

**ARTICLE XI**  
**SW – SOLID WASTE MANAGEMENT DISTRICT**

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**1101 Purpose.**

Consistent with the objectives of the Hereford Township and Washington Township Joint Municipal Comprehensive Plan, and the purpose statements and community development objectives set forth in Article I of this Ordinance, the SW – Solid Waste Management District is established in order to achieve the following specific purposes:

- A. To accommodate and encourage the continued agricultural use of farm lands in the Township.
- B. To accommodate sanitary landfills in an environmentally sensitive manner, acknowledging the natural conditions and constraints of the Township and minimizing their negative impacts upon the community;
- C. To assure that the management practices at sanitary landfills are monitored, guaranteeing scrupulous adherence to the requirements of this Article; and
- D. To assure that sanitary landfills, once they have achieved capacity, are left in a condition which is aesthetically pleasing and which accommodates re-use beneficial to the Township.

**1102 Use Regulations.**

- A. Uses permitted by right.

A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any of the following principal uses, together with permitted accessory uses, by right in accordance with the terms of the Ordinance:

- 1. Agricultural uses, including horticulture, crop farming, animal husbandry, grazing and pasturing, orchards, vineyards, tree farms, commercial greenhouses, and commercial nurseries, subject to the provisions of Section 1905.
- 2. Forestry, where conducted in compliance with all applicable provisions of Article XVIII of this Ordinance.
- 3. Conservation uses including woodlands preserve, game preserve, arboretum or other similar use.
- 4. One principal single family detached dwelling provided that the dwelling and its accessory buildings shall not be located within 200 feet of any farm structure presently used for housing farm animals.

5. No-Impact Home-Based Business
6. Winery including facilities for the processing of grapes and the production of wine.
7. Municipal use, including municipal communications facilities.

B. Uses permitted by special exception.

Within the SW – Solid Waste Management District, the following uses may be permitted by the Zoning Hearing Board as a Special Exception in accordance with the provisions set forth in Article XVI of this Ordinance. Special Exception uses shall be compatible with the surrounding neighborhood and shall not be detrimental to public health, safety, or welfare:

1. Second principal dwelling on an active agricultural property of at least 10 acres subject to the standards of Section 403.C.3.
2. Accessory dwelling unit subject to the standards of Section 1902.B.4.
3. Temporary housing for farm laborers incident and necessary to the gathering of crops grown on the premises, subject to the standards of Section 1905.D.
4. A building, structure, or facility owned and used by an electric, telephone, or other public utility or other government regulated industry, but not including communications towers or communications equipment buildings.

C. Uses permitted as conditional use.

Within the SW – Solid Waste Management District, the following uses shall be permitted when approved as a conditional use by the Board of Supervisors in accordance with Section 1504, the applicable standards contained in Article XIX, and any other applicable provisions of the Ordinance:

1. Sanitary Landfill
2. Incinerator
3. Conversion of agricultural structure(s) subject to the standards of Section 1912.
4. Membership club or lodge for hunting, fishing, gunning, or other similar recreational purpose.

5. Non-commercial recreational uses.
6. Commercial stable or riding academy.
7. Heliport or private landing strip.
8. Bed and breakfast or country inn, subject to the standards of Section 1908.
9. Cemetery or mausoleum, subject to the standards of Section 1909.
10. Church or other place of worship, subject to the standards of Section 1910.
11. Communications antennas, communications towers and communications equipment buildings, subject to the standards of Section 1911.
12. Public or private academic schools approved by the Pennsylvania Department of Education, but not including correctional institutions, subject to the standards of Section 1914.
13. Any other use not elsewhere provided for in this Ordinance which is, in the judgment of the Board of Supervisors, of the same general character as the uses permitted by right, special exception or conditional use.

D. Accessory Uses.

The following accessory uses shall be permitted, where in compliance with all applicable provisions of Article XIX and provided that they shall be incidental to any of the foregoing permitted uses:

1. Private garage or private parking area.
2. Uses accessory to agricultural uses to the extent which they support the activity of the farm upon which they are located, including barns, silos, bulk bins, and other structures essential to the farm operation; farm stands; accessory dwellings and secondary principal dwelling may be permitted by Special Exception as provided herein.
3. Uses customarily accessory to sanitary landfill or incinerator where approved as a conditional use pursuant to Section 1504 and the applicable standards contained in Article XIX.
4. Signs, pursuant to Section 1713.
5. Home occupation, pursuant to Section 1917.

- 6. Non-commercial swimming pool.
- 7. Other customary accessory structures and uses.

**1103 Area and Bulk Regulations.**

The following area and bulk regulations shall apply to all uses except that pre-existing parcels less than three net acres may use the standards set forth in Section 403.A.

- A. Minimum net lot area 3.0 acres
- B. Minimum lot width at street line 200 feet
- C. Minimum lot width at building line 200 feet
- D. Minimum setback from street right-of-way 50 feet
- E. Minimum side yard (each side) 30 feet
- F. Minimum rear yard 50 feet
- G. Maximum percentage of impervious surface 25 %
- H. Maximum building height 35 feet, except as otherwise permitted by Section 1703.B

**1104 Design Standards.**

All applicable standards provided in Article XVII of this Ordinance shall apply to any use within the SW – Solid Waste Management District.

**1105 Special Regulations Applicable to Sanitary Landfills.**

- A. Permit required.
  - 1. 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 therefore from the Board of Supervisors.
  - 2. Each application for a permit or for a renewal of permit shall be accompanied by a deposit in the form of a certified check or money order payable to the Township of Hereford in an amount as set by resolution of the Board. Such deposit shall be applied against the actual cost to the Township for engineering and legal review of the application and other documentation required by this Section. If the cost of review is less than the amount of the deposit, the difference shall be refunded to the applicant upon completion of the review.

3. Each permit shall be valid for one (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 ninety (90) days before the expiration date thereof and shall tender with each application such fees as are required herein.

B. Application for permit.

1. All permit fees submitted with a permit application or application for permit renewal 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, and shall contain:
  - a. A topographical drawing, prepared by a professional engineer registered in the State of Pennsylvania, drawn to a scale of one (1) inch equals not more than one hundred (100) feet, showing:
    - i. Location of site relative to public roads;
    - ii. Owners of adjacent properties;
    - iii. Proposed fencing and improvements;
    - iv. Proposed screening;
    - v. Cross sections showing the existing grades and the proposed grades upon completion and closure of the landfill;
    - vi. Landfill areas within the landfill site, to include staging of landfill development and the location of haul roads and access roads;
    - vii. Location of equipment cleaning and tire cleaning area; and
    - viii. Location of weighing scales and all ancillary facilities;
  - b. The names and current addresses of any and all persons who own any interest, real or equitable, in the real estate being the subject of the application;
  - c. The names and current addresses of all persons having an ownership interest of ten (10) percent or more in any

- corporation(s) or other business entities which may be set forth in answers to (b), above;
- d. The names and current addresses of all persons having any 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 all persons having an ownership interest of ten (10) percent or more in any corporation(s) or other business entities which may be set forth in answer to (d);
  - 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 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.
  - 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:
    - i. An estimate of the number of vehicles with a laden weight in excess of five thousand (5,000) pounds which are expected to use the landfill site on a daily basis during the first two (2) years of operation; and
    - ii. A plan indicating all roads anticipated to be used as access roads, as defined in Article II.
  - j. Statement of applicant’s prior experience, if any, in operating landfills.

- k. An environmental assessment statement, which shall include the following information:
  - i. A description of the proposed landfill and facilities.
  - ii. A physical description of the environment affected including, but not limited to, summary technical data, 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.
  - iii. A description of how the landfill will function as an element of the solid waste management infrastructure, addressing whatever solid waste management plan(s) may be in effect in Hereford Township at the time when application is made.
  - iv. The sources of data used to identify, qualify, or evaluate any and all of environmental consequences must be expressly noted.
  - v. 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.
  - vi. An analysis of:
    - (a) The primary and secondary effects of the landfill and its capacity to stimulate or induce changes in patterns of social and/or economic activities.
    - (b) The impact on existing community facilities and activities, changes in natural conditions, etc; and
    - (c) The effect on natural and cultural features such as streams, mountains, historic sites, landmarks, principal roads, lakes and towns;
  - vii. Specific data relating to the impact of the landfill on location vehicular traffic;

- viii. Specific data relating to the impact of the landfill on local water supplies, streams and rivers;
- ix. Specific data relating to the impact of the landfill on natural and man-made local storm drainage facilities and areas.
- x. 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;
- xi. A statement of any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, disruption of traffic flow, congestion, damage to life systems, threats to health, and other adverse consequences to the environment). For purposes of contrast, a statement shall be included which sets forth proposed method(s) of eliminating other avoidable adverse effects.
- xii. 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.
- xiii. The aesthetic impact of the proposed action including its impact upon visual quality of the surrounding community.
- xiv. 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.
- xv. A statement addressing the effects of the landfill on employment, taxes and property values.
- xvi. A statement of any effects on community growth.



- xvii. A statement describing the location and impact of the project on nearby recreation areas.
  - 2. In fulfilling the above application requirements, the statements shall indicate at appropriate points in the text those studies, reports, and other information obtained and considered by the applicant in preparing the statement. The statement shall be a self-contained instrument having a minimal amount of cross references.
  - 3. Each environmental statement shall utilize a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts in the planning and decision-making processes. Application of such an approach shall attempt to provide a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences.
  - 4. All requirements of the Pennsylvania Solid Waste Management Act and regulations and standards of the Department of Environmental Protection relating to solid waste processing and disposal systems are incorporated herein by reference. The Township may require the applicant to submit any or all plans, applications, data, materials, studies, and information to the Board of Supervisors as is required to be submitted to the Pennsylvania Department of Environmental Protection pursuant to said Act, regulations, and standards. When required, all such materials shall be certified by the applicant to be true and correct copies of original materials filed with that department.
- C. Specific Regulations.
- 1. Every person receiving a permit or permit renewal shall maintain the landfill site in accordance with all special provisions as may be imposed by the Board and in the manner prescribed in this Section and any subsequent regulations applicable to landfill operations, as may be 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. Landfill access roads shall have a minimum paved width of twenty-four (24) feet, 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 costs to improve access roads to provide this standard 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 notice assurance that, within one (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 landfill access roads, as defined in Article II, shall be patrolled daily by the landfill operator to pick up and dispose of scattered or blowing papers and other refuse.
- c. The landfill site shall be enclosed with a wire mesh fence along the interior boundary of the buffer zone to prevent blowing papers and other refuse on adjoining properties. The surface height of the fence shall be eight (8) feet, in addition to a minimum of three (3) strands of barbed wire installed at least six (6) inches apart onto brackets affixed to the top of the fence at an angle forty-five (45) degrees from vertical. The wires mesh shall have no opening larger than a square measuring two (2.0) inches on a side. 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. Such fences shall be placed no more than seventy-five (75) feet downwind from the immediate operating area. The landfill site shall be adequately policed, and all litter shall be collected daily 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 land which is subject to flooding.
- e. The landfill site shall be graded and provided with drainage facilities to minimize runoff and erosion, and prevent collection of standing water.
- f. Outdoor burning and scavenging shall not be permitted.
- g. Hours of operation shall be limited to 9:00 A.M. to 5:00 P.M. Monday through Friday, and 9:00 AM to noon Saturday. The landfill site shall not be operated on Sundays and Federal or State designated Holidays. At least three (3) employees shall remain at the landfill site during business hours.

- h. The landfill site shall be located a minimum of four hundred (400) feet from any zoning district boundary line, and at least five hundred (500) feet from any existing residence or any residence under construction at the time of application.
- i. The landfill, including all structures, appurtenances, improvements, storage areas, washing sites, spraying sites, impoundments, and similar ancillary or accessory facilities, shall be located a minimum of four hundred (400) feet from all streets not located within the landfill site and four hundred (400) feet from all property lines.
- j. Minimum landfill site lot size shall be seventy-five (75) acres; maximum landfill site lot size shall be one hundred fifty (150) acres.
- k. The landfill, including all structures, appurtenances, improvements, storage areas, washing sites, spraying sites, impoundments, and similar ancillary or accessory facilities, shall be screened from view from the adjoining properties by a buffer zone with a minimum width of four hundred (400) feet 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 nine (9) feet, creating a visual barrier to said site and improvements from all adjoining lands.
- 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 of the following octave bands:

<u>OCTAVE BANDS</u> (cycles per second)	<u>MAXIMUM PERMITTED SOUND LEVEL</u> (decibels)
<u>10 to 600</u>	<u>45</u>
<u>600 to 2400</u>	<u>33</u>
<u>2400 to 4800</u>	<u>30</u>
<u>above 4800</u>	<u>25</u>

- 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 condition useable for the purpose(s) specified as required by Section 1105.B.2.h. Owners and operators of the proposed landfill sites 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, whereby 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 topographic 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 six (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. Such measures shall include but are not necessarily limited to the following:
  - i. Water at adequate volume and pressure to supply water hose streams, foam producing equipment, or water spray systems shall be available at the site.
  - ii. Firefighting equipment on the site, including but not necessarily limited to hoses, nozzles, and pumps, shall be compatible with the equipment of the local fire company.
  - iii. All equipment and buildings shall be equipped with functional fire extinguishers.
  - iv. At least three (3) functional Scott Air Packs shall be housed at the landfill site.
  - v. 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 fire fighting techniques.
- r. The landfill shall contain an on-site scale, and all solid waste delivered to the landfill site shall be weighed and recorded.

- 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.
- 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 Storm Water Management Act.
- u. A landfill liner, as required by the Pennsylvania Department of Environmental Protection, shall be constructed in accordance with the specifications of that Department.
- 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 hazards and 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, as a minimum requirement, along the interior boundary lines of the buffer zone, outside the boundary lines of the buffer zone, and outside the boundary lines of the landfill site, as may be required by the Township Engineer. The water in each well shall be tested by the permittee daily 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 ten (10) days after the date of each test.
- 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 (1) emergency access entrance, which shall be locked except when during an emergency situation. The 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. The permittee shall prepare and update annually (or as may be needed) a detailed map of all haul roads within the landfill. This map shall be submitted to the local police and fire departments within ten (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 stating that the actual landfill construction was observed by such engineer or his agents, and that said construction is in strict conformance with permit requirements of both the Pennsylvania Department of Environmental Protection and all applicable Ordinances of the Township.
- cc. Standby equipment shall be on-site available within twenty-four (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 have a minimum size of three (3) feet by four (4) feet, and the lettering shall be readable with the naked eye from a minimum distance of fifty (50) feet.
- ee. Leachate shall be removed from the landfill site not less than once in any given seven (7) day period and shall not be stored upon the premises, under any circumstances, for a period in excess of seven (7) days. Leachate shall not, under any circumstances, be disposed of or recycled within, under, or upon the landfill site.
- ff. Air pollution monitoring stations, of a type and in a quantity to be approved by the Township Engineer, shall be maintained outside the boundary lines of the landfill site. Said stations shall be of a recording type and readings therefrom shall be taken on a daily basis and reported, in writing, to the Township landfill inspector within seven (7) days. Said readings shall be available for inspection by the landfill inspector during all hours of landfill operation.
- gg. The landfill operator shall post, prior to the issuance of a permit hereunder, a bond to assure restoration of the site, to assure that adequate arrangements are made to provide for post-closing

maintenance with regard to, inter alia, leachate and gases, and generally to assure compliance with this Ordinance. The amount of the bond shall be as set by resolution of the Board of Supervisors. Said bond shall:

- i. Remain in effect for a period of ten (10) years after operation of the landfill has ceased;
  - ii. Be in cash or cash equivalent of a form acceptable to the Township Solicitor;
  - iii. Be payable to the Township of Hereford; and
  - iv. Be increased annually by an amount equal to five (5.0) percent of the amount of the original bond to compensate for the effects of inflation.
- hh. Manufactured synthetic liners and/or asphalt liners as may be required shall have a manufacturer's warranty stating that the membrane is capable of preventing leachate from reaching the soil under the membrane.
- ii. During all phases of the landfill operation, run-on shall be diverted away from the active landfill area. Run-off from active portions of the landfill shall be conveyed to a run-off storage and treatment lagoon having a volume sufficient to contain all of the run-off generated by a twenty-four (24) hour duration one hundred (100) year frequency storm. The purpose of this storage and treatment lagoon is to desalt the run-off water, and to contain the run-off so that testing can be performed to determine if the run-off meets statutory requirements for discharge to waters of the Commonwealth. Testing shall be conducted after each rainfall to determine compliance. If the run-off water fails to comply with the statutory requirements, it shall be treated by aeration or reapplied to the active completed sections of the landfill at a rate that provides for complete percolation into the landfill mass.
- jj. Ambient air quality standards established by the United States Environmental Protection Agency (EPA) shall be maintained at all times.
- i. The emission of malodorous air contaminants in such a manner that the malodors are detectable beyond the property of the landfill is prohibited. The Township landfill inspector shall determine compliance with this section of the Ordinance.

- ii. Gas venting and monitoring, in accordance with Department of Environmental Protection concentration levels and monitoring standards, shall be provided by the landfill operator. Results of tests shall be furnished to the Township on a weekly basis.
  - iii. The emission of fugitive particulate matter above the levels of ambient air quality standards established by the EPA shall not be permitted beyond the property line of the landfill. The presence of visible particulates at the property line shall be determined by the Township landfill inspector.
  - iv. The landfill operator shall maintain air monitoring devices of a type approved by the U.S. Environmental Protection Agency for the purpose of establishing levels of particulate emissions leaving the landfill property. The exact location of the proposed monitoring devices shall be determined by the Township Engineer. As work on the landfill progresses, the landfill operator shall relocate the samplers at the direction of the Township Engineer to new locations on the landfill property as required for optimum sampling performance.
  - v. Sampling equipment shall be installed to determine compliance with U.S. Environmental Protection Agency standards for particulate emissions.
  - vi. Total suspended particulate and PM-10 sampling shall be conducted from both an upwind and a downwind sampling site every day. The results of samples taken must be certified by an independent EPA-approved laboratory. Sample results shall be furnished to the Township weekly.
  - kk. Landfills shall be operated in compliance with all provisions of Section 1706 of this Ordinance, “Performance Standards”.
- D. Within ninety (90) days of the receipt of an application for a permit or permit renewal by the Board, the Board shall issue or refuse to issue the permit or renewal after examination of the application and determination that the applicant has complied with regulations in this Ordinance. The Board may, at its discretion, hold a public hearing concerning the application.
- E. No permit or renewal of the permit issued by the Board shall be transferable by the permittee to any other permittee unless such a transfer is authorized by the Board. Any permittee desiring to transfer his permit shall notify the Board in



writing, which notification shall be accompanied by an application for permit, as prescribed by this Ordinance, by the transferee.

- F. 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 set by resolution of the Board.
  
- G. Every person who has obtained a permit or permit renewal under this Ordinance shall provide and keep a bound book, with the permittee being responsible for the accuracy of all information contained therein. The book shall contain the following information recorded legibly and in the English language, and shall be updated on a daily basis.
  - 1. The origin of all solid waste accepted by the landfill site.
  - 2. The weight of all solid waste accepted by the landfill site.
  - 3. The number of trucks bringing solid waste to the landfill site.
  - 4. The number of vehicles other than trucks bringing solid waste to the landfill site.
  - 5. The type of solid waste accepted by the landfill site.
  - 6. A complete record of all monies accepted by the landfill operation for solid waste brought to the landfill site.
  - 7. The name, home address, and telephone number of the driver and the license number of each vehicle bringing solid waste to the landfill site.
  
- H. Inspection.
  - 1. The Board shall appoint or hire a full-time 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, in order to monitor compliance with the regulations contained in this Ordinance. The inspector shall be 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; and,
  - c. All equipment, vehicles, buildings, and 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 ten (10) feet by ten (10) feet, and shall contain, as a minimum, a desk, chair, and adequate lighting, heat, and air conditioning. Said office 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 the 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, 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 ten (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 ten (10) day period shall be deemed to be an approval of the action taken by the landfill inspector.
- I. Operating Fees.
  - 1. 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 Ordinance.
  - 2. The amount of the operating fee shall be established by resolution of the Board.
  - 3. Said fee shall be collected by the permittee from all persons delivering solid waste to the landfill site, and shall be submitted to the Board monthly.
- J. Any person who shall violate any of the provisions of this Article shall be subject to the enforcement proceedings, remedies and penalties set forth in Article XV.
- K. In addition to the remedies set forth in Article XV, any continued violations of this Ordinance 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.

- L. Revocation or suspension of permit.
  - 1. Any permit granted by the Board under the provisions of this Ordinance 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, or the regulations or standards of the Pennsylvania Department of Environmental Protection; or
    - b. Is creating a public nuisance; or
    - c. Is creating a potential hazard to the public health, safety, or welfare; or
    - d. Adversely affects the environment.
  - 2. When a permit is denied, suspended or revoked, a hearing shall be held thereon before the Board within fifteen (15) days after request therefor made by the person or business entity whose permit is denied, suspended, or revoked. Within seven (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.
- M. The 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 species approved by the Board.
- N. The Board may, at any time and in its sole discretion, hold a public hearing on questions of:
  - 1. The effect of the proposed landfill on water, noise, or air pollution; on the environment; on the landscape; or on the health, safety, or welfare of the people of the Township;
  - 2. Its effect on the economic development of the Township; and,
  - 3. Any other question arising under this Ordinance.
- O. Hazardous Waste. Disposal of hazardous waste, as defined by the Pennsylvania Solid Waste Management Act, on any landfill site within the Township is hereby prohibited.

P. Insurance.

1. All permit holders under the provisions of this Ordinance shall furnish proof to the Board of liability insurance covering all aspects of their activities under this Ordinance, including but not limited to personal injury and property damage policies. In addition, a disaster policy shall be obtained which shall provide for environmental restoration in the event of sudden and accidental, or gradual, pollution caused by discharge, dispersal, release, or escape of pollutants. The amounts of all such policies shall be as set by resolution of the Board.
2. All policies required by this Ordinance shall have a minimum cancellation period of not less than thirty (30) days after receipt in writing of the notice of cancellation by the Boards.
3. All policies required by this Ordinance shall be maintained by the permit holder throughout the entire period of the landfill operation.

**1106 Special Regulations Applicable to Incinerators.**

- A. All provisions herein regulating sanitary landfills shall be equally applicable for the regulation of incinerators. All applicants to construct or operate an incinerator shall follow the procedures and regulations of said section.
- B. In addition to the information required to be shown by Section 1105.B.2.a on the topographical drawing included as part of the application permit, said drawing shall further specify the following items:
  1. The actual or expected physical and chemical composition of any ash, residue, or scrubber wash-water that will be produced.
  2. The proposed location and method of residue disposal.
  3. Storage facilities. Specifically, solid waste storage facilities necessary to complement the incinerator shall be designed and constructed in a manner which prevents safety hazards, prevents harborage of vectors, minimizes fire hazards, and provides for easy extinguishing of fires which may inadvertently occur. Such facilities should also prevent nuisances and allow for efficient operation of the incinerator facility. Storage facilities shall be totally enclosed.

