

CHAPTER 20
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PART 1

LICENSING OF SOLID WASTE COLLECTORS

§101. INTENT AND PURPOSE.

All domestic, commercial and industrial refuse accumulated or stored upon any property within the Township shall be collected and removed by a responsible person or collector who shall be licensed by the Township and shall be disposed of in a site designated by the Board of Supervisors in accordance with the Solid Waste Management Act and the Municipal Waste Planning, Recycling and Waste Reduction Act.

(Ord. 1999-01, 1/21/1999)

§102. DEFINITIONS.

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning appears clearly from the context:

ASHES - residue from the burning of coal, coke or other combustible material.

COLLECTOR - the person, firm or corporation licensed by the Township to make collections of ashes, garbage, refuse, rubbish and other solid waste under the provisions of this Part.

DISPOSAL - storage, collection, disposal, or handling of garbage.

DWELLING - place of residence within the Township of one or more persons where refuse is generated through normal living habits.

GARBAGE - mean all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

HOUSEHOLD - any individual or group of individuals who are living together as one economic unit.

OCCUPANT - person generally in possession and control of any dwelling.

PERSON - any natural person, association, partnership, firm or corporation.

REFUSE - all solid waste, except human body wastes, including garbage, ashes and rubbish.

RUBBISH - glass, metal, paper, plant growth, wood or nonputrescible solid waste.

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SOLID WASTE - any waste, including but not limited to, municipal, residual or hazardous wastes, including solidified liquids, semisolids or contained gaseous materials.

2. In this Part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

(Ord. 1999-01, 1/21/1999)

§103. LICENSING OF COLLECTORS.

1. No person shall collect, remove, haul or convey any refuse, other than his or her own, through or upon any of the streets or alleys of the Township or dispose of the same in any manner or place without obtaining a license.
2. The fee for such license shall be payable annually and fixed pursuant to a resolution of the Board of Supervisors and all licenses shall be issued for the calendar year or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.
3. Every person who shall apply for a license under this section shall state the type or types of refuse to be collected, the manner of collection and the place and method of disposal.
4. No license shall be granted if the place and method of disposal shall not conform to the requirements of this Part.
5. No licensed collector shall make any change in the arrangements for disposal of refuse collected by him without first receiving the approval of the Board of Supervisors.
6. It shall be unlawful to permit an unlicensed collector to collect or remove garbage from any household, commercial or industrial facility.

(Ord. 1999-01, 1/21/1999)

§104. CONTAINERS FOR WEEKLY COLLECTION.

Every family or household at whose premises refuse is collected or removed shall provide and maintain at all times, a portable metal or plastic receptacle. The same must be watertight, equipped with a tight fitting cover, and each receptacle shall be kept in a clean and sanitary condition.

(Ord. 1999-01, 1/21/1999)

§105. POINT OF COLLECTION.

The point of collection shall be established by agreement between the collector and the occupant.

(Ord. 1999-01, 1/21/1999)

§106. COST.

The cost of weekly garbage collection shall be by agreement between the collector and the occupant.

(Ord. 1999-01, 1/21/1999)

§107. SCHEDULES.

The collector shall prepare a schedule of refuse pickup for each household on a weekly basis. The collector shall be responsible to notify residents of the days collections will be made.

(Ord. 1999-01, 1/21/1999)

§108. HOURS OF OPERATION.

The collector shall be permitted to collect, remove and transport refuse on all days of the week except Thanksgiving Day and Christmas Day, and unless otherwise ordered, the collection of refuse shall not commence before ____ and shall be completed by ____ on any single day of collection. All refuse from cans and receptacles of occupants of dwellings placed at the point of collection shall be emptied by the collector on scheduled days.

(Ord. 1999-01, 1/21/1999)

§109. ACCUMULATION OF REFUSE PROHIBITED.

No refuse shall be allowed to accumulate on the ground or be deposited on highways, vacant lots or other property nor be thrown in any stream or other body of water.

(Ord. 1999-01, 1/21/1999)

§110. PREPARATION FOR COLLECTION.

All garbage, before being placed into receptacles for collection, shall have drained from it, as far as practical, all free liquid. Garbage shall be wrapped in plastic bags. Ashes shall be placed

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in separate, fire resistant containers. Rubbish shall be placed in approved containers, or cut and baled, tied, bundled, stacked or packaged so as to be easily handled by the collector, and not to exceed 36 inches in length and 50 pounds in weight.

(Ord. 1999-01, 1/21/1999)

§111. EQUIPMENT OF COLLECTOR.

1. The collector shall be required to collect and remove refuse in motor-driven vehicles having enclosed bodies and covers and watertight and nonleakable bodies and to conduct the collection, removal and transportation of the refuse so as to assure general cleanliness and sanitation throughout the entire process and operation thereof.
2. The collector shall also be required, at his own cost, to dispose of, at an approved disposal area, all quantities of garbage collected by him and to furnish, at his own cost, all vehicles, machinery and equipment necessary for the proper performance of such contract.

(Ord. 1999-01, 1/21/1999)

§112. DISPOSAL.

Each collector applying for a Township license shall provide documentation of a valid Columbia County Solid Waste haulers license in accordance with the Columbia County Solid Waste Management Plan.

(Ord. 1999-01, 1/21/1999)

§113. BILLING PROCEDURE.

The collector shall establish rates to be charged to each occupant of the premises from which refuse shall be collected. The collector shall enter into individual or separate contracts with each householder or occupant of the premises, without liability to or upon the Township.

(Ord. 1999-01, 1/21/1999)

§114. COMPLAINTS.

The Board of Supervisors shall have the right to determine finally the true validity of any complaints made by residents as to failure of the collector to collect refuse in accordance with his license and the Board of Supervisors' decision shall be final and binding upon the collector.

(Ord. 1999-01, 1/21/1999)

§115. ASSIGNMENT OF CONTRACT.

The collector shall not assign his license in whole or in part.

(Ord. 1999-01, 1/21/1999)

§116. WORKMEN'S COMPENSATION AND SOCIAL SECURITY.

Workmen's Compensation and Social Security Acts, as amended, are deemed a part of the license. The collector shall be obliged to provide Workmen's Compensation coverage and shall fulfill the terms and save harmless the Township and all its officers, agents and employees, successors and assigns, jointly and severally, of and from all manner of losses, suits, actions, payments, costs, charges, damages, judgments or claims or demands of any character, name or description brought on account of any injuries or damages received or sustained by any person, persons or property by reason of any act, omission, negligence or misconduct of said collector, his agents or employees in the execution of the license conditions.

(Ord. 1999-01, 1/21/1999)

§117. COLLECTOR AS AN INDEPENDENT CONTRACTOR.

- The collector granted the license shall not in any manner be construed as an agent, servant or employee of the Township, but shall, at all times, be considered and remain an independent contractor.

(Ord. 1999-01, 1/21/1999)

§118. INSURANCE COVERAGE.

The collector shall carry an insurance policy providing complete third party comprehensive liability and property damage insurance, covering not only the collector but also the Township, the limits of which shall be not less than required by the Columbia County Solid Waste Management Plan and shall furnish the proper certificates of insurance coverage to the Township. Upon cancellation of insurance the Township must be notified immediately.

(Ord. 1999-01, 1/21/1999)

§119. CANCELLATION OF LICENSE.

Any violation of this Part shall be sufficient cause for the immediate revocation of the license.

(Ord. 1999-01, 1/21/1999)

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§120. FAITHFUL PERFORMANCE.

Faithful performance must be of the essence of the license unless prevented by unavoidable accident, act of God or public immunity or any restrictions or embargoes imposed by the Federal Government or any agency thereof; and it is understood and agreed that all material shall be collected, removed and disposed of in a skillful and businesslike manner, satisfactory to the Township.

(Ord. 1999-01, 1/21/1999)

§121. EVIDENCE OF SATISFACTORY EQUIPMENT.

The collector shall furnish evidence satisfactory to the Township that he has available equipment, by ownership or by valid lease agreement, for collecting and disposing of materials in the performance of his contract and that all equipment for transporting of materials will comply with the sanitary and watertight requirements set forth by the Township.

(Ord. 1999-01, 1/21/1999)

§122. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1999-01, 1/21/1999)

§123. RECYCLING.

The Township may establish and revise, from time to time, regulations for the placing for collection of recyclable materials.

(Ord. 1999-01, 1/21/1999)

PART 2

DISPOSAL OF SEWAGE SLUDGE

§201. AUTHORIZATION.

This Part is enacted pursuant to the authority granted to the Township by the legislature of the Commonwealth of Pennsylvania in the following duly enacted statutes:

- A. The Sections of the Second Class Township Code authorizing the Township to enact ordinances dealing with the protection of the health of the Township residents, refuse materials, nuisance and public safety, 53 P.S. §66501 et seq.
- B. The applicable provisions of the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq. (the "Act").

(Ord. 1999-01, 1/21/1999)

§202. DEFINITIONS.

APPLICANT - any person, association, partnership, corporation or entity desirous of using or continuing to use their lands or any other land within the Township for disposal of sewage sludge or who is otherwise required to obtain a permit from the Department of Environmental Protection ("DEP") according to the provision of the Act.

DEPARTMENT - the Department of Environmental Protection of the Commonwealth of Pennsylvania and its authorized representatives.

DISPOSAL - the discharge, deposit, injection, dumping, spilling, leaking, application or placing of any sewage sludge from a municipal or private treatment plant or pumpings from a private residential septic system or a holding tank into or on any land in the Township; provided, that the spreading of poultry and livestock manure generated from conventional agricultural activities on crop land or farm land for agricultural purposes shall not be included within this term, and such activity shall not be regulated by this Part.

PERMITTEE - any person, association, partnership, corporation or entity who has applied and received a permit pursuant to the Solid Waste Management Act of 1980, as amended, from the Department of Environmental Protection.

SEWAGE SLUDGE - the coarse screenings, grit and dewatered or air dried sludge and other residues from sewage collection and treatment systems which require disposal.

SITE - land within North Centre Township, Columbia County, Pennsylvania, on which sewage sludge disposal occurs or on which an applicant seeks to have it occur. The term "site" shall

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include the entire tract or parcel of land upon which any portion of which sewage sludge disposal occurs or is planned to occur.

TOWNSHIP - whenever used in this Part, the term "Township" shall refer to North Centre Township.

(Ord. 1999-01, 1/21/1999)

§203. PROCEDURE.

Any person, association, partnership, corporation or entity wishing to engage in disposal of sewage sludge and, as a condition precedent to lawful disposal of sewage sludge such person, association, partnership, corporation or entity shall first and annually thereafter submit an application to the Township containing the following information:

- A. A copy of its application to DEP for a permit, a copy of the permit from DEP and a copy of the operational plan and annual report required by the Commonwealth of Pennsylvania and applicable law and regulation. A copy of the annual report shall be submitted to the Township at the same frequency required with respect to the Commonwealth of Pennsylvania.
- B. Copies of any and all materials, documents or drawings submitted with said application to DEP.
- C. A description of the proposed application program including the sources of the sludge and how it is to be transported to the site, a time table for application (setting forth, through each date of the year, whether sewage sludge may be disposed of at the site), the proposed utilization rate, the quantity to be disposed of for each month of the year, the total acreage involved and the useful life of the proposed site for sewage sludge disposal.
- D. A topographical drawing presenting contour lines at a frequency of every 5 feet in elevation change prepared by a registered engineer to a scale no greater than 1 inch to 200 feet showing:
 - (1) Location of the site relative to public roads.
 - (2) Identity of owners of adjacent properties.
 - (3) Boundaries of the site and the area to be used for disposal of sewage sludge.
 - (4) Location of public and private water supplies, wells, springs, streams, swamps or other bodies of water within 1/4 of 1 mile of the boundaries of the proposed land application site.
 - (5) Soil classifications of the land application area.

- (6) Vegetation.
- E. A soils, hydrogeologic and geologic report issued by a properly certified soil scientist or hydrologist completed within 6 months of the application indicating the physical characteristics of the site with respect to its suitability for application of sewage sludge. The report shall be based on a soil survey, hydrogeologic and geologic data and accompanied by field test analysis. The field tests and report shall include:
- (1) Soil borings to confirm actual soil profile characteristics and soil classification are consistent with published soil survey data.
 - (2) A groundwater monitoring well shall be established to test water quality prior to, during and after the application program. Groundwater composition shall be included in the application along with subsequent quarterly monitoring during the application program. The location of the monitoring well shall be approved by an engineer retained by the Township prior to drilling.
 - (3) An analysis of the soil chemistry and hydrogeologic conditions of the site and the site's suitability for sewage sludge disposal.
- F. A chemical analysis of the sludge from each proposed source conducted within 6 months of the application. The analysis shall be done by an independent laboratory approved by the Township and shall involve a minimum of four samples. The analysis shall include the following items:
- (1) Total moisture content.
 - (2) Percent total nitrogen (wet and dry weight).
 - (3) Percent ammonia nitrogen (wet and dry weight).
 - (4) Percent organic nitrogen (wet and dry weight).
 - (5) Biochemical oxygen demand.
 - (6) pH.
 - (7) Percent on a dry weight basis of cyanide, sodium, cadmium, zinc, copper, nickel, lead, chromium, mercury, molybdenum and other toxic substances and enteric pathogens.
- G. For all applications there shall be an annual fee accompanying an application in the minimum nonrefundable amount as established from time to time by resolution of the Board of Supervisors. Said fee shall be due annually and shall be used to offset all Township costs including Township engineering fees.

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- H. A copy of the agreement between the generator of the sludge or the hauler and applicator and the landowner showing provisions as to the term of the agreement, the operation to be carried out in spreading sludge and the keeping of records.
- I. Annually, an applicant or permittee must apply for renewal of its permit from the Township, must submit the annual fee in an amount as established from time to time by resolution of the Board of Supervisors and shall submit a complete application as required herein.

(Ord. 1999-01, 1/21/1999)

§204. PLANNING COMMISSION.

The North Centre Township Planning Commission shall review the application together with all submissions made by the applicant and shall make recommendations thereon to the Board of Supervisors.

(Ord. 1999-01, 1/21/1999)

§205. STANDARDS.

The standards for application of sludge to the land shall be in accordance with the currently adopted standards of the Pennsylvania Department of Environmental Protection as set forth in Chapter 75, Title 25, Rules and Regulations, Department of Environmental Protection, except that the following additional requirements shall be imposed:

- A. Area. No site shall be approved which contains less than 20 contiguous acres.
- B. Setback Requirements. Sludge shall not be applied within 250 feet of a stream, any well or water supply; 50 feet of property lines; and 200 feet of occupied dwellings.
- C. Slope Concentrations. Application shall not take place within 50 feet of any area within which an 8% slope may be measured.
- D. Testing. Chemical analysis and laboratory testing of the sludge from each source may be required by the Township at the applicant's expense by an independent laboratory selected or approved by the Township Supervisors to insure sewage sludge content remains within the limits established by DEP but shall include a minimum of four samples a year as part of the monitoring program.
- E. Soil Coverage. Waste materials so applied to the land shall be injected under the surface of the soil or, if spread on the surface, shall be plowed under within 24 hours.

- F. Soil Analysis. The soil analysis at the applicant's expense and performed by an independent laboratory selected and approved by the Township shall be performed semiannually and results shall be provided immediately to the Township.
- G. Sewage Sludge Material Storage. Sewage sludge shall be applied to the land immediately upon delivery to the site and shall not, under any circumstances, be stored upon the site for any purpose or for any period of time.
- H. Sewage Sludge Accumulations. Any ponding or standing accumulations of said sewage sludge is expressly prohibited.
- I. Weather Conditions. Sewage sludge is not to be applied when the ground is saturated, snow covered, frozen or during periods of rain.
- J. Sources of Sewage Sludge. No sewage sludge shall be permitted to be applied anywhere within the Township unless its source is from a municipal or private treatment facility located within Columbia County, Pennsylvania.
- K. Records. The applicant shall maintain records of quantities, dates, sources and location of the above described waste and shall furnish copies of said records to the Township upon request.
- L. No sewage sludge shall be applied to a site that contains industrial, research or manufacturing uses.
- M. No sewage sludge shall contain any hazardous waste (as defined in the Act) or any heavy metals.
- N. At all times, an applicant or permittee must have a current and valid permit from DEP authorizing the disposal of sewage sludge at the site and the applicant/permittee may not have been, within 6 months previously, and may not be, out of compliance with the conditions of said permit from DEP or any DEP regulation or the Act or this Part.

(Ord. 1999-01, 1/21/1999)

§206. DETERMINATION, DURATION AND REVOCATION.

- 1. The Board of Supervisors shall, within 90 days following the full submission of the application, render a final decision and shall by official written communication to the applicant, either:
 - A. Approve the application as presented.
 - B. Disapprove the application as presented.

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- C. Approve the application subject to specified conditions, the failure to comply with shall provide grounds for revocation of such approval.
2. The Board of Supervisors shall disapprove any application that is not submitted in accordance with the standards and requirements of this Part where the representations in the application are not true either on the date of submission of the application or on a continuing basis at the time of review of the application or if results of the required soils, hydrogeologic and geologic reports and analyses and/or the chemical analysis of the sewage sludge indicate that the disposal of sewage sludge at the proposed site would be injurious or detrimental to public health and safety or the environment.
3. Within said 90 day period the Board of Supervisors shall transmit copies of said application to the Planning Commission of the Township for their review and comment. Further, the Board of Supervisors shall schedule a public hearing pursuant to public notice for the purposes of reviewing said application and receiving the comments of the public. The applicant shall provide the Board of Supervisors with its application, the names and addresses of all property owners within 500 feet of all boundaries of the site. Notice of said public hearing shall be provided to all property owners within said 500 foot distance from the property boundaries of the site.
4. Permits shall be effective for 1 year after issuance.
5. The Board of Supervisors may revoke any permit upon the following grounds:
 - A. Failure to comply with conditions issued upon approval of the application by the Supervisors.
 - B. A failure, at any time, of the applicant or permittee to comply with the standards set forth in §205.
 - C. The falsity or inaccuracy of any provision of the application or the material submitted with the application, at any time, without regard to intent to falsify.
 - D. When disposal of sewage sludge is not conducted in compliance with the DEP permit, the present Part and/or the representations set forth in the application for a permit.
 - E. Upon the securing of results of soils, hydrogeologic or geologic testing which indicates that the disposal of sewage sludge at the site is or has been injurious or detrimental to public health and safety or the environment.
6. Hearings. Upon revocation of a permit, the applicant or former permittee shall have the right, within 10 days thereafter, upon the provision of written demand, delivered via certified mail, return receipt requested, to a hearing before the Board of Supervisors at which hearing a determination shall be made as to whether proper grounds for revocation exist. Revocation shall be deemed to be effective upon mailing, by first class mail, from North Centre Township to the applicant or permittee or former permittee of

a notice of revocation of permit to the address of the applicant set forth in his, her or its Township application.

(Ord. 1999-01, 1/21/1999)

§207. SANCTIONS.

Upon violation of any provision of the present Part, or upon the conduct of disposal of sewage sludge not in conformity with the present Part, the DEP permit, conditions within the permit issued by North Centre Township, the standards set forth in this Part and/or the representations set forth in the application (hereafter, each shall be referred to as a "nonconformity"), the same shall be deemed to be a violation of the present Part and shall subject the applicant, permittee, owner of the site on which a nonconformity occurs and the transporter of the sewage sludge, the placement of which results in a nonconformity (hereafter, such applicants, permittees, owners and transporters shall be referred to as a "violator") to the following sanctions, in combination or singularly:

- A. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
- B. Revocation of the Applicable Permit. After revocation of permit, the violator shall not be eligible for reissuance of a permit for a period of 12 months after revocation.

(Ord. 1999-01, 1/21/1999)

§208. INDEMNIFICATION BOND.

- 1. In addition to the foregoing requirements, all applicants and permittees shall, prior to the issuance of any permit for disposal of sewage sludge, deliver to the Township a liability indemnification with bond good for the useful life of the site plus 5 years on a form to be prepared by or approved by the Township Solicitor, pursuant to the terms of which, the applicant, individually and with surety, specifically agrees to fully indemnify and hold harmless the Township and all of its officers, agents and employees from any and all liability, expense or damages whatsoever and litigation defense costs accruing to any of the same as a result of any use of any land in the Township pursuant to the provisions hereof.

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2. The amount of the indemnification bond shall be equal to the costs of removal and/or cleanup of any site and any engineering or legal fees pertaining thereto as estimated by an engineer retained by the Township and Township Solicitor at the time of issuance of any permit plus 15% per year thereof for the useful life of the site plus 5 years.

(Ord. 1999-01, 1/21/1999)

§209. INSURANCE.

The Board of Supervisors shall require the applicant and permittee to submit to the Township an insurance policy covering liability for any harm to persons and/or damage to properties resulting from the aforesaid activities. Said insurance policy shall be in full force and effect for the entire duration of the above operations and for at least 2 years following the termination of said operations. The amount of said insurance coverage shall be \$500,000 for bodily injury and/or property damage. The owner of the site, the applicant and the Township shall be named coinsureds.

(Ord. 1999-01, 1/21/1999)

PART 3

FOOD PROCESSING WASTE APPLICATION

§301. FOOD PROCESSING WASTE APPLICATION.

The following standards shall apply to all operations involving the application of food processing waste to land within the Township:

- A. The disposal and spreading of waste shall be prohibited within 25 feet of any property line, within 75 feet of any residential structure and 100 feet from any well or water supply.
- B. All waste application operations shall be in accordance with the applicable regulations of the Pennsylvania Department of Environmental Protection (DEP).
- C. All food processing waste disposal is considered by this Part to be a temporary change in land use and must be reviewed and approved by the Zoning Hearing Board as a nonconforming use.
- D. A Township food processing waste application permit is required prior to commencement of operations. Said permit shall be in addition to any other permit required by the State, Columbia County and North Centre Township. The fee for said permit shall be as established from time to time by resolution of the Board of Commissioners.
- E. The application for a food processing waste application permit shall contain the following items:
 - (1) A soils analysis and report prepared by a certified soil scientist, professional engineer or sanitarian, and shall include an analysis of the soil chemistry and hydrogeologic conditions of the site proposed for sludge disposal.
 - (2) Detailed description of the source of food processing waste and an analysis of food processing waste content. The analysis shall include a list of chemicals and the concentration levels likely to be present in the waste. When the Township determines that specialized professional review is needed, the Township shall secure a cost estimate for such review, present it to the applicant, and the applicant shall be required to reimburse the Township for a reasonable, mutually acceptable scope of review.
 - (3) A road access permit shall be required from the Township prior to any operations commencing on the proposed site.
 - (4) A copy of the State approved authorizing documents and associated application.

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- (5) A copy of State required operational plan.
- F. A copy of the annual report required by State regulations shall be submitted to the Township on the same required frequency.
- G. Odor control shall include incorporation of the waste material into the soil immediately upon deposit on the site, but in no event later than 24 hours after deposit on the site, with at least 6 inches of soil cover and predisposal additive or treatment to reduce or neutralize odor.
- H. Waste material disposal shall be limited to weather and soil conditions which allow incorporation of the waste material as specified in this Section without generating off-site odor and runoff problems. Frozen ground, snow or ice, saturated soils, actual or forecasted air inversions or wet weather, and any other condition which might preclude effective waste material soil incorporation without lingering odor or runoff problems shall be avoided.

(Ord. 1999-01, 1/21/1999)