

AN ORDINANCE OF THE TOWNSHIP OF CHANCEFORD, YORK COUNTY, PENNSYLVANIA, REQUIRING CERTAIN PERSONS TO NOTIFY THE TOWNSHIP OF APPLICATIONS FOR PERMITS AUTHORIZING THE DISPOSAL OF ANY SEWAGE SLUDGE, NOTIFY THE TOWNSHIP OF THE DISPOSAL OF ANY SEWAGE SLUDGE ON LAND WITHIN THE TOWNSHIP, PROVIDE THE TOWNSHIP WITH THE TEST RESULTS OF ANY SOIL UPON WHICH SLUDGE IS DEPOSITED, PERMITTING THE TOWNSHIP TO TEST SLUDGE AND SOIL, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Chanceford Township, York County, Pennsylvania, and it is hereby ordained and enacted by authority of the same as follows:

SECTION I – DEFINITIONS

The following words when used in this section shall have the meaning ascribed to them as set forth in this paragraph unless the context shall clearly indicate or require a different meaning:

Agricultural utilization – The land application of sewage sludge for its plant nutrient value or as a soil conditioner as part of an agricultural operation.

Disposal – the incineration, disposition, injection, dumping, spilling, leaking or placing of sewage sludge into or on the land in such a manner that the sewage sludge or a constituent of the sewage sludge enters the ground.

Person – any individual, partnership, corporation, association, institution, cooperative enterprise, municipal corporation or authority, Federal or State institution or agency, or other legal entity which is recognized by law as the subject of rights and duties.

Sludge or sewage sludge – the coarse screenings, grit and dewatered or air-dried sludges, septic and holding tank pumpings, and other residues from municipal and residential sewage collection and treatment systems.

Stabilized sewage sludge – Sewage sludge that has been treated to reduce odor potential and the number of pathogenic organisms contained in it. Treatment methods include anaerobic and aerobic digestions, composting, lime stabilization and chlorine stabilization.

Township - Chanceford Township, York County, Pennsylvania.

SECTION II – NOTICE

1. In addition to any other requirements of law, separate notice must be given by the applicant within seven (7) days of filing an application to the Pennsylvania Department of Environmental Resources or other Federal, State or local agency for the issuance of a permit for the storage, collection, processing, treatment, disposal or agricultural utilization of sewage sludge on land in Chanceford Township. Such notice must be made in writing to the Township within seven (7) days of the application, and must include a complete copy of the application submitted to the Federal, State or local agency and shall include a copy of the operating plan required by Section 275.102 of the Regulations of the Department of Environmental Resources, a copy of the maps required by Section 275.103, the chemical analysis required by Section 275.105, the groundwater information required by Section 275.106 and the surface information required by Section 275.107.
2. Any person receiving a permit for the storage, collection, processing, treatment, disposal or agricultural utilization of sewage sludge within the Township must provide a copy of the permit to the Township within seven (7) days of issuance.
3. Any person receiving a permit for the storage, collection, processing, treatment, disposal or agricultural utilization of sewage sludge within the Township must notify the Township, in writing, within forty-eight (48) hours of any suspension, revocation, termination or expiration of that permit.
4. Any person receiving a permit for the storage, collection, processing, treatment, disposal or agricultural utilization of sewage sludge within the Township and the owner of any land in the Township on which sewage sludge is being stored, collected, processed, treated, disposed or applied must notify the Township, in writing, within forty-eight (48) hours of receipt by him of any notice of violation of Federal or State laws or regulations pertaining to the storage, collection, processing, treatment, disposal or agricultural utilization of sewage sludge.
5. Any person transporting sewage sludge into the Township for the purpose of storage, collection, processing, treatment, disposal or agricultural utilization of said sludge must notify the Township, in writing, at least seven (7) days prior to such action. Such notice must include: the approximate date of transportation, the location where the sewage sludge will be stored, collected, processed, treated, disposed or applied, the routes taken through the Township and the name of the entity transporting the sludge.
6. Any person preparing to store, collect, process, treat, dispose of, or apply sewage sludge on land in the Township and the owner of any land in the Township where sewage sludge is to be stored, collected, processed, treated or applied must give notice to the Township, in writing, at least seven (7) days prior to such action. Such notice must include the name of the person storing, collecting, processing, treating, disposing or applying the sludge, the place where the sludge originated or was

processed, the location (include name of property owner or owners and Tax Map and Parcel number) where the sludge will be stored, collected, processed, treated, disposed of, or applied, and the approximate amount of sludge which will be stored, collected, processed, treated, disposed of, or applied and the approximate dates that sewage sludge will be stored, collected, processed, treated, disposed of or applied. In addition, such person shall provide a map of the entire parcel where sludge is proposed to be applied, identifying field numbers, location of streams, dwellings, roads, wells, etc. (Ref. Chapter 275.202 of DEP Regulations regarding land application of sewage sludge for isolation distances) outlining the area of land on which sludge is intended to be applied, and identifying the tonnage of sludge (dry tons) to be applied to each field, crops expected to be harvested, time of expected harvest, and intended use of such crops. Such information shall be provided on forms supplied by the Township.

7. Each person holding a permit for the disposal or agricultural utilization of sludge within Chanceford Township must, prior to January 31 of each year, provide to the Township an estimate of the amount of sludge (as dry tons) which person expects to dispose of or apply to land in the Township during such year together with the amount of sludge, (as dry tons) actually applied or disposed of in the Township during the previous year. Such report shall identify the locations in the Township where sludge is expected to be applied during the year, identifying the Tax Map and Parcel number together with field number in accordance with the maps submitted pursuant to paragraph 6 of this section. The report must further set forth the location where sludge was actually applied or disposed of during the previous year setting forth each parcel by Tax Map and Parcel number and field by field number, referring to the maps submitted pursuant to paragraph 6 of this section and set forth the tonnage (as dry tons) placed on each such field.

SECTION III – REPORTS

Any person receiving a permit for the storage, collection, processing, treatment, disposal or agricultural utilization of sewage sludge within the Township and the owner of any land in the Township on which sewage sludge is being stored, collected, processed, treated, disposed or applied must provide the Township with the results of the soil tests conducted on soil samples taken from the land where the sludge was stored, collected, processed, treated, disposed or applied, within seven (7) days of obtaining the test results. Such report shall identify the parcel and field numbers where the test samples were taken referring to the maps submitted pursuant to the requirements of Section II(6) of this ordinance. Within twenty (20) days following the end of any month, such person shall submit to the Township a map of each parcel on which sludge was applied during the previous month. Such map shall identify each field by field number and identify the tonnage (as dry tons) of sludge applied on such field during the previous month.

SECTION IV – TESTING

If, in the Township's opinion, the storage, collection, processing, treatment, disposal or agricultural utilization of sewage sludge on land within the Township poses a threat of harm to the health or welfare of residents of the Township or poses a threat of damage to property in the Township, the Township may order the permittee or the owner of the property where sewage sludge has been stored, collected, processed, treated, disposed of, or applied, to provide to the Township tests of sludge and/or of soil upon which the sludge has been stored, collected, processed, treated, disposed of or applied and in such event the owner shall perform the testing and supply copies of the results thereof to the Township within thirty (30) days following request therefore. The testing shall be for one or more of the chemicals identified in Section 275.104 of the Regulations and chemicals identified in Section 503.13 of Volume 40 Code of Federal Regulations.

SECTION V – LIABILITY IF MORE THAN ONE PERSON

In the event an identical notice or report is, pursuant to the requirements of this ordinance, required to be filed by more than one person, the filing of such notice or report by any person responsible for such filing shall exonerate all remaining persons responsible for such filing. The good faith belief by any person responsible to file a notice or report, that someone else would file such notice or report, shall not constitute defense to any liability for failure to file a notice or report required by this ordinance.

SECTION VI – RULES REGARDING TRANSPORTATION, STORAGE, COLLECTION, DISPOSAL AND APPLICATION OF SLUDGE

No sewage sludge may be stored, collected, processed, treated, disposed of or applied on land within the Township, except in strict compliance with the regulations of the Department of Environmental Resources and with the permit issued by the Department of Environmental Resources permitting such storage, collection, processing, treatment disposal or application. Any violation of any provision of such regulations and/or of the permit shall constitute a violation of this ordinance and shall subject the violator to the penalties contained herein. In particular:

- A. No sewage sludge may be applied to land within one hundred (100) feet of a stream.
- B. No sewage sludge may be applied to land within three hundred (300) feet of a water source unless otherwise approved by the Department of Environmental Resources in writing.
- C. No sewage sludge may be applied to land within one thousand (1000) feet upgradient of a surface water source unless otherwise approved by the Department of Environmental Resources in writing.
- D. No sewage sludge may be applied to land within twenty-five (25) feet of a bedrock outcrop.

- E. No sewage sludge may be applied on land within fifty (50) feet of a property line of the property where the sludge is being applied, unless otherwise approved by the Department of Environmental Resources in writing.
- F. No sewage sludge may be applied to land where root vegetables or vegetables which are to be eaten raw are grown or will be grown within two years.
- G. No sewage sludge may be applied to land where livestock are permitted to graze or will be permitted to graze within the two months following the application of the sludge.
- H. All sewage sludge must be applied to the soil surface or incorporated in a manner that prevents ponding or standing accumulations of liquid or sludge.
- I. No sewage sludge may be applied when the ground is saturated or covered with snow or during periods of rain.
- J. No sewage sludge may be applied to land which is frozen unless the Department of Environmental Resources approves the application, the slopes at the site do not exceed three (3%) percent and the site contains sufficient vegetation or a well established cover to prevent runoff of sludge.
- K. No sewage sludge shall be permitted to discharge onto the highways or roads of the Township.
- L. No sewage sludge may be applied to land within three hundred (300) feet of an occupied dwelling unless the current owner has provided a written waiver consenting to such application.

SECTION VII – ENFORCEMENT

The Township Enforcement Officer has the authority to enter onto lands in the Township to test sewage sludge and soil, and to otherwise determine compliance with the requirements of this ordinance and Federal and State laws and regulations. In addition to other remedies provided herein or elsewhere, the Township shall have a right to institute any appropriate action to prevent, restrain, correct, abate or enjoin any violation of this ordinance. In addition any aggrieved owner or tenant of real property who shows that his property or person has been or will be adversely affected by the violation shall have the right to institute an appropriate action to prevent, restrain, correct, abate or enjoin any violation of any provision of this ordinance.

SECTION VIII – PENALTY FOR VIOLATION

Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof before a District Justice, pay a penalty in the amount of \$1,000.00. Each and every day shall constitute a separate and distinct offense and shall be subject to separate and distinct penalties hereunder. These penalties are in addition to any other remedies provided by Federal or State laws and regulations.

SECTION IX – FEES

An administrative fee to defray the cost of administering this ordinance is hereby imposed upon each person holding a permit for the disposal of or agricultural utilization

of sludge within Chanceford Township. Such persons must, prior to January 15 of each year, pay to Chanceford Township an administrative fee in the amount of Three Hundred (\$300.00) Dollars for each permit held by such person for the disposal of or agricultural utilization of sludge in Chanceford Township. If a single permit allows sludge to be disposed of or agriculturally utilized on more than one tract or parcel as identified on the York County Tax Map, a separate fee must be paid on account of each such tract or parcel.

SECTION X – SEVERABILITY

The provisions of this ordinance are severable and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this Ordinance.

SECTION XI – NAME

This Ordinance shall be known as the “Chanceford Township Sewage Sludge Ordinance.”

SECTION XII – EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from the date of its enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Chanceford Township, York County, Pennsylvania on the 10th day of February, 1997.

ATTEST:

CHANCEFORD TOWNSHIP
BOARD OF SUPERVISORS

/s/ Brenda C. Gohn
Secretary

/s/ David R. Warner
Chairman