

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 7-00

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX,
CUMBERLAND COUNTY, PENNSYLVANIA, PROHIBITING
ACCESS TO GROUNDWATER ON CERTAIN PARCELS AND
REQUIRING THE ABANDONMENT AND CLOSING OF
EXISTING GROUNDWATER WELLS ON SUCH PARCELS.

WHEREAS, All American Plazas, Inc. is the owner of a certain improved tract or parcel of ground commonly known as 1201 Carlisle Pike, Carlisle, Pennsylvania located in Middlesex Township, Cumberland County, Pennsylvania, which tract or parcel is further identified as Cumberland County Tax Parcel No. 21-18-1359-010 (hereinafter the "Premises"); and

WHEREAS, certain groundwater studies have been conducted of the Premises by or with the authority of All American Plazas, Inc., which studies have identified the existence of contaminated groundwater which under a worse case scenario is predicted to migrate off the Premises to certain downgradient properties located east of the Premises; and

WHEREAS, All American Plaza, Inc. is in the process of obtaining approval of an Act 2 Release via a Remedial Action Plan (the "Plan") from the Pennsylvania Department of Environmental Protection ("PADEP"), which Plan proposes to use a site-specific standard to demonstrate attainment for groundwater; and

WHEREAS, the Premises and the downgradient properties located east of the Premises to which contaminated groundwater could potentially migrate are either improved properties presently connected to the public water system or are vacant unimproved properties; and

WHEREAS, Middlesex Township Ordinance No. 84-8 requires the use of a public water system for improved properties abutting the water supply system of the Middlesex Township Municipal Authority, but does not prohibit the use of groundwater or wells on such properties; and

WHEREAS, the Premises and the improved properties located east of the Premises to which contaminated groundwater could migrate do not have active groundwater wells or utilize groundwater; and

WHEREAS, the Board of Supervisors of Middlesex Township finds that due to the threat of contamination of the groundwater of certain properties, both presently improved and unimproved, located east of the Premises and identified in Section 2, below of this Ordinance, and further due to the contamination of the groundwater of the Premises, prohibiting wells and the use of groundwater now and in the future on such properties and the Premises bears a substantial relation to public health, safety and welfare;

NOW THEREFORE, it is hereby ENACTED AND ORDAINED by the Board of Township Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania, as follows:

SECTION 1: PREAMBLE.

The foregoing paragraphs or preamble are incorporated by reference herein as the background, basis and policy of this Ordinance.

SECTION 2: PROHIBITION AGAINST ACCESS TO AND USE OF GROUNDWATER
FROM CERTAIN PROPERTIES.

Access to groundwater and use of groundwater from the following properties or parcels is hereby prohibited:

<u>Tax Parcel Number</u>	<u>Owner</u>	<u>Cumberland County Deed Reference</u>
21-18-1357-001	Cumberland County Industrial Development Authority	28 "A" Page 228
21-18-1357-002	Cumberland County Industrial Development Authority	28 "A" Page 228
21-18-1357-016	Cumberland County Industrial Development Authority	28 "A" Page 228
21-18-1357-017	Eli Dobrinoff, Jr.	132 Page 451
21-18-1359-010	All American Plazas, Inc.	156 Page 664

SECTION 3: PROHIBITION AGAINST WELLS ON CERTAIN PROPERTIES.

No wells accessing groundwater are permitted to be established or located on the properties identified in Section 2, above.

SECTION 4: EXISTING GROUNDWATER WELLS TO BE CLOSED ON CERTAIN
PROPERTIES.

Any existing groundwater wells located on the properties identified in Section 2, above, shall be permanently closed within ninety (90) days of the effective date of this Ordinance.

SECTION 5: PENALTIES FOR VIOLATION.

Any person who violates any provision of this Ordinance is guilty of a summary offense and shall upon conviction, be sentenced to pay a fine not to exceed \$100.00 for each violation.

Each day that a violation of this Ordinance occurs or continues shall constitute a separate offense

or violation. This Ordinance may also be enforced through an action in equity. Prosecution of a person for a summary offense hereunder shall not preclude the Township of Middlesex from initiating an action in equity against the same person arising from the same or another violation of this Ordinance.

SECTION 6: SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provisions not been included in this Ordinance.

SECTION 7: EFFECTIVE DATE

This Ordinance shall take effect in accordance with existing law.

ENACTED AND ORDAINED this 29th day of September, 2000.

TOWNSHIP OF MIDDLESEX

By Robert M. Eppley
Chairman, Board of Township
Supervisors

ATTEST:

Mary S. Just
Township Secretary

(Township Seal)