

Ord #54A, 1999

UPPER BERN TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

AN ORDINANCE OF UPPER BERN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, ARTICLE V, ENTITLED "DESIGN STANDARDS," PART 5.60, ENTITLED "SANITARY SEWAGE DISPOSAL" BY ADDING REGULATIONS PURSUANT TO 25 Pa.CODE 71.62(c)(2) REQUIRING A PRELIMINARY HYDROGEOLOGICAL EVALUATION WHEN A SUBSURFACE SOIL ABSORPTION AREA FOR AN ON-LOT SEWAGE SYSTEM IS PROPOSED WITHIN A QUARTER MILE OF A SITE DOCUMENTED AS A NITRATE-NITROGEN PROBLEM AREA; AND BY AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, ARTICLE VIII, ENTITLED "DEFINITIONS" TO ADD THE DEFINITION OF THE TERM "NITRATE-NITROGEN PROBLEM AREA."

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. In accordance with the Act 537 Plan Update prepared by the Township Engineer, and enacted by the Board of Supervisors as Resolution No. 3-95 on May 17, 1995, and pursuant to 25 Pa.Code Section 71.62 (c) (2), that The Upper Bern Township Subdivision and Land Development Ordinance, Article V, entitled "Design Standards" Section 5.60, entitled "Sanitary Sewage Disposal," be amended to add the following regulations:

- 5.67 For any proposed on-site sewage system having a subsurface soil absorption area within a one thousand three hundred twenty foot (1,320') radius of any area designated by the Township Engineer at the time of required testing procedures for on-lot sewage disposal as a nitrogen-nitrate problem area under Section 3.70 of the Act 537 Plan Update enacted by the Board of Supervisors of Upper Bern Township on May 17, 1995, and depicted on Figure 9-C of the Act 537 Plan Update, a preliminary hydrogeological evaluation shall be required, as follows:

- 5.671 The applicant shall have the well which was previously tested to reveal high nitrate-nitrogen levels re-tested for nitrogen and nitrate levels by a laboratory which is certified by the Pennsylvania Department of Environmental Protection. It shall be the responsibility of the applicant to procure information from the Township Engineer with respect to the location of the previously tested well and to make arrangements for the testing. All fees and costs for re-testing shall be the responsibility of the applicant. The applicant shall keep confidential all information with respect to the location of the previously tested well, except as to those who need to know in order to comply with the requirements of this Section.
- 5.672 If the applicant is unable to obtain a new well sample for testing and analysis, a hydrogeological evaluation shall be required in accordance with the provisions set forth in 25 Pa.Code Section 71.62 (c)(2), and in accordance with the provisions contained in Section 3.74 of the Act 537 Plan Update for Upper Bern Township.
- 5.673 If the sample procured by the applicant reveals that the nitrate-nitrogen levels are greater than 5.0 mg/l, a preliminary hydrogeological evaluation shall be required in accordance with the terms stipulated under 25 Pa.Code Section 71.62 (c)(2), and under Section 3.74 of the Act 537 Plan Update for Upper Bern Township.
- 5.674 If the sample procured by the applicant reveals that the nitrate-nitrogen levels are less than or equal to 5.0 mg/l, the applicant will not be required to complete a preliminary hydrogeological evaluation, and the applicant may proceed with the basic planning requirements.

SECTION 2. Article VIII of the Subdivision and Land Development Ordinance of

Upper Bern Township, entitled "Definitions" shall be amended to add the following:

- 8.82 Nitrate-Nitrogen Problem Areas – Areas identified in Section 3.74 of the Act 537 Plan Update enacted by Resolution No. 3-1995 on May 17, 1995 by the Board of Supervisors of Upper Bern Township, and depicted in Figure 9-C of said Plan Update, which

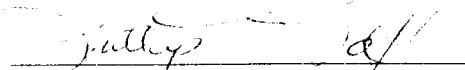
are located within a radius of 1,320 feet of a well site which was tested to reveal nitrate levels exceeding 5.0 mg/l.

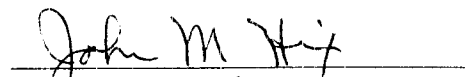
SECTION 3. This Ordinance shall become effective immediately from and after its enactment.

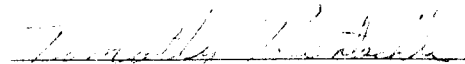
SECTION 4. Any provisions of any other Ordinance inconsistent with the provisions of this Ordinance are repealed to the extent of the inconsistency.

ENACTED AND ORDAINED this 17th day of July, 1999.

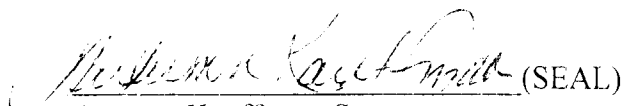
BOARD OF SUPERVISORS OF
UPPER BERN TOWNSHIP, BERKS
COUNTY, PENNSYLVANIA


Phillip Taft, Chairman


John Hix, Supervisor


Timothy Rentschler, Supervisor

Attest:

 (SEAL)
Autumn Kauffman, Secretary