

AN ORDINANCE PROHIBITING THE DISCHARGE OF HAZARDOUS AND TOXIC WASTES AND REGULATING THE LAND APPLICATION, UTILIZATION OR DISPOSAL OF SEWAGE SLUDGE FROM MUNICIPAL OR PRIVATE TREATMENT PLANTS AND FROM PRIVATE SEPTIC TANKS.

Whereas, the Jackson Township Board of Supervisors desire to protect and preserve the natural resources and agricultural land and activities of Jackson Township and to protect and promote the health, safety and general welfare of its citizens; and,

Whereas, the Jackson Township Board of Supervisors desire to permit, in certain limited circumstances, as here in after defined, the land surface application in accordance with standard agricultural practices and specifically incidental to agricultural activities, of certain sewage sludge from municipal or private treatment plants and certain pumpings from private residential septic systems.

NOW, THEREFORE, BE IT AND IT IS HEREBY ENACTED AND ORDAINED by the Jackson Township Board of Supervisors as follows:

I. AUTHORIZATION

A. This ordinance is enacted pursuant to the authority granted to Jackson Township by the legislature of the Commonwealth of Pennsylvania in the following duly enacted statutes:

1. The Sections of the Second Class Township Code (Act of May 1, 1933, P.L. 103, et seq.) authorizing the Township to enact Ordinances dealing with the protection of the health of the Township residents, refuse materials, nuisances and public safety, codified in Volume 53 of Purdons Consolidated Statutes of the Commonwealth of

Pennsylvania at Sections 65708, 65712, 65729 and 65747, as amended.

2. The applicable provisions of the Pennsylvania Solid Waste Management Act (Act of July 7, 1980, P.L. 380, et seq.) codified in Purdons Consolidated Statutes of the Commonwealth of Pennsylvania at Section 6018.101, et seq. as amended.

II. DEFINITIONS

A. "Disposal" - the discharge, deposit, injection, dumping, spilling, leaking or placing of any sewage sludge from a municipal or private treatment plant or pumpings from a private residential septic system 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 Ordinance.

B. "DER" - whenever used in this Ordinance the term "DER" shall refer to the Department of Environmental Resources of the Commonwealth of Pennsylvania.

C. "Hazardous Wastes" - a solid or liquid waste or a combination of solid or liquid wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating irreversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

D. "Township" - whenever used in this ordinance, the term "Township" shall refer to the Jackson Township, Cambria

County.

E. "Sewage Sludge" - as defined in Chapter 75, Page 3, of the Pennsylvania Department of Environmental Resources, "Solid Waste Management Rules and Regulations," Dried Sludges, Septic Tanks and Holding Tank Pumping and other residues from Sewage Collection and Treatment Systems which require disposal.

III. REGULATION AND PROHIBITION

A. General. The Board of Supervisors of Jackson Township recognizes that legal control of waste disposal has been delegated to the Pennsylvania DER under Act of July 31, 1968 P.L. 788 (No. 241) (35 P.S. §6006). It is not the intention of the Township to abrogate such authority granted to DER. Moreover, it is the intention of the Board of Supervisors to impose additional requirements to meet the needs of public safety and public health of all Township residents.

B. Prohibited Discharge and Storage. It shall be unlawful to store, dump, discharge, or to place in or upon the ground or waters located with Jackson Township, Cambria County Pennsylvania, any quantity of toxic or hazardous wastes as such are indentified in:

(a) 40 CFR, Part 261, Identification and Listing of Hazardous Waste, as amended, (published in the Federal Register, Vol. 45. No. 98, Monday, May 19, 1980) as may be amended; and,

(b) Chapter 75, Sections 75.261 to 75.267 of Title 25, DER Rules and Regulations, Subchapter C., as may be amended from time to time.

IV. PROCEDURE

Any person, association, company or entity wishing to apply, dispose, spread or deposit municipal or private sewage sludge or private residential septic tank pumpings

on any lands or property within the Township of Jackson shall first submit an application to the Township of Jackson containing the following information:

1. A copy of its application to the DER for a permit.
2. Copies of any and all materials documents or drawings submitted with said application to DER.
3. 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, a description of any storage operations, the proposed utilization rate, the total acreage involved and the useful life of the proposed site.
4. Topographical drawing, prepared by a registered engineer, to a scale no greater than one inch (1") to two hundred feet (200') showing:
 - (a) location of the site relative to public roads;
 - (b) Identity of owners of adjacent property;
 - (c) Boundaries of the area to be used for land Application;
 - (d) Location of public and private water supplies, wells, springs, streams, swamps or other bodies of water, within one-fourth ($\frac{1}{4}$) of one (1) mile of the boundaries of the proposed land application site;
 - (e) Soil classifications of the land application area;
 - (f) Vegetation
5. A soils and geologic report indicating the physical characteristics of the site with respect to its suitability for application of sludge. The report shall be based on available soil survey and geologic data, and accompanied by field test analysis. Field tests shall include:
 - (a) Soil borings by a soil scientist to confirm actual soil profile characteristics are consistent with published soil survey data.

(b) Ground water monitoring well shall be established to test water quality prior to, during and after the application program. Ground water 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 the Township Engineer prior to drilling. In the event that ground water is found to flow in several directions, a monitor will for each direction shall be required.

6. A chemical analysis of the sludge from each proposed source. The analysis shall be done by an independent laboratory approved by the Township and shall involve a minimum of four (4) samples. The analysis shall include the following items:

- (a) Total Moisture Content
- (b) Percent Total Nitrogen (Wet and Dry Weight)
- (c) Percent Ammonia Nitrogen (Wet and Dry Weight)
- (d) Percent Organic Nitrogen (Wet and Dry Weight)
- (e) Biochemical Oxygen Demand
- (f) PH
- (g) Percent on a Dry Weight Basis of Cyanide, Sodium, Cadmium, Zinc, Copper, Nickel, Lead, Chromium, Mercury, Molybdenum and Other Toxic Substances and Enteric Pathogens

7. A Twenty Dollar (\$20.00) application fee shall be required with the application for all private residential septic tank pumpings. For all other applications, there shall be an application fee accompanying and application in the minimum non-refundable amount of five hundred dollars (\$500.00). Said application fee shall be used to offset all Township costs including Township engineering fees. As and when said costs exceed the five hundred dollar (\$500.00) payment, applicant shall pay as additional application fee

the additional costs incurred upon presentation of statements by the Township to the applicant.

8. A copy of the Agreement between the generator of the sludge or the hauler and applicator and the land owner showing provisions as to the term of the agreement, the operation to be carried out in spreading sludge, and the keeping of records.

9. Where the proposed application of sludge involves a leasehold arrangement between the owner of the property and the party applying the sludge, a land development plan shall be prepared and filed in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

V. 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 Resources as set forth in Chapter 75, Title 25, Rules and Regulations, Department of Environmental Resources, except the following additional requirements shall be imposed:

1. Area. No site shall be approved which contains less than twenty (20) contiguous acres.

2. Setback Requirements. Sludge shall not be applied within two hundred fifty feet (250') of a stream, five hundred feet (500') of water supplies, fifty feet (50') of property lines, three hundred feet (300') of occupied dwellings and one hundred feet (100') from any highway or street.

3. Slope Concentrations. Application shall not take place on the slopes exceeding fifteen per cent (15%)

4. Testing. Chemical analysis and laboratory testing of the sludge from each source may be required by the

Township at applicant's expense by an independent laboratory selected or approved by the Township Supervisors to insure sludge content remains within the limits established by the DER, but shall include a minimum of four (4) samples a year as part of the monitoring program.

5. 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 twenty-four (24) hours.

6. Soil Analysis. The soil analysis at applicant's expense and performed by an independent laboratory selected and approved by the Township shall be performed semi-annually and results shall be provided immediately to the Township.

7. Waste Material Storage. Waste Materials shall be applied to 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.

8. Waste Accumulations. Any ponding or standing accumulations of said waste materials is expressly prohibited.

9. Weather Conditions. Waste Materials are not to be applied when the ground is saturated, snow covered, frozen or during periods of rain.

10. 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 plant located within the Township.

11. Septic System Wastes. No dumpings from septic tank systems shall be permitted anywhere within the Township unless its source is from a private residential septic system located within the Township.

12. 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 on request.

VI. DETERMINATION BY THE BOARD OF SUPERVISORS

The Board of Supervisors shall, within ninety (90) days following the full submission of the application, render a final decision and shall by official written communication to the applicant, either: (1) approve the application as presented; or (2) disapprove the application as presented; or (3) approve the application subject to specified conditions, the failure to comply with which shall provide grounds for revocation of such approval.

Within said ninety (90) day period, the Board of Supervisors may, in their discretion, schedule a public hearing pursuant to public notice for the purposes of reviewing said application and receiving the comments of the public.

VII. SLUDGE DISPOSAL AREA MAP

Any land within the Township which has been used for the purposes herein after discussed, shall be designated on a map which shall be shown as the Jackson Township Disposal Area Map, which shall be available for inspection through the Secretary of the Board of Supervisors. Any property owner whose land has been used as herein above discussed, shall not at any time sell, transfer, convey or otherwise dispose of his/her property without first informing any proposed purchaser, lessee, assignee, or grantee, that his/her land has been used for such purposes.

VIII. INSURANCE

The Board of Supervisors shall require the applicant 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 two (2) years following the termination of said operations. The amount of said insurance coverage shall be specified by the Board of Supervisors based upon their judgement as to to the potential harm or damage.

IX. PENALTIES

For any and every violation of the provisions of this Ordinance, the owner, general agent, or contractor for the premises where such violation has been committed, or shall exist, and the owner, general agent, contractor, lessee or tenant of any premises in which part such violation has been committed or shall exist, or any other person who knowingly commits, takes part, or assists in any violation, or who maintains premises in which any such violation shall exist, shall be liable on conviction thereof to a penalty not exceeding five hundred dollars (\$500.00) for each and every offense, and whenever such person shall have been notified by the Township Solicitor by service of summons in a prosecution, or in any other way that he is committing such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.

X. SEVERABILITY

The provisions of this Ordinance shall be severable and any of its provisions shall be held to be unconstitutional, illegal, invalid or pre-empted by any other law, such a decision shall not affect the validity of any of the remaining provisions of this Ordinance.

XI. EFFECTIVE DATE

This Ordinance shall go into effect five (5) days after its enactment or adoption.

ENACTED AND ORDAINED this 31 day of August, 1983.

ATTEST:

Gail Hume

8/31/83

Secretary

David G. Albright
Chairman

Dorey Cogle
Supervisor

Brian Mackell
Supervisor

ADDENDUM NO. 2 TO ORDINANCE NO. 62

AN ADDENDUM TO CLARIFY AND CHANGE ORDINANCE NO. 62 OF THE TOWNSHIP OF JACKSON, CAMBRIA COUNTY, PENNSYLVANIA PROHIBITING THE DISCHARGE OF HAZARDOUS AND TOXIC WASTES AND REGULATING THE LAND APPLICATION, UTILIZATION OR DISPOSAL OF SEWAGE SLUDGE FROM MUNICIPAL OR PRIVATE TREATMENT PLANTS AND FROM PRIVATE SEPTIC TANKS.

WHEREAS, Ordinance No. 62 was originally adopted by the Board of Supervisors of the Township of Jackson on August 31, 1994; and

WHEREAS, on the 30th day of December, 1991, the Board of Supervisors of the Township of Jackson adopted Addendum No. 1 to Ordinance No. 62 which resulted in the addition of Section XII "Specific Exclusion(s)" to Ordinance No. 62; and

WHEREAS, the Supervisors of the Township of Jackson wish to amend Section XII of Ordinance No. 62.

AND NOW, this 29th day of July, 1994, it is hereby ENACTED AND ORDAINED by the Board of Supervisors of the Township of Jackson as follows:

1. Section XII of Ordinance No. 62 is hereby amended to read as follows:

It is not the intent of the Jackson Township Board of Supervisors to make the provisions of Ordinance No. 62 applicable to the disposal of sewage sludge generated in any area within a 300 mile radius of the Chambers Laurel Highlands Landfill located in Jackson Township nor shall such provisions be so held, provided that such landfill has been duly approved by the Pennsylvania Department of Environmental Resources (DER) for the receipt and disposal of sewage sludge and is in good standing with the DER at the time that said landfill wishes to receive sewage sludge.

2. Except to the extent modified herein all other provisions of Ordinance No. 62 are hereby reaffirmed and remain in full force and effect.

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ORDAINED AND ENACTED into law this 29th day of July, 1994.

ATTEST:

JACKSON TOWNSHIP:

James E. Burke
Secretary

David B. Somogyi
David B. Somogyi, Supervisor

Donald R. Dugan
Donald R. Dugan, Supervisor

David J. Bracken
David J. Bracken, Supervisor