

## **Chapter 20**

### **Solid Waste**

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**Part 1****Landfills****§20-101. Short Title.**

This Part shall be known and may be cited as the “Clifton Township Landfill Ordinance.”

(*Ord. 1-1988, 1/16/1988, §1*)

**§20-102. Definitions.**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Part to have the meanings indicated herein:

*Person* - any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, Federal government or agency, State institution and agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

*Township* - Clifton Township, Lackawanna County, Pennsylvania.

*Board* - the Board of Supervisors of Clifton Township.

*Access Road* - all roads, either public or private, within the Township which are used by vehicles weighing over 20,000 pounds, loaded, to transport solid waste to a landfill.

*Scavenging* - the uncontrolled removal of material from a landfill site.

*Landfill* - a disposal facility or part of a facility where solid waste is placed in or on land.

*Disposal facility* - a facility or part of a facility, at which waste is placed into or on any land or water and at which waste will remain after closure.

*Facility* - all land, structures, and other appurtenances or improvements on a property where solid waste is processed, stored, or disposed.

*Hazardous waste* - any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880) or source special nuclear, or by-product material as defined in the U.S. Atomic Energy Act of 1954, as amended (68 Stat. 923), which because of its quantity, concentration or physical, chemical, or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.
- (2) Pose a substantial present or potential hazard to human health or the

environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Municipality* - a city, borough, incorporated town, township, or county or any authority created by any of the foregoing.

*Sanitary landfill* - a land site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation.

*Solid waste* - any waste, including but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials.

*Landfill site* - tract of land upon which is located a landfill, including all structures and other appurtenances or improvements erected thereon.

*Haul road* - any cartway within the shall be constructed for utilization in all weather conditions.

*Liner* - a continuous layer of materials constructed beneath a landfill which prevents the downward or lateral escape of solid waste, solid waste constituents, or leachate.

(*Ord. 1-1988, 1/16/1988, §2*)

#### **§20-103. Permit.**

It shall be unlawful for any person or business entity to use or continue to use land within the Township as a landfill, sanitary, or otherwise, without first obtaining a permit therefor from the Board. Said permit may be obtained only from the Board of Supervisors of Clifton Township.

(*Ord. 1-1988, 1/16/1988, §3*)

#### **§20-104. Permit Fees.**

Each application for a permit, or renewal application, shall be accompanied by a permit fee in an amount as established from time to time by resolution of the Board of Supervisors, and a further deposit in an amount as established from time to time by resolution of the Board of Supervisors, both made payable to the Board in the form of a certified check or money order, to be applied against the actual cost to the Township of technical review of the application and impact statement. A refund of the excess of the deposit over the actual cost of technical review will be made to the applicant.

(*Ord. 1-1988, 1/16/1988, §4; as amended by Ord. 3-2008, 11/13/2008*)

#### **§20-105. Permit Renewal.**

Each permit shall be valid for 1 year from the date of issuance. The permit holder desiring to renew an existing permit shall complete and submit to the Board an application at least 90 days before the expiration date thereof and shall tender with each application such permit fees as are required herein.

(*Ord. 1-1988, 1/16/1988, §5*)

#### **§20-106. Application for Permit.**

1. No application for a permit under this Part shall be accepted by the Board unless the applicant has first obtained a conditional use permit pursuant to the Clifton Township Zoning Ordinance [Chapter 27]. All permit fees submitted with a permit application or renewal application are non-refundable, even if the permit is denied or subsequently suspended or revoked.

2. The application for a permit shall be submitted in writing to the Board through its Secretary and shall contain:

A. A topographical drawing, prepared by a professional engineer registered in the State of Pennsylvania to a scale no greater than 1 inch equals 100 feet, showing:

- (1) Location of site relative to public roads.
- (2) Owners of adjacent properties.
- (3) Proposed fencing and improvements.
- (4) Proposed screening.
- (5) Cross sections showing the existing grades and the proposed grades upon completion and closure of the landfill.
- (6) Landfill areas within the landfill site, to include staging of landfill development and the location of haul roads and access roads.
- (7) Location of equipment cleaning and tire cleaning areas.
- (8) Location of weighing scales, fire fighting equipment and all facilities.

B. The names and current addresses of any and all persons who own any interest, real or equitable, in the real estate which is the subject of the application.

C. The names and current addresses of any and all persons having any ownership interest in any corporations or other business entities which may be set forth in answers to paragraph .B above, where such persons or firms possess an ownership interest of 10 percent or more.

D. The names and current addresses of any and all persons having an interest in the operation or proposed operation, maintenance and use of the real estate in question as a landfill.

E. The names and current addresses of any and all persons having an ownership interest in any corporations or other business entities which may be set forth in answer to paragraph .D above, where such persons possess an ownership interest of 10 percent or more.

F. The identities and qualifications of personnel designated to manage the proposed facility, together with their intended responsibilities.

G. All requirements of the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 and regulations and standards of the Department of Environmental Protection relating to solid waste processing and disposal systems are incorporated herein by reference, and the applicant shall be required to submit any and all plans, applications, data, materials, studies, and information to the Board as is required to be submitted to the Pennsylvania Department of Environmental Protection pursuant to said Act, regulations and standards. All such materials shall be certified by the applicant to be true and correct copies of original materials filed with that department. Any application for a landfill shall be in compliance with the

requirements of the Pennsylvania Department of Environmental Protection and, prior to the onset of operation of such landfill, a permit must be obtained from Pennsylvania Department of Environmental Protection for said operations. [*Ord. 3-2008*]

H. Statements indicating expected useful life of the landfill site and the condition and proposed uses of said site upon termination of operation, including, but not limited to, any limitations on future uses due to decomposition gases.

I. An access road survey, which shall include the following:

(1) Statement as to the estimated number of vehicles weighing over 20,000 pounds, loaded, which are expected to use the landfill site on a daily basis during the first 2 years of operation.

(2) A plan indicating all roads anticipated to be used as access roads, as defined herein.

J. Statement of applicant's prior experience, if any, in operating landfills.

K. *Assessment Statement and Conveyance.*

(1) An environmental assessment statement, which shall include the following:

(a) A description of the proposed landfill and facilities.

(b) A physical description of the environment affected including, but not limited to, summary technical data and maps and diagrams adequate to permit an assessment of potential environmental impact by commenting agencies and the public. Highly technical and specialized analyses and data should be attached as appendices or footnoted with adequate bibliographic references.

(c) The interrelationships and cumulative environmental (including economic) impact of the proposed landfill and other landfills shall be stated with adequate technical analysis.

(d) The sources of data used to identify, quantify, or evaluate any and all of environmental consequences must be expressly noted.

(e) The relationship of the proposed landfill to land use plans, policies and controls for the affected area, including a statement as to how the proposed landfill may conform or conflict with the objectives and specific terms of existing or proposed Federal, State, County, and Township land use plans, policies, and controls.

(f) An analysis of:

1) The primary and secondary effects of the landfill and its capacity to stimulate or induce changes in patterns of social and/or economic activities.

2) The impact on existing community facilities and activities, changes in natural conditions, etc.

3) The effect on natural and cultural features such as streams, mountains, historic sites, landmarks, principal roads, lakes, and towns.

(g) Specific data relating to the impact of the landfill on local

vehicular traffic.

(h) Specific data relating to the impact of the landfill on local water supplies, streams, and rivers.

(i) Specific data relating to the impact of the landfill on natural and man-made local storm drainage facilities and areas.

(j) Specific data relating to the impact of the landfill on the existing flood-hazard areas of the Township, including details of any measures or precautions which may have to be taken in order to provide adequate flood control in the Township.

(k) A statement of any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, congestion, threats to health, or other consequences adverse to the environment). Included for purposes of contrast should be a clear statement of how other avoidable adverse effects will be mitigated.

(l) The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves short-term environmental gains at the expense of long-term losses, or the converse, and a discussion of the extent to which the proposed action forecloses future options. In this context, the words short-term and long-term should be viewed in terms of the environmentally significant consequences of the proposed action.

(m) The aesthetic impact of the proposed action including its impact upon visual quality of the surrounding community.

(n) An analysis of the success and/or failure of similar projects, if the proposed project is of a non-conventional nature. Determination of the conventional or non-conventional character of the proposed project will be made by the Township Engineer.

(o) A statement of any adverse effects on employment, taxes, and property values.

(p) A statement of any effects on desirable community growth.

(q) A statement describing the location and impact of the project on nearby recreation areas.

(2) In developing the above data, applicant shall convey the required information succinctly in a form easily understood both by members of the public and by public decision makers, giving attention to the substance of the information conveyed rather than to the particular form, or length, or detail of the statement. Statements should indicate, at appropriate points in the text, any underlying studies, reports, and other information obtained and considered by the applicant in preparing the statement. Care should be taken to insure that the statement remains an essentially self-contained instrument capable of being understood without the need for cross reference.

(3) Each environmental statement should utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social

sciences and the environmental design arts in planning and decision making which may have an impact on the environment. Application of such an approach should help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences.

(*Ord. 1-1988, 1/16/1988, §6; as amended by Ord. 3-2008, 11/13/2008*)

#### **§20-107. Regulations.**

1. Every person receiving a permit under this Part shall constantly maintain the landfill site in accordance with any special provision imposed by the Board and in the manner prescribed in this Section and any subsequent regulations adopted by the Board.

2. The following regulations shall apply to all landfills and landfill sites:

A. The landfill shall be located so that safe and adequate access is available over public roads at all times. In doing so, any access road, as defined herein, to the proposed landfill shall be a minimum of 24 feet in width and paved with bituminous or concrete materials having a surface and base course of sufficient depth to withstand traffic loads, determined by the number and weight of trucks anticipated in a daily operation of the proposed landfill. The Board may further require that the cost of improvement of access roads to provide this standard of access shall be assessed against the permittee either by requiring contribution of monies sufficient to pay for the improvements to the access roads, or by assessing dumping fees on the operation of said landfill sufficient to pay for the improvements to the access roads. The permittee shall give written assurance that, within 1 year of the termination of the landfill operation, all access roads will be restored, if necessary, to their condition as existing immediately prior to the commencement of the operation as determined by the Township engineer.

B. All trucks entering and leaving the landfill site shall be covered, and all access roads, as defined herein, to the landfill shall be patrolled daily to pick up and dispose of scattered and blowing papers or other refuse.

C. The landfill site shall be properly fenced along the interior boundary of the buffer zone to prevent blowing papers and other refuse on adjoining properties. The fence shall be metal wire mesh constructed of No. 9 gauge wire woven in a 2 inch mesh in full conformance with the American Society of Testing Materials specification A 491-71. The surface height of the fence shall be 8 feet, plus an additional minimum of three strands of barbed wire, installed, at least 6 inches apart, onto brackets affixed to the top of the fence at an angle 45 degrees from vertical. The fence shall contain, at all entrances, gates which are locked except during business hours. In addition, temporary litter control fences shall be installed, in such a manner as to prevent litter from dispersing onto the landfill site, no more than 75 feet downwind from the immediate operating area. The landfill site shall be adequately policed, and all litter shall be collected weekly and incorporated into the landfill.

D. The landfill shall not be located on land mapped by the Soil Conservation Service as having either a high water table or seasonal high water table or which is subject to flooding.

E. The landfill site shall be graded and provided with drainage facilities to minimize runoff, prevent erosion, and prevent collection of standing water.

F. Burning and scavenging shall not be permitted.

G. Hours of operation shall be limited to 9 a.m. to 5 p.m. Monday through Friday, and 9 a.m. to 12 p.m. Saturday. The landfill site shall not be operated on Sundays and holidays. At least one employee shall remain at the landfill site during business hours.

H. The landfill shall be located a minimum of 400 feet from any other zoning district boundary line, and at least 500 feet from any existing residence or any residence under construction at the time of application.

I. The landfill shall be located a minimum of 200 feet from any street not located within the landfill site and 200 feet from any adjoining property line.

J. Maximum lot size shall be 75 acres.

K. The landfill, as well as all improvements erected on the landfill site, shall be screened from view from the adjoining property boundaries, by a buffer zone of a minimum of 200 feet between said site and improvements, and any adjoining property, in which shall be placed a planting screen consisting of a variety of evergreen trees in a solid double row with a minimum height of 9 feet so as to create a visual screening of said site and improvements from all adjoining real property.

L. Emission of unpleasant gases or odorous matter shall not be permitted in such quantities as to be offensive outside the boundaries of the landfill site. The sound pressure level of any operation within the landfill site shall not exceed, at any point along the landfill site boundary, the decibel levels in the following octave bands:

Octave Band (cycles per second)	Maximum Permitted Sound Level (decibels)
10 to 600	45
600 to 2400	33
2400 to 4800	30
above 4800	25

M. The grade of the landfill shall never exceed the highest point of natural elevation within the landfill site prior to commencement of the operation. The final grading of the landfill shall be done in a manner so that the landfill site is left in a useful condition. Owners and operators of the proposed landfill site are encouraged to provide for the future dedication of properties used for landfill purposes to the Township for park and recreational facilities.

N. Wherever possible the trench method of landfill shall be used. In the trench method refuse is placed in a trench, compacted and covered in longitudinal cells. Cover material is obtained by the excavation of a parallel trench. The area method of landfill shall be used where the trench method would be impractical due to topographical or other conditions. The area method involves the filling and covering of existing ravines or other low places.

O. All solid waste shall be deposited in trenches or low places, and shall be spread, compacted and covered by the end of each day with a layer of dirt at least 4 inches to 6 inches deep.

P. All equipment on the landfill site shall be maintained in a clean and neat condition and stored under roof when not in use.

Q. Necessary measures shall be taken to prevent and extinguish fires. Water at adequate volume and pressure, as determined by the Board, to supply water hose streams, or foam producing equipment or water spray systems, as well as necessary equipment, compatible with local fire department equipment, such as hoses, nozzles, and pumps for minimizing fire hazards shall be available at the site. All equipment and buildings shall be equipped with functional fire extinguishers. At least three functional Scott air packs shall be housed at the landfill site. All employees shall, prior to commencing work at the landfill site, undergo a training program, in cooperation with local fire departments, designed to teach basic firefighting techniques.

R. The landfill shall contain an onsite scale, and all solid waste delivered to the landfill site shall be weighed and recorded pursuant to §22-112.

S. A certified copy of all reports, data, plans, and other material or information required to be submitted to Pennsylvania Department of Environmental Protection shall be submitted to the Board. [*Ord. 3-2008*]

T. A tire cleaning area shall be provided on the access road within the landfill site. All tires on all trucks leaving the landfill site shall be cleaned. Runoff from the tire cleaning area shall be controlled in accordance with the provisions of the Pennsylvania Stormwater Management Act, 32 P.S. §680.1 *et seq.*

U. Landfill liners, when required by the Pennsylvania Department of Environmental Protection, shall be constructed of synthetic flexible polymeric material having a minimum field thickness of 60 mils. [*Ord. 3-2008*]

V. An equipment cleaning area shall be provided on the landfill site. All equipment used to grade and compact solid waste in the landfill shall be cleaned daily to prevent odors, vectors, and other nuisances. All drainage from equipment cleaning areas shall be managed so as to prevent water pollution, and shall be discharged to a sanitary sewer system or other facilities approved by the Board.

W. Groundwater monitoring wells shall be required and shall be located both along the interior boundary lines of the buffer zone and outside the boundary lines of the landfill site as determined by the Township engineer. The water in each well shall be tested by the permittee monthly for all items listed in the regulations of the Pennsylvania Department of Environmental Protection, and for all other additional items as may be required by resolution of the Board. The test results shall be submitted, in writing, to the Board within 10 days after the date of each test. [*Ord. 3-2008*]

X. All facilities, equipment, and personnel shall be equipped with both an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel, and a device immediately available at the scene of operations, such as a telephone or a hand-held two-way radio, capable of summoning emergency assistance from local police

and fire departments.

Y. The landfill site shall have at least one emergency access entrance, which shall be locked except when used during an emergency situation. Permittee shall provide a key to this entrance to both the landfill inspector and the local fire departments.

Z. Sanitary toilet facilities, as approved by the Board, shall be constructed and made available for use by persons on the landfill site.

AA. Permittee shall prepare, and update when needed, a detailed map of all haul roads within the landfill. This map shall be submitted to the local police and fire departments within 10 days of its completion or update.

BB. Upon completion of each major phase of landfill construction, certification shall be provided by a professional engineer registered in the State of Pennsylvania, indicating that the actual landfill construction was observed by such engineer or his agents, and that such construction was completed in accordance with the construction plans submitted to and approved by the Township and the Pennsylvania Department of Environmental Protection. [Ord. 3-2008]

CC. Standby equipment shall be onsite available within 24 hours of equipment failure. In the event of equipment failure, standby equipment shall be utilized.

DD. Hours of operation and operating fee rates shall be prominently displayed on a sign at the entrance. The sign shall be a minimum size of 3 feet by 4 feet, and the lettering shall be readable with the naked eye from a minimum distance of 50 feet.

EE. The Board of Supervisors shall, from time to time, cause its authorized representatives to inspect the landfill site to assure continued compliance with plans, specifications, regulations, and procedures set forth in this Part. It shall be the duty of the operator to make the landfill site available for inspection at all times. All expenses relating to said inspection shall be borne by the operator.

FF. *Hazardous Waste*. Disposal of hazardous waste, as defined by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, on any landfill site within the Township is hereby prohibited, unless a certificate of public necessity has been obtained in accordance with the requirements established by the Pennsylvania Solid Waste Management Act. Once said certificate has been obtained, all provisions of this Part shall apply to said disposal.

(Ord. 1-1988, 1/16/1988, §7; as amended by Ord. 3-2008, 11/13/2008)

### **§20-108. Staging Area Requirements and Standards.**

1. A staging area is a facility which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal.

2. The operation of a staging area facility in Clifton Township shall be in accordance with all of the provisions and regulations, including issuance of a permit, contained in this Part.

3. Staging area requirements and standards of operation are as follows:

A. The staging area shall be fenced and screened to a height which will screen

the view of all vehicles and stored waste within the staging area facility.

B. All activity within the staging area shall take place and be set back at least 200 feet from any boundary line.

C. The staging area shall be paved and there shall be adequate surface, water drainage and a plan submitted for same. The drainage area shall be ditched and shall drain into a holding basin where all water including rain water shall be collected and treated.

D. The drainage area, including the drain basin, shall be an isolated area and shall be tested periodically for toxic waste, chemical and other pollutants.

E. Noise from the operation of trucks or other activity and motor vehicle fumes shall be controlled and insofar as possible contained within the staging area.

F. The cleaning of trucks at the landfill site or within the staging area shall be regulated and cleaning debris properly disposed of. No trucks will be cleaned at a staging area not co-located with a landfill site.

G. Insofar as possible, the staging area shall be co-located at the landfill site.

*(Ord. 1-1988, 1/16/1988, §7A)*

#### **§20-109. Issuance of Permit.**

Within 90 days of the receipt of an application for a permit by the Board, the Board shall issue a permit or shall refuse to issue a permit to the applicant after an examination of the application and after determination that the applicant has complied with regulations in this Part.

*(Ord. 1-1988, 1/16/1988, §8)*

#### **§20-110. Transfer of Permit.**

No permit issued by the Board shall be transferrable by the permittee to any other municipality unless such a transfer is authorized by the Board. Any municipality desiring to transfer its permit shall notify the Board, in writing, which notification shall be accompanied by an application for a permit, as prescribed by this Part, by the transferee.

*(Ord. 1-1988, 1/16/1988, §9)*

#### **§20-111. Transfer Fee.**

In the event the Board shall approve the transfer of a permit, the transferee shall immediately pay to the Township a transfer fee in an amount as established from time to time by resolution of the Board of Supervisors.

*(Ord. 1-1988, 1/16/1988, §10; as amended by Ord. 3-2008, 11/13/2008)*

#### **§20-112. Records.**

Every person who has obtained a permit under this Part shall provide and keep a book. Permittee shall be responsible for the accuracy of all information contained in the book. The book shall contain the following information written down in the English language:

A. The origin of all solid waste accepted by the landfill site.

- B. The weight of all solid waste accepted by the landfill site.
- C. The number of trucks bringing solid waste to the landfill site.
- D. The number of vehicles other than trucks bringing solid waste to the landfill site.
- E. The type of solid waste accepted by the site.
- F. A complete record of all monies accepted by the landfill operation for solid waste brought to the landfill site.
- G. The name, home address, and telephone number of the driver of each vehicle and license number of each vehicle bringing solid waste to the landfill site.

(*Ord. 1-1988, 1/16/1988, §11*)

**§20-113. Inspection.**

1. The Board shall appoint or hire a landfill inspector, who shall be required to regularly oversee and inspect the landfill operation, the landfill site, and all vehicles entering or leaving the landfill site to monitor compliance with the regulations contained in this Part. The inspector is required to submit monthly reports in writing to the Board concerning the condition of the landfill and landfill site.

2. The permittee shall at all times allow the landfill inspector access to the following:

- A. All records, data, material, books, and other information kept or maintained by the permittee.
- B. All areas of the landfill site including, but not limited to, the landfill and all solid waste delivered to or disposed in the landfill.
- C. All equipment, vehicles, buildings, or other improvements and appurtenances located on the landfill site including, but not limited to, all vehicles entering or leaving the landfill site.

3. The permittee shall provide a permanent office within the landfill site for use exclusively by the landfill inspector. The office shall be at least 10 feet by 10 feet, shall contain, at a minimum, a desk, chair, and adequate lighting, heat, and air conditioning, and shall be located at a place specified by the Board.

4. The landfill inspector shall have authority to order the permittee to cease all operations at the landfill site and to order permittee to lock all entrances to the landfill site if the landfill inspector has reasonable cause to believe that the landfill site is, or has been, operated in violation of this or any other ordinance of the Township, the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, or the regulations or standards established by the Pennsylvania Department of Environmental Protection. The landfill inspector shall immediately notify the Board of the action taken, and the Board shall, within 10 days of the notification by the landfill inspector, act to approve, amend, or disapprove the action taken by the landfill inspector. Failure by the Board to act within the 10 day period shall be deemed to be a disapproval of the action taken by the landfill inspector. [*Ord. 3-2008*]

(*Ord. 1-1988, 1/16/1988, §12; as amended by Ord. 3-2008, 11/13/2008*)

**§20-114. Operating Fee.**

The Board shall levy an operating fee based upon the amount of solid waste disposed on the landfill site, which fee shall be used to administer this Part. The operating fee shall be established by resolution of the Board. Said fees shall be collected by the permittee from all persons delivering solid waste to the landfill site, and shall be submitted to the Board monthly.

(*Ord. 1-1988, 1/16/1988, §13*)

#### **§20-115. Violations.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge 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. 1-1988, 1/16/1988, §14; as amended by Ord. 3-2008, 11/13/2008*)

#### **§20-116. Abatement of Nuisances.**

In addition to the remedies provided above, any continued violations of this Part which shall constitute a nuisance in fact or which shall, in the opinion of the Board, constitute a nuisance, may be abated by proceeding against the violator in a court of equity for relief.

(*Ord. 1-1988, 1/16/1988, §15*)

#### **§20-117. Revocation or Suspension of Permit.**

1. Any permit granted by the Board under the provisions of this Part shall be revocable, or subject to suspension, at any time, upon the determination by the Board that the landfill or landfill site:

A. Is, or has been conducted in violation of this or any other ordinance of the Township, the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, or the regulations or standards of the Pennsylvania Department of Environmental Protection. [*Ord. 3-2008*]

B. Is creating a public nuisance.

C. Is creating a potential hazard to the public health, safety, and welfare.

D. Adversely affects the environment.

2. When a permit is denied, suspended, or revoked, a hearing shall be held thereon before the Board within 15 days after request therefor is made by the person or business entity whose permit is denied, suspended, or revoked. Within 7 days following the date of such hearing the Board shall notify all parties in writing of the determination of said hearing and the reasons therefor.

(*Ord. 1-1988, 1/16/1988, §16; as amended by Ord. 3-2008, 11/13/2008*)

#### **§20-118. Restoration of Land.**

Permittee shall restore the landscape of any landfill site before vacating the premises, which restoration shall include, but not be limited to, planting of trees and

shrubs of a species approved by the Board.

(*Ord. 1-1988, 1/16/1988, §17*)

**§20-119. Public Hearing.**

The Board may in its discretion hold a public hearing on the questions of:

A. The proposed landfill's effect on the water, noise and air pollution, and on environment, landscape, and health, safety, and welfare of the people in the Township.

B. Its effect on the economic development of the Township.

(*Ord. 1-1988, 1/16/1988, §18*)

**§20-120. Hazardous Waste.**

Disposal of hazardous waste, as defined by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 *et seq.*, on any landfill site within the Township is hereby prohibited, unless a certificate of public necessity has been obtained in accordance with the requirements established by the Pennsylvania Solid Waste Management Act. Once said certificate has been obtained, all provisions of this Part shall apply to said disposal.

(*Ord. 1-1988, 1/16/1988, §19*)

**§20-121. Insurance.**

All permit holders under the provisions of this Part shall furnish proof to the Board of liability insurance covering all aspects of their activities under this Part. A personal injury policy shall be obtained in the amount of at least \$1,000,000 per person or \$3,000,000 per accident. A property damage policy shall be obtained in the amount of at least \$1,000,000 per accident. A disaster policy shall be obtained in the amount of at least \$30,000,000 which policy shall provide for environmental restoration in the event of sudden and accidental, or gradual, pollution caused by discharge, dispersal, release, or escape of pollutants. All policies required by this Part shall have a minimum cancellation period of not less than 30 days after receipt in writing of the notice of cancellation by the Board. All policies required by this Part shall be maintained by the permit holder throughout the entire period of the landfill operation.

(*Ord. 1-1988, 1/16/1988, §20*)

**§20-122. Savings Clause.**

Nothing in this Part shall be deemed to affect, modify, amend, or repeal any provisions of any ordinance administered by the Board or any other Department, Commission, or Agency of this Township.

(*Ord. 1-1988, 1/16/1988, §22*)

**§20-123. Compatibility with DEP.**

The provisions of this Part are intended to complement and not supersede Department of Environmental Protection regulations and laws. Where conflicts exist, the strict regulation regarding the applicant shall apply.

(*Ord. 1-1988, 1/16/1988, §23; as amended by Ord. 3-2008, 11/13/2008*)



**Part 2****Hazardous Waste****§20-201. Short Title.**

This Part shall be known and may be cited as the “Clifton Township Hazardous Waste Ordinance.”

(*Ord. 3-1996, –/–/1996, §1*)

**§20-202. Definitions.**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Part to have the meanings indicated herein:

*Person* - any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, Federal Government or agency, State institution and agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

*Township* - Clifton Township, Lackawanna County, Pennsylvania.

*Board* - the Board of Supervisors of Clifton Township.

*Hazardous waste* - any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plan, or air pollution control facility and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880) or source special nuclear, or byproduct material as defined by the U.S. Atomic Energy Act of 1954, as amended (68 Stat. 923), which because of its quantity, concentration or physical, chemical, or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Disposal* - the incineration, deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth.

(*Ord. 3-1996, –/–/1996, §2*)

**§20-203. Permit.**

No person shall store, collect, transport, process, or dispose of hazardous waste within Clifton Township unless such storage, collection, transportation, processing, or

disposal is authorized by the rules and regulations of the Department of Environmental Protection in accordance with the Pennsylvania Solid Waste Management Act, as amended, 35 P.S. §6018.101 *et seq.*

(*Ord. 3-1996, --/1996, §3*)

**§20-204. Commercial Garages.**

1. Any person, including but not limited to commercial garages for the repair of vehicles, shall provide annually or more frequently as requested, a written report to the Board as to how hazardous waste is stored, collected, transported, processed, or disposed of within Clifton Township.

2. Further, any person, including but not limited to commercial garages for the repair of vehicles, shall provide the Board with a copy of any permit or report required by and/or submitted to the Pennsylvania Department of Environmental Protection regarding the storage, collection, transportation, processing, or disposal of any hazardous waste within the Township.

(*Ord. 3-1996, --/1996, §4*)

**§20-205. Building Permit Officer.**

All reports and/or permits required by this Part shall be submitted on demand to the Clifton Township Building Permit Officer who shall administer the enforcement and administration of this Part for the Board.

(*Ord. 3-1996, --/1996, §5*)

**§20-206. Violations.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge 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. 3-1996, --/1996, §6; as amended by Ord. 3-2008, 11/13/2008*)

**§20-207. Abatement of Nuisances.**

In addition to the remedies provided above, any continued violations of this Part which shall constitute a nuisance in fact or which shall, in the opinion of the Board, constitute a nuisance, may be abated by proceeding against the violator in a court of equity for relief.

(*Ord. 3-1996, --/1996, §7*)

**§20-208. Savings Clause.**

Nothing in this Part shall be deemed to affect, modify, amend, or repeal any provisions of any ordinance administered by the Board or any other Department, Commission or Agency of this Township.

(*Ord. 3-1996, --/1996, §9*)

**§20-209. Compatibility with DEP.**

The provisions of this Part are intended to complement and not supersede Department of Environmental Protection Regulations and laws. Where conflicts exist, the strict regulation regarding the applicant shall apply.

*(Ord. 3-1996, --/1996, §10; as amended by Ord. 3-2008, 11/13/2008)*

