

ORDINANCE NO. 397
EAST NORRITON TOWNSHIP

AN ORDINANCE AMENDING SECTION 205-72A(7) BY DELETING THE CURRENT USE AND PROVIDING FOR LICENSING AND REGULATION OF CONSTRUCTION/DEMOLITION WASTE LANDFILLS LOCATED WITHIN EAST NORRITON TOWNSHIP.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same and the authority contained in the Second Class Township Code:

Section 1. IT HEREBY IS ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, as follows:

The Code of East Norriton Township is amended by deleting existing §205-72A(7) in its entirety and inserting the following in its place: Construction/demolition waste landfill in accordance with the provisions of §205-72.1.

The Code of East Norriton Township is further amended by adding §205-72.1.

Section §205-72.1. SHORT TITLE. This Ordinance shall be known and may be cited as the “East Norriton Township Ordinance for Licensing and Regulation of Construction/Demolition Waste Landfills.”

A. DEFINITIONS. Unless otherwise expressly stated, the following words and phrases in this Ordinance, whether capitalized or in lower case letters, shall have the following meaning.

- (1) Board – the Board of Supervisors of East Norriton Township.
- (2) Department – The Department of Environmental Protection of the Commonwealth of Pennsylvania and its authorized representatives.

(3) Act – The Act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act.

(4) Construction/demolition waste – Solid waste resulting from the construction or demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete. The term also includes dredging waste. The term does not include the following if they are separate from other waste and are used as clean fill:

- (i) Uncontaminated soil, rock, stone, gravel, unused brick and block and concrete.
- (ii) Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

(5) Construction/demolition waste landfill – A facility using land exclusively for the disposal of construction/demolition waste. The term includes land affected during the lifetime of the operations, including, but not limited to, areas where disposal activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to the operation of the facility. This term is also referred to as “landfill” in this Ordinance.

(6) Licensee – a person who possesses a permit from the Department and a license from East Norriton Township to construct and/or operate a construction/demolition waste landfill.

(7) Permittee - a person who possesses a permit to dispose of construction/demolition waste into the earth pursuant to the Act.

(8) Person - includes an individual, a corporation, a partnership or other legal entity, and any unincorporated association, and shall include both singular and plural.

(9) Township - The Township of East Norriton, Montgomery County, Pennsylvania.

(10) Township Administration - The Board of Supervisors, Township Manager, Secretary/Treasurer, Engineer, Solicitor, Zoning Officer, Permit Officer, or any other person designated by the Board of Supervisors to administer, police, enforce and prosecute any violation of this or any ordinance of the Township.

(11) In the Ordinance, the singular shall include the plural, and the masculine shall include the feminine and neuter.

B. LICENSE REQUIRED. No person shall maintain or continue to maintain, whether for commercial purposes or otherwise, any place within the Township for disposing construction/demolition waste unless such place is licensed by the Board as a construction/demolition waste landfill. Licensing shall be completed only after (1) a permit to operate a construction/demolition waste landfill has been issued by the Department pursuant to the Act and (2) an application for a license is submitted to and approved by the Board. An application for such license shall contain the following information:

(1) The name and address of the applicant.

(2) A plan drawn to scale indicating by metes and bounds the land upon which the construction/demolition waste landfill is to be maintained and the permit for the operation of the construction/demolition waste landfill issued by the Department.

(3) A list of equipment available for use in maintaining the landfill site.

(4) The name and address of each individual, directly responsible to the licensee, who shall be present at and in charge of the landfill site at all times during operation of the landfill.

(5) Certificate of insurance, including liability for pollution, together with a copy of insurance policy satisfactory to the Board.

All applications shall be reviewed by the Board or its designee for completeness within sixty (60) days of receipt of such application. All applications shall be acted upon by the Board within ninety (90) days after an application is deemed complete. No license shall be effective until approved by the Board at a regular meeting.

C. ESCROW. No license shall be issued, or effective, unless there is on file with the Township a cash escrow or a bond with a corporate surety in penal amount of twenty-five thousand dollars (\$25,000.00) to assure:

(1) That the licensee, licensee's agents and servants, shall comply with all the terms, conditions, provisions, requirements and specifications contained in this Ordinance.

(2) That the licensee, licensee's agents and servants, shall hold harmless the Township from any expense incurred through the failure of the licensee, licensees' agents and servants, to operate and maintain the construction/demolition waste landfill as required by this Ordinance, including any expense the Township may be put to for correcting any condition or violation of this Ordinance by the Township's own labor and equipment, whenever the Township Administration determines it is necessary for the Township to correct any condition in violation of this Ordinance, or from any damages growing out of the negligence of the licensee, a permittee or their respective agents or servants.

Before acceptance, all bonds shall be approved by the Township. If a corporate bond is offered, it shall be executed by a company authorized to transact business in the Commonwealth of Pennsylvania as a surety. If a cash escrow is offered, it shall be deposited with the Township, who shall give an official receipt therefore, reciting that said cash has been deposited in compliance with and subject to the provisions of this Ordinance.

D. TERM OF LICENSE. A license issued for a construction/demolition waste landfill hereunder shall be valid for the calendar year for which it is issued and upon application may be renewed on a year-to-year basis thereafter.

E. REVOCATION AND REFUSAL. The Board may revoke or refuse any license previously issued for the operation of a construction/demolition waste landfill if the Board finds, after reasonable investigation, that the landfill has been operated in violation of the regulations set forth in this Ordinance, or any other ordinance of the Township, or any pertinent laws or regulations of the Commonwealth of Pennsylvania or of the United States of America.

F. LICENSE FEE. The license fee for the operation of a construction/demolition waste landfill shall be established by resolution of the Board, which resolution shall set forth such fee for each calendar year or for each month or portion thereof in the case of a licensee for less than a calendar year, payable in full at the time of application.

G. REGULATIONS. All operation and maintenance of any construction/demolition waste landfill shall comply with the following rules and regulations:

(1) Any person may submit an application for a permit to operate a construction/demolition waste landfill in two phases, known as Phase I and Phase II, in accordance with the provisions of 25 Pa. Code §277.101. Such applications must be submitted to the Department in accordance with the applicable regulations under the Act.

- (2) All Phase I applications shall conform to the requirements of 25 Pa. Code §§277.111 - .120.
- (3) All Phase II applications must conform to the following requirements:
 - (i) General Provisions: 25 Pa. Code §§277.131 - .138.
 - (ii) Cover and Revegetation: 25 Pa. Code §§277.141 - .142.
 - (ii) Water Quality Protection and Monitoring: 25 Pa. Code §§277.151 - .152.
 - (iii) Liners and Leachate Management: 25 Pa. Code §§277.161 - .164.
 - (iv) Gas Management: 25 Pa. Code §277.171.
 - (v) Emergency Planning: 25 Pa. Code §277.181.
 - (vi) Closure Provisions: 25 Pa. Code §§277.191 - .192.
- (4) All construction/demolition waste landfills shall conform to the following operating requirements:
 - (i) General Provisions: 25 Pa. Code §§277.201 -203.
 - (ii) Daily Operations: 25 Pa. Code §§277.211 - 220.
 - (iii) Cover and Revegetation: 25 Pa. Code §§277.231 - .235.
 - (iv) Water Quality Protection: 25 Pa. Code §§277.241 - .246.
 - (v) Liner System: 25 Pa. Code §§277.251 - .260.
 - (vi) Leachate Treatment: 25 Pa. Code §§277.271 - .277.
 - (vii) Water Quality Monitoring: 25 Pa. Code §§277.281 - .288.
 - (viii) Minerals and Gas: 25 Pa. Code §§277.291 - .292.
 - (ix) Emergency Procedures: 25 Pa. Code §§277.301 - .303.
 - (x) Recordkeeping and Reporting: 25 Pa. Code §§277.311 - .312.
 - (xi) Closure Provisions: 25 Pa. Code §§277.321 - 322.

(5) The provisions set forth above regarding applications and operating requirements shall be in addition to any applicable requirements set forth in 25 Pa. Code Chapter 271 relating to municipal waste management insofar as they relate to the operation of a construction/demolition waste landfill.

(6) The Township reserves the right to impose more stringent requirements than those placed upon a person under any applicable provision or regulation set forth above.

(7) The licensee shall only accept construction/demolition waste that has first been processed at a transfer station permitted by the Department to process such waste.

(8) To the extent not provided for in the regulations under the Act, all persons licensed to operate a construction/demolition waste landfill shall also comply with the following:

(i) The licensee shall comply with all pertinent laws and regulations of the Commonwealth of Pennsylvania and of the United States of America or any department, agency or authority thereof.

(ii) The licensee shall comply with all applicable requirements of any Township zoning, subdivision or land development ordinance.

(iii) The licensee shall name the Township as an additional beneficiary on any bond or other financial assurance instrument required to be submitted to the Department.

(iv) An attendant, who shall be a competent adult individual directly responsible to the licensee, shall be present at and in charge of the landfill at all times during operation.

(v) A daily register shall be kept containing the full name and address of each person bringing construction/demolition waste to the landfill, containing the license

number of any vehicle involved, specifying the type and quantity of construction/demolition waste, place of origin of such waste and the weight of each individual load of waste.

(vi) The daily register required in sub-section (v) above shall be open to inspection by the Board or its duly authorized representative at all times during business hours.

(vii) The Township Administration shall have the right to enter the landfill during hours of normal operation to determine whether the licensee is complying with all requirements of this Ordinance. Any unreasonable delay in allowing access to the landfill shall constitute a violation of this Ordinance.

(viii) Except in the case of any emergency because of adverse weather conditions, in which case reasonable notice shall be given to the Township, the hours of operation of the landfill shall be restricted to 7 a.m. and until 5 p.m. Monday through Friday, except that there shall be no operation of the landfill on officially recognized federal or state holidays.

(ix) The property on which the landfill is located shall be enclosed by fencing and vegetation screening as provided by subdivision ordinance of the Township (regardless of whether or not subdivision or land development review is required) and closed by a locked gate at each entrance and exit when the landfill is not open or in operation.

(x) There shall be no fires or burning of any waste at the landfill site.

(xi) There shall be no uncovered material at the landfill site at the close of each working day.

(xii) The licensee shall provide to the Board the results of any and all tests which are conducted voluntarily or required by the Department and/or the United States Environmental Protection Agency.

(xiii) The licensee shall remove and clean any material spilled upon any public or private road or property within the Township from any vehicle carrying material to the landfill within twenty-four (24) hours and shall have equipment and personnel available at all times for such cleaning and removal. The Township specifically reserves the right to remove and clean any such material at any time, including within the twenty-four (24) hour time period. If the Township takes any such action under this paragraph, the licensee shall be fully responsible for all charges incurred by the Township.

(xiv) The licensee shall prevent any material disposed, stored or treated at its landfill from blowing, leaking, seeping or otherwise escaping the construction/demolition waste landfill onto any other public or private property in the Township. In the event of a violation of this regulation, and in addition to the other penalties provided herein, the licensee shall remove and/or clean any such material within twenty-four (24) hours unless prevented from doing so in an emergency caused by adverse weather conditions. If such adverse weather conditions exist, the licensee shall remove and/or clean such material as soon as conditions permit.

(xv) All vehicles transporting construction/demolition waste to a construction/demolition waste landfill within the Township shall utilize only such public roads or streets as shall be designated by the Board.

(xvi) All vehicles must have valid permits issued by the Township to gain entrance into the landfill. The form of such permits shall be subject to the approval of the Township Manager and shall be issued on a calendar year basis. Such permits shall be issued for fifty dollars (\$50.00), and shall fully identify the vehicle and its operator or operators. All

vehicles and vehicle operators shall conform to all Department requirements applicable to the transport of construction/demolition waste.

(xvii) All vehicles entering the landfill shall check in with the attendant, present a valid permit, and notify the attendant of the type, quantity and source of the material being disposed of at the landfill.

(xviii) Traffic within the landfill shall be restricted to roads established for the landfill operation only, and such roads shall be paved in such a manner to prevent any dust, dirt or other material caused by such traffic from blowing or migrating onto any other public or private property in the Township.

(xix) Removal of material from the landfill is prohibited.

(xx) Persons under 18 years of age must remain in vehicles on landfill property.

(xxi) Bare feet are not allowed on landfill property.

(xxii) The speed limit on landfill roads is 10 m.p.h.

(xxiii) Signs must be posted in conspicuous locations around the landfill, including the landfill entrance, which shall state, at a minimum, the hours of operation and the permitted uses of the landfill.

(xxiv) The Licensee shall install and maintain any signs or warning signs deemed necessary by the Township in connection with the operation of the landfill.

H. HAZARDOUS SUBSTANCES, HAZARDOUS WASTE. No person shall dispose of any hazardous substance or hazardous waste or any material containing any hazardous substance or hazardous waste in any construction/demolition waste landfill in the Township. The

terms “hazardous substance” and “hazardous waste” as used in this Section shall be interpreted in accordance with their definitions in 42 U.S.C. §6901 et seq. and 42 U.S.C. §9601 et seq.

I. FEES. A written schedule of fees including, but not limited to, host and license fees imposed by the Township for use of the landfill shall be established by resolution of the Board. No person shall use the landfill without paying all applicable fees.

J. REMOVAL. Any person violating this Ordinance or the directions of the licensee’s attendant shall, in addition to all other applicable penalties, remove all unacceptable material or pay the Township the cost of such removal.

K. DUMPING REFUSE, GARBAGE OR OTHER MATERIAL. It shall be unlawful to dump or dispose of any waste material other than construction/demolition waste into any landfill in the Township. Notwithstanding this provision or any other provision in this Ordinance, nothing shall preclude a construction/demolition landfill from accepting the following, if they are separate from other waste and are used as clean fill, so long as the acceptance of such material does not conflict with any regulation of the Department:

- (i) Uncontaminated soil, rock, stone, gravel, unused brick and block and concrete.
- (ii) Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

All provisions of this Ordinance governing construction/demolition waste shall also be fully applicable to the foregoing material.

L. ENFORCEMENT. The Township Administration shall be charged with the enforcement of this Ordinance and shall make any inspection necessary to that end.

M. PENALTIES. Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, in addition to any other charges or penalties imposed by this Ordinance, pay a fine of not more than One Thousand Dollars (\$1,000.00) in addition to any other costs allowed by law. A separate and distinct offense shall be deemed to have been committed for each day such violation exists. Nothing shall preclude the Township from imposing any other penalty for any violation if authorized by federal or state law.

Section 2 . SEVERABILITY. The provisions of this Ordinance are severable, and if any section, paragraph, sentence or clause thereof shall be declared illegal, unconstitutional or invalid, it shall not affect the remaining portions of this Ordinance and it hereby is declared the intention and purpose of the Board that this Ordinance would have been enacted without such illegal, invalid or unconstitutional provision.

Section 3. REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance hereby are repealed insofar, but only insofar as the same are inconsistent herewith.

ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF THE EAST NORRITON TOWNSHIP AT A PUBLIC MEETING ON THIS *8th* day of *September*, A.D. 1998.

BOARD OF SUPERVISORS
EAST NORRITON TOWNSHIP

Joseph C. Ronca Jr.
Chairman

ATTEST:

Helmut J. K. ...
Secretary