submitted to the Zoning Hearing Board of the Township in writing on such form as may be prescribed by the Zoning Officer and such application 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 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 regulation by Federal, State and/or County governmental authorities. A copy of the Application for Conditional Use shall also be submitted by the applicant to the Authority for review.
- G. The Zoning Hearing Board of the Township, after receipt and consideration of a recommendation from the Authority, shall issue a written determination recommending approval or disapproval of the Application for Conditional Use, or conditioning the granting of Conditional Use upon adherence to any or all of the following requirements by the applicant for the Conditional Use, where the Zoning Hearing Board, with the input of the Authority, has found that such adherence is reasonably necessary to fulfill the groundwater protection purposes of this Ordinance:

- 1) The installation of Township approved containment facilities and systems so as to prevent the contamination of groundwater by substances regulated by Federal, State and/or County governmental authorities.
- 2) The preparation, filing (with the Zoning Officer and the Authority) and periodic revision of an Emergency Response 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;
- 3) Regular inspection and/or monitoring by the owner, occupant, Zoning Officer or his designee, which may include the Authority, and/or third parties, of the Regulated Land Use area;
- 4) Compliance by the applicant with the provisions of the Township Subdivision and Land Development Ordinance then in effect pertaining to sanitary sewage disposal, water supply, storm water management and easements.

H. A Facility Profile Summary is to be submitted to the Township biannually as described under Section 5(a)

I. Applications to the Zoning Hearing Board of the Township for a Conditional Use under this Ordinance, as well as written determinations of the Township Zoning Officer and/or the Authority, and appeals from the written determinations of the Zoning Officer and/or the Authority to the Township Zoning Hearing Board and appeals to the courts of the Commonwealth of Pennsylvania, shall be subject to the same procedural (but not substantive) rules as are applicable to applications for special exceptions under the terms of the Zoning Ordinance of the Township in effect at the time the application is filed.

Section 7. Major Subdivision and Land Development Plans

All major subdivision proposals and other proposed new development plans to be located within the Wellhead Protection Overlay District shall be reviewed by the Authority, the Zoning Officer and the Township Planning Commission for compliance with the provisions of this Ordinance. It shall be the responsibility of the Zoning Officer, and the Township Planning Commission, after receipt and consideration of a recommendation from the Authority, to recommend approval, disapproval or approval with conditions or modifications, of the proposed subdivision or development plan, so as to assure compliance with the provisions of this Ordinance.

A. Subdivisions and land developments within Zones 1, 2 or 3 for which storm water management controls are required pursuant to the Township Subdivision and Land Development Ordinance shall be designed consistent with the following:

- 1) Storm water detention basins shall be prohibited from Zone 1 and within Zone 2 shall be designed with an impermeable liner to prohibit the infiltration of impounded water to the subsurface.

B. Subdivisions and land developments within Zones 1, 2 or 3 as mapped on Exhibit "A" shall have the following Preliminary Plan requirements in addition to those requirements of the Township Subdivision and Land Development Ordinance:

- 1) A recognized licensed professional geologist employed by the developer with competence in the field of hydrogeology shall review aerial photographs, soils, geologic and other available related data as the data relates to the subject property. The licensed professional geologist shall also conduct a site inspection of the property and submit a report of the site to the Authority and the Township.
- 2) Based on the work required in Section 7(B)(1), the licensed professional geologist shall prepare a map not less than scale, 1" = 100 ft. of the site showing all topographic, geologic and other pertinent physical features. The mapping shall indicate, but shall not be limited to, the following:
 - a. Closed depressions
 - b. Seasonal high water table indicators
 - c. Outcrops of bedrock
 - d. Surface drainage into ground
 - e. Lineaments and faults
 - f. Quarries and mines
 - g. Oil, gas or water wells (active or abandoned)
 - h. Geologic contacts
 - i. Springs, seeps or wetland areas
 - j. Distance and direction of nearest public or adjacent private water supply well
- 3) Based on the work performed in Sections 7(B)(1) and 7(B)(2), the Authority shall determine what, if any, further testing should be done by the applicant to ensure compliance with this Ordinance and shall make a report regarding the same to the Township. Testing methodology shall be reasonable under the circumstances, including the scale of the proposed development, and the hazards revealed by examination of available data and the site inspection.
- 4) The applicant shall cause the additional testing established in Section 7(B)(3) to be done. A study report shall be submitted to the Authority and the Township. This study shall include a map of the area, all test results and a recommendation on the mitigation measures to be taken.
- 5) The Authority shall report to the Township, with a copy to the landowner, its opinion as to the adequacy of the study and as to the capability of the site to support the proposed development in a manner in which the risks attendant to the development in areas are either eliminated or minimized. Recommendations for site development, including building location and any other pertinent information may be included. Additional studies or testing as deemed necessary by the Authority or the Township in order to produce an adequate study, given the scale of the proposed development and the hazards revealed, may be required of the applicant.

Section 8. General Exceptions

The following General Exceptions specify those land uses and activities that are permitted by right and do not require a grant of Conditional Use:

- A. Transit: The transportation of any hazardous or governmentally regulated substance

through the Wellhead Protection Overlay District shall be exempt from provisions of this Ordinance, provided that the transporting vehicle is in transit through the Wellhead Protection Overlay District and further provided that such transportation is conducted in compliance with all applicable Federal, State and/or County laws and regulations;

- B. Residential: To the extent otherwise permitted or regulated by Federal, State and/or County statutes and regulations, the owners and/or occupiers of lots and tracts of land which are primarily utilized for the purpose of single or multi-family residential dwellings are permitted to utilize and store fuels, hazardous chemicals, pesticides, fertilizers, inflammable liquids and gases, and toxic and regulated substances in such quantities and in such manner as is associated with normal and responsible household use, and such limited utilization shall not be deemed a Regulated Land Use for the purpose of this Ordinance. This exception does not apply to underground liquid fuel storage tanks.

Section 9. Preventive and Enforcement Remedies

For the purpose of preventing violations of this Ordinance and enforcing the provisions of this Ordinance, the Township shall have available to it the same preventive and enforcement remedies, including the use of civil actions, as are set forth in the Zoning Ordinance of the Township in effect from time to time. In addition, the Zoning Officer of the Township is authorized to issue cease and desist orders whenever such Zoning Officer becomes aware of violations of this Ordinance. The Zoning Officer is authorized to issue Enforcement Notices with respect to violations of this Ordinance, such Enforcement Notices to be issued in accordance with the Enforcement Notice provisions of the Zoning Ordinance of the Township in effect from time to time. Finally, the Township may seek equitable relief, including a temporary restraining order, preliminary and/or permanent injunction, to prevent any action that it reasonably believes may constitute irreparable harm to the Township water sources. Such equitable relief shall be obtained without posting a bond therefor. When invoking the preventative or enforcement remedies to this Ordinance, the Township shall be entitled to recover all costs incurred, including, but not limited to, attorney's fees, costs of suit and inspection or investigation fees.

Section 10. Fees

The Township shall, from time to time, establish by resolution a schedule of fees, charges and expenses and collection procedures for Conditional Use applications, costs of review and inspection, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be available for inspection in the Municipal Office of the Township. An application will not be considered to be complete or approved until all applicable fees, charges and expenses have been paid in full. In addition to such fees, the applicant or property owner shall pay any and all Township and Authority costs or fees arising out of or related to this Ordinance and the administration or enforcement thereof and may be required to make a deposit toward said fees at the time of submission of the application.

Section 11. Miscellaneous

- A. Conflicts: Whenever there is a difference between any of the minimum standards

specified in this Ordinance and any standard included in any other ordinance, law or regulation of the Township, the more stringent requirement shall apply. The provisions of this Ordinance shall be deemed to be supplementary and in addition to the provisions of the Zoning Ordinance and Subdivision and Land Development Ordinance of the Township as each is in effect from time to time.

- B. Any commercial or industrial use that may result in the pollution, degradation, contamination or discoloration of any underground or surface water of the Commonwealth of Pennsylvania is prohibited. The applicant for any use not otherwise referenced herein that may result in such contamination may apply to the Zoning Hearing Board for approval and shall have the burden of proving, by clear and convincing evidence, that such pollution, degradation, contamination, or discoloration shall not occur as the result of such proposed use.
- C. In addition to this requirements imposed by or through this ordinance, any of the uses referenced herein shall also comply with any and all other federal, state or local laws or regulations applicable to them.
- D. Severability: The provisions of this Ordinance are severable, and should any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so declared to be invalid.
- E. This Ordinance shall become effective five (5) days after its enactment.
- F. All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

ENACTED AND ORDAINED this ____ day of _____, 2012.

Attest:

WASHINGTON TOWNSHIP SUPERVISORS

Secretary

By: _____
Chairman

EXHIBIT B

Schedule of Regulated Land Uses

USE	Zone 1	Zone 2	Zone 3
Bulk storage of Regulated Substances	X	X	Cond.
Dry cleaning establishments; coin or commercial laundries	X	X	Cond.
Retail gas stations or truck stops	X	X	Cond.
Garage service station	X	Cond.	Cond.
Heavy manufacturing use	X	X	Cond.
Junk yards	X	X	Cond.
Land application of wastewater and sludges	X	X	X
Livestock animals in excess of 25 animals equivalent units per acre in yarding areas	X	X	X
Metal plating establishments	X	X	Cond.
Open burning sites and dumps	X	X	X
Quarries and mining operations	X	X	X
Rock salt stockpiles	X	X	Cond.
Sales and/or storage of fuels	X	X	Cond.
Sanitary landfill	X	X	X
Sewage treatment facilities with on-site disposal or primary or secondary treated effluent in excess of 5,000 gallons per day	X	X	X
Storage and mixing of regulated substances	X	X	Cond.
Storage of inflammable liquids and gases	X	Cond.	Cond.

USE	Zone 1	Zone 2	Zone 3
Use with principal activity being the manufacture, storage, use, transportation, or disposal of regulated substances	X	X	X
Use which involves use or storage of regulated substances in quantities greater than those with normal household use	X	Cond.	Cond.
Used Motor Vehicle Sales Service	X	Cond.	Cond.
New surface / ground water withdrawals / abandoned wells.	X	Cond.	Cond.
Geothermal wells	X	Cond.	Cond.
Manufacture use or storage of Hazardous Substances as a primary activity	X	X	X
Junked materials whether on the land surface, in sinkholes, streams, wetlands or other water bodies	X	X	X
Collection and transfer facilities for solid waste or Hazardous Substances, including battery and drum recycling and reprocessing	X	X	X
Commercial truck or rail tanker cleaning operations where Hazardous Substances are involved	X	X	X
Commercial slaughtering, rendering, or tanneries	X	X	X
Underground injection wells	X	X	X
Liquid petroleum product transmission lines	X	X	X
Commercial or Municipal solid waste and recycling, and/or composting facilities *	X	X	Cond.
Cemeteries **	X	X	Cond.

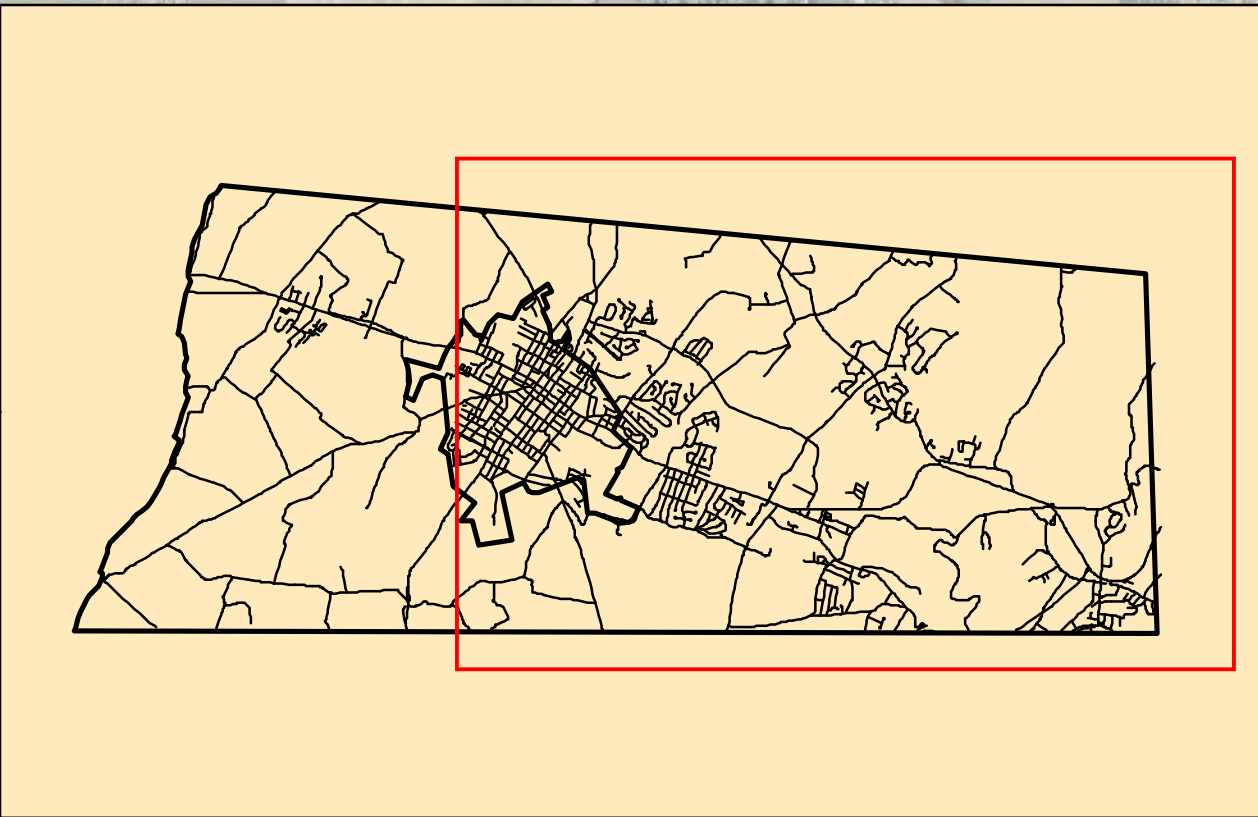
X Not Allowed
Cond. Conditional Use

- * Storage facilities shall be designed to:
- A. Have an impervious storage and loading surface
 - B. Prevent infiltration of rain and surface water into storage areas
 - C. Provide diking to prevent runoff from storage and loading areas

** All caskets shall be encased in concrete grave liners

As used in this exhibit, the term "Regulated Substances" shall mean any substances regulated under federal, state, or county environmental; pollution control, hazardous substance and drinking water laws and regulations.

If a use can be classified in more than one category, it shall be deemed in the more restrictive category and be subject to the greater restrictions.



Legend

- WHP_zone_1
- WHP_zone_2
- WHP_zone_3
- Zone_3 (Wells 5 & 6)
- Zone_3 (Well 10)
- Zone_3 (Bubbling/Sulfer)
- Zone_3 (Hoover)

