

**LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY. PENNSYLVANIA**

ORDINANCE NO. 2023-06

AMENDMENTS TO THE CODE OF THE TOWNSHIP OF LOWER SAUCON

AN ORDINANCE OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING AND REVISING THE CODE OF THE TOWNSHIP OF LOWER SAUCON BY REVISING CHAPTER 180 (ZONING) AT SECTION 180-95 (ENVIRONMENTAL PROTECTION STANDARDS) SUBSECTION B(17)(c)[8] TO PERMIT UNDERGROUND STORAGE TANKS IN CARBONATE GEOLOGY AREAS ONLY WITH APPROPRIATE SAFEGUARDS AND COMPLIANCE WITH FEDERAL AND COMMONWEALTH OF PENNSYLVANIA REGULATIONS AS DESCRIBED HEREIN, AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN.

WHEREAS, Lower Saucon Township is a Township of the Second Class, Optional Plan of Government, located in Northampton County, Commonwealth of Pennsylvania; and

WHEREAS, the Township of Lower Saucon last amended Article XVI, Section 180-95, Environmental Protection Standards on April 6, 2005, pursuant to Ordinance No. 2005-01; and

WHEREAS, since the time of the 2005 amendment, the United States Environmental Protection Agency significantly upgraded its Underground Storage Tank (“UST”) requirements to improve groundwater safety by improving requirements for operating and maintaining UST equipment, and for preventing and detecting UST releases; and

WHEREAS, the Township of Lower Saucon has reviewed the regulations found at 40 CFR 280, Technical Standards and Corrective Action Requirements for Owners and Operators of USTs, and with the following minimum requirements set forth in this Ordinance, believes that USTs can safely be operated in areas with carbonate geology within the Township; and

WHEREAS, the Council of Lower Saucon Township desires to amend Section 180-95 B(17)(c)[8] of the Code of the Township of Lower Saucon, Northampton County, Pennsylvania to revise, update, and clarify the protections required to own and operate USTs in areas of carbonate geology in the Township of Lower Saucon.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Township of Lower Saucon, Northampton County, Pennsylvania, that the provisions of the Code of the Township of Lower Saucon are hereby amended as follows:

Section 1. Amendment to Chapter 180 Zoning, Section 180-95 B(17)(c)[8].

Chapter 180 Zoning, Section 180-95 B(17)(c)[8] of the Code is amended in its entirety and shall hereafter read as follows:

[8] An Underground Storage Tanks (UST) shall not be permitted in this district, except for septic tanks for on-lot sewage disposal systems, propane tanks, and water storage tanks with less than 2,000 gallons capacity, unless the following requirements are met:

[A]. The owner of each UST to be installed shall be responsible for compliance with the provisions of 40 CFR Part 280, and all changes and amendments thereto in effect at the time of operation.

[B]. The UST shall be installed and operated in accordance with the provisions of 40 CFR 280 – Technical Standards and Corrective Action requirements for Owners and Operators of Underground Storage Tanks. No metal tank or piping will be installed without cathodic protection.

Spill or overflow prevention equipment specified by Section 280.20(c)(1) must be used for all transfer of product.

Installation shall follow Section 280.20(e) (4). Section 280.20(e)(5) shall also be followed and clarified that the manufacturer’s installation checklist will be completed and signed by a certified UST installer.

The Township has the right to request information regarding reported spills or releases and records pertaining to cathodic protection from the owner/operator at any time. A contact will be provided by the owner/operator upon submission of the land development and/or zoning permit application. Responses to the Township’s request are due within 30 days.

A Hydrogeologic Site Assessment in accordance with Section 280.66(b)(2-3) shall be prepared and submitted to the Township as part of the land development and/or zoning permit application review process.

[C]. The UST shall be installed and operated in accordance with the provisions of The PA Storage Tank Spill Prevention Act (enacted 8/5/1989), as amended, and of Pennsylvania Code (Pa.Code) Title 37, Chapter 14, governing the management of flammable liquids stored in quantities of 30 gallons or greater.

[D]. The UST and UST liquid piping systems shall be of a double wall design, with a monitorable interstitial space capable of detecting leaks in the internal tank, if any.

[E]. The owner of the UST shall provide 24-hour monitoring of the detection devices in the interstitial space and shall have an established 24-hour continuous on-call service to evaluate and assure no leakage from the interstitial space into the air or soil.

[F]. The Owner shall have a Spill Prevention Response Plan, as required by the Pennsylvania Storage Tank and Spill Protection Act, and at least one employee shall be on duty, at all times, who is trained to implement or instruct in the implementation of the Plan.

Section 2. Violations and Penalties.

The Violation and Penalty provisions of the Code shall remain unchanged.

Section 3. Severability.

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the remaining provisions of this ordinance. The Council of Lower Saucon Township hereby declares that it would have passed the ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared unconstitutional, illegal, or otherwise invalid.

Section 4. Repealer.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 5. Effective Date.

The provisions of this Ordinance shall become effective ten (10) days after adoption.

ENACTED AND ORDAINED this ____ day of _____, 2023.

ATTEST

LOWER SAUCON TOWNSHIP

Mark L. Hudson
Township Manager

Jason Banonis
Council President