



July 7, 2021

Milford Township Supervisors and Planning Commission  
PO Box 366  
Milford, PA  
570-296-5540

Submitted via: [milfrdtp@ptd.net](mailto:milfrdtp@ptd.net) and via Rachel Hendricks, Vice-Chair

**Re: Proposed Milford Township Draft Wellhead Protection Ordinance – Written Comments by the Delaware Riverkeeper Network before the July 7, 2021 Township Meeting**

Dear Milford Township officials:

Delaware Riverkeeper Network (DRN) is writing to provide input, raise questions as we reviewed the ordinance, and share possible resources for more research to the Milford Township and its consultant as it works with the community to better strengthen and protect the sensitive Sawkill Creek watershed through the development of a Wellhead protection ordinance that is currently being developed. DRN was contacted by members and concerned residents of the area and within the township that live within the Sawkill watershed – an Exceptional Value (EV) watershed which flows into the Delaware River which has Special Protection Waters (SPW) designation by the Delaware River Basin Commission (DRBC). We understand and are following that engaged residents have been providing detailed information, sample ordinances from other communities and detailed comments and questions to help to strengthen the proposed draft ordinance that was shared at the May township meeting of which DRN attended via Zoom.

It is refreshing to see the care and concerns the residents and the township has to undertake this effort as it continues the legacy of stewardship and protection that this region of Pike County is known for. As you are aware, Pike County residents and Milford Township residents take great pride in the clean streams and the Delaware River that flows through their backyards and that helps support a thriving conservation economy that many call home and that others come to visit for the mature forests and protected cold clean streams that flow through the region. We hope our comments and questions assist in the Township's continued review and deliberation efforts with this ordinance development; and also urge you to consider the information that has come before you by the residents and Friends of Milford Aquifer as they share suggested changes and protections both in verbal testimony and also in writing which overall look to improve and strengthen protections of the sensitive Sawkill Creek watershed an aquifer. At the prior public meeting where this ordinance was discussed it was noted that there would be ample time for

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public input and review and we welcome a continued deliberative process. We also note that on the township website as of June 7 it appears that there will be no decision or finalization of the ordinance this evening.

Please kindly see our specific comments, bullets and questions followed by overall general comments below upon the review of the draft ordinance that was shared at the May 2021 meeting. DRN understands that another July 7, 2021 version of the updated ordinance since that time is now posted on the township website ( <https://www.milfordtownshippike.com/wp-content/uploads/2021/06/WellheadAmendment6-7-2021.pdf>) and we look forward to reviewing that particular version in the future as the township and the residents continue to deliberate this important work and protection effort. DRN would urge the township not to take a vote to finalize this ordinance at the July 7, 2021.

### **Milford Township Draft Wellhead/Watershed Zoning Amendment DRN Comments/Questions (May 2021 version reviewed)**

- Zone 2: A 1,000-foot radius around each well within the Township that is regulated by PADEP as a community water system, with Zone 2 encompassing the area not located in Zone 1. The Township Board of Supervisors may modify the extent of Zone 2 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.**

**DRN Question: Will the Township check the accuracy or validity of the delineation paid for by the developer? There is a detailed Source Water Protection Plan for the Milford Water authority that was developed in 2005. Pike County Planning Commission, USGS and the DRBC may have additional studies as well to lend. It would appear that by adding in this option for a developer to modify the zone it could be a giveaway to developers. DRN recommends this allowance is removed or if not removed, DRN suggests that instead of the word “modify” the extent of Zone 2 the language be changed to “broaden or widen the extent of Zone 2” in order to ensure that the detailed studies already conducted by Gidding’s are not overwritten by a potential conflict with a developer’s paid geologist. DRN would also note that it is often difficult if this wiggle room is allowed for developers in the ordinance for the Township to have the resources and financing to thoroughly review and check the developer’s numbers through its own consultants.**

- Zone 3: Those areas of Milford Township delineated on Figure 5 of the Sawkill Creek Stormwater Management Plan as “The Source Water Area of the Milford Springs”

**DRN Question: Why are so many of the use classifications considered “conditional” in Zone 3 when they are clearly prohibited in Zones 1 and 2? See table below. Source water areas are sensitive to degradation and should be adequately protected like the other zones. DRN would recommend eliminating uses to strengthen the ordinance especially for**

Under Section 426 of Zoning Ordinance			
Use Classification	Zone 1	Zone 2	Zone 3
Manufacturing activities (SIC's 20-39)	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	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	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	C
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	C
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 2, provided that tanks are designed and constructed in accordance with the standards of the PADEP rules and regulations for bulk storage. Replacement tanks must meet the requirements of this	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, sewage treatment facilities or pumping stations, except for private residential sewage pumps	X	X	C
Sanitary sewer lines, <b>which connections shall be double-sleeved</b>	C	C	C
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 <b>not subject to FERC or PUC regulation</b>	X	C	C
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 <b>unless liquids are collected and treated</b>	X	X	X

Note: No use shall be permitted via the above that is not otherwise permitted in the underlying zoning district.

- 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.**

**DRN Question: Will the public have an opportunity to review Spill Prevention Plans and participate in the 30-day comment period?**

- 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 zones:

1. Petroleum hydrocarbon compounds including, **but not limited to**, gasoline, kerosene, diesel fuel, aviation fuel, jet fuel, propane and heating oil.
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. **Such other compounds as may be added to the above list from time to time by resolution of the Board of Supervisors.**

**DRN Question: If a developer proposes the storage of a substance that is not included in this initial list, can the Board of Supervisors add that substance at any point during the review process? For example, if a proposal is in the late stages and it is discovered that a certain substance is questionable but not officially named in the list, can the Board retroactively add that substance and halt the development process or would the substance have to be added to the list before the development process begins? Would it behoove the township to widen these lists at this point rather than have to make changes in the future? Have other ordinances been compared to see what conditional uses might be missing from this Table?**

- The above regulations shall not apply with respect to officially abandoned and properly capped water wells.

**DRN Question: Will the Township inspect abandoned and capped wells for structural integrity? An old capped well could deteriorate over time but would not be subject to the regulations because technically it is capped. Although abandoned and capped wells are not in use, there could still be groundwater impacts if they are not subject to the regulations.**

- The regulations of this Section 426 shall also apply with respect to impacts on community water systems in adjoining communities.

**DRN Question: How far of a distance does the definition of “adjoining communities” entail and who makes the determination of potential impacts on other communities?**

### **Overall Comments and Suggestions from Delaware Riverkeeper Network**

- Delaware Riverkeeper Network believes accurate mapping and overlays are needed for the public to better see the delineations of the various zones being considered. A broader watershed wide protection zone is good to establish (Zone 3) but there are real concerns with the current proposed zones not being as protective or as comprehensive as the Source Water Protection Plan zones and

maps by Todd Giddings, a professional hydrogeologist who undertook the Source Water Protection Plan for Milford Springs in 2005. This issue and these concerns should be addressed and proper and thorough mapping would be helpful to truly outline and understand what is currently being proposed with the three zones that are outlined in the proposed ordinance. It would be important in this process to also ensure that the science and work conducted in the past adequately matches up with the zones in the ordinance to ensure the strongest protections possible for the widest amount of areas for all 3 of the established zones. The aquifer zone should be delineated completely and clearly and be in line with the plans available. In general, DRN would also suggest as stated above, prohibiting some of the uses to truly protect this sensitive aquifer zone. As indicated in past comment, the Sawkill watershed also has steep slopes and sensitive soils and mature forests. There is a history of projects that the community has rejected in the past and rightly so. DRN would suggest that because of the nature of this Sawkill watershed area, many of the uses in the table would not be at all in keeping with the geography and physical characteristics of the region as well as the aquifer and therefore those uses should be restricted to strengthen the power the township has to avoid developer schemes from the start that are not in keeping with this aquifer or the natural topography and forested steep slopes of the watershed. Developers will often call these sites “challenging” and therefore will try their best to limit restrictions since the project will cost more in the first place. The ordinance should protect the township and the aquifer to the best of its ability to not allow loopholes and uses that are simply not compatible.

- This is not at all comprehensive nor has DRN compared what other ordinances may include in their wellhead ordinances but at a minimum DRN would suggest strengthening protections and removing conditional uses for some of the zones allowed in the May draft for the following use classifications listed in the Table: oil, gas or hazardous materials pipelines; sanitary sewer lines; underground storage tanks, on-site disposal facilities, sewage treatment facilities or pumping stations; junk or salvage yards (since they are often a source of contamination and leaking chemicals); quarries and mining operations; hazardous material storage, processing and disposal facilities, dry cleaning facilities, and vehicle service stations and body and painting repair shops. DRN would note that some of these uses may also be restricted theoretically, from EV watersheds.
- DRN agrees that land application of wastewater sludge and waste sludge, sanitary landfills, open burning and open dumping sites are not allowed in any zones.
- For the stormwater retention facilities component, DRN would suggest it is made clear that when forest can be preserved with future developments, those forest infiltration ratios are likely much more beneficial to the watershed than allowing additional stormwater retention facilities. In other words, with this area being presumed highly mature forested in nature, protecting and preserving those forests and adding some language to protect mature trees and forest to limit soil grading and compaction may benefit and strengthen the ordinance.

- Requiring wider forested riparian protection zones and protection of steep slopes may also be good additions to the ordinance if appropriate. Currently Chapter 102 requirements would only provide for a 150-foot buffer and that is not at all protective for the EV nature of the Sawkill Creek watershed. At least a 300-foot forested buffer protection zone would be more appropriate and what the science clearly shows best protects water quality and the aquifer.
- DRN would recommend adding Article 1 Section 27 language to the ordinance to fully outline the duty and the responsibility and also the power that the township has to continue protection of this region for all of the residents and watershed. These words can help strengthen the intent that we believe the residents and the township are seeking. Some sample language that could be a whereas: As elected officials and trustees of public natural resources, the Board has an obligation to protect the community from harm and to ensure that the constitutional rights of the region are protected as outlined under Article 1 Section 27 of the Pennsylvania Constitution. Pennsylvania's Environmental Rights amendment states the people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment for this generation and generations to come.

Finally, DRN has acquired additional sample ordinances from the Campaign for Clean Water and several other entities. We are happy to share those if time allows. Thank you for your time and consideration as you deliberate and improve this ordinance and we appreciate Milford Township's time and attention and review and consideration of the public's comments and DRN concerns. If we can be of further assistance please do not hesitate to reach out to DRN's Director of Monitoring, Faith Zerbe at [faith@delawareriverkeeper.org](mailto:faith@delawareriverkeeper.org) or 215-369-1188 ext. 110.

Sincerely,



Maya K. van Rossum  
the Delaware Riverkeeper  
Delaware Riverkeeper Network

cc. Pike County Conservation District, Milford Borough, Friends of Milford Aquifer, Delaware River Basin Commission, Dingman Township