

ORDINANCE NO. 81

AN ORDINANCE REGULATING THE TRANSPORTATION, STORAGE AND RECYCLING OF SLUDGE AND SEPTAGE WITHIN THE TOWNSHIP OF WESTFALL, PROVIDING FOR THE TESTING THEREOF TO DETERMINE IT'S SUITABILITY FOR DISPOSAL AND/OR PROCESSING AT FACILITIES WITHIN SAID TOWNSHIP, REQUIRING THE PROPER DISPOSAL THEREOF AND ESTABLISHING PROCEDURES THEREFOR, ESTABLISHING METHODS FOR THE ENFORCEMENT OF THE PROVISIONS HEREOF AND FINES AND PENALTIES FOR VIOLATIONS.

Be it ordained and enacted by the Township of Westfall, County of Pike as follows:

**Section 1. Short Title.** This Ordinance shall be known and cited as "THE SLUDGE, SEPTAGE AND SEWAGE ORDINANCE".

**Section 2. Definition.** Municipal waste - Any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition or residual or hazardous waster hereunder from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

Residual Waste - Any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not hazardous. The term "residual waste" shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act." "Residual waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to "The Clean Streams Law."

Hazardous waste - Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility

and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities or any combination of the above, (but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880)<sup>2</sup> or source, special nuclear, or by-product material as defined by the U.S. Atomic Energy Act of 1954, as amended (68 Stat. 923)<sup>3</sup>, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

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

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

The term "Hazardous Waste" shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act."<sup>4</sup> "Hazardous Waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the act of June 22, 1937(P.L. 1987, No. 394), known as "The Clean Streams Law."<sup>5</sup>

Sewage - shall be construed to include any substance that contains any of the waste products or excrementitious or other discharge from the bodies of human being or animals.

Treatment - Any method, technique or process, including, but not limited to, neutralization, designated to change the physical, chemical or biological character or composition of any municipal waste so as to neutralize such waste or so as to render such waste safer for transport, suitable for recovery, suitable for storage or reduced in volume.

Sludge - The settleable solids that are naturally present in air water and wastewater, or that are derived from non-settleable matter by chemical coagulation and precipitation and by biological flocculation and precipitation, are removed from settling tanks as sludge.

Septage - The liquid and solid material pumped from septic tanks or cesspools during cleaning. Septage is normally characterized by large quantities of grit and grease, a highly offensive odor, great capacity to foam upon agitation, poor settling and dewatering characteristics, and high solids and organic content.

Facility - The complete equipment or apparatus for a particular mechanical operation; something designed, built or installed for a specific service.

Township - The Township of Westfall, Pike County, Pennsylvania.

**Section 3. Applicability.** This ordinance shall apply to all persons, partnerships, corporations and facilities engaged in the transportation, treatment or processing of septage, sludge and sewage transported into the Township by any means other than through a piping system established as part of a sewage collection and disposal system permitted by the Pennsylvania Department of Environmental Resources, the Pennsylvania Public Utilities Commission or both.

**Section 4. Duties of Facility.** All facilities within the Township which accept, hold themselves out as accepting or have the physical capability of accepting for treatment, processing, recycling or disposal of septage, sludge or sewage to which this Ordinance is applicable shall:

a. Within fifteen (15) days of the adoption of this Ordinance and subsequently immediately upon any change in the information initially provided, provide in writing to the Township Secretary the following information:

- i. Name of facility
- ii. Mailing address of facility
- iii. Physical location of facility

iv. Name and mailing address of owner or owners of facility  
v. Name and mailing address of operator of facility  
vi. Name, address and telephone number of person or persons actually responsible for and/or in charge of the operation of the facility at all times.

b. Within fifteen (15) days of the adoption of this Ordinance and subsequently immediately upon any change in the information initially provided, provide in form specified by the Township by resolution duly adopted by its Board of Supervisors, as the same is amended from time to time, specific and detailed descriptions of the nature, type, quality and quantity of septage, sludge and/or sewage which each such facility accepts, holds itself out as accepting and/or has the physical capability of accepting for treatment, processing, recycling or disposal as aforesaid, together with full, complete and accurate copies of all permits and other approvals granted to such facilities and/or the owners and/or operators thereof, including all plans, plots, plats, schedules, tables, appendices, addenda and similar supplements thereto, and all amendments and revisions thereto as are granted to the facility and/or owners and/or operators thereof, from any and all local, state, interstate or federal governments, commission, boards, departments or similar agencies concerning the construction, operation and/or maintenance of the facility.

**Section 5. Prohibition.**

a. No facility nor any owner, operator or person in charge of the operation of any such facility shall accept for treatment processing, recycling, or disposal any septage, sludge or sewage to which this ordinance is applicable unless and until it has provided and maintains with the township the most accurate and up to date information, permits and approvals as provided for

in Section 4 of this Ordinance as aforesaid, nor shall any facility, owner, operator or person in charge of the operation of any such facility accept, hold itself out as accepting or allow at any facility or at the site on which any such facility is situate or on any other property within the Township owned, operator or controlled by the owner or operation of the facility any sludge, septage or sewage which does not meet the minimum criteria for treatment processing, recycling or disposal contained in the description referred in Section 4(b) aforesaid, except as hereinafter provided.

b. No transporter or hauler shall bring into the Township nor offer for treatment, processing, recycling or disposal at any facility within the Township any septage, sludge or sewage which does not meet the minimum criteria described in Section 4(b) aforesaid, provided, however, that nothing contained in this subsection shall prohibit or be deemed to prohibit the transportation through the Township of any such non-conforming septage, sludge or sewage while actually in transport from its point of origin to an appropriate disposal site not within the Township boundaries.

**Section 6. Non-Conforming Waste.**

a. Upon the determination that any septage, sludge or sewage to which this ordinance is applicable does not meet the minimum criteria for treatment, processing, recycling or disposal contained in the description referred in Section 4(b) aforesaid, the facility owner, operator or person actually in charge of the operation thereof at the time of such determination shall refuse to accept said septage, sludge or sewage from the entity offering the same for treatment, processing, recycling or disposal and shall immediately give oral notice in person by telephone of the existence thereof to the Township Police Department, the Township Zoning Officer, the Township Secretary or the Chairman of the Township Board of Supervisors.

b. Upon the aforesaid determination referred to in subsection (a) of this section, the facility owner, operator or person actually in charge of the operation of the facility shall further prohibit the removal from the said facility, site or property of the said septage, sludge or sewage and the vehicle in which it is contained unless and until there has been provided to the facility and the Township written evidence of the agreement by a facility licensed for and capable of the proper treatment or disposal of said septage, sludge or sewage that it will accept for treatment or disposal said septage, sludge or sewage, and the date or dates upon which it will be accepted, together with a detailed narrative description of the route of travel to be taken within the Township to the treatment or disposal facility which has agreed to accept said septage, sludge or sewage for treatment or disposal.

**Section 7. Enforcement**

a. Any person who violates any provision of this Ordinance shall be deemed to have committed a summary offense, and upon conviction thereof shall be sentenced to pay a fine of not less than \$500.00 and not more than \$1,000.00, and to pay costs, or to undergo a period of imprisonment of not more than thirty (30) days, or both. Each day that any violation of any provision of this Ordinance continues shall be a separate and distinct violation, subjecting the person committing such violation or violations to separate penalties therefor.

b. Any person who violates any provision of this Ordinance shall be liable for the payment to the Township of all costs and expenses incurred by the Township in connection with any such violation, including by way of description and not in limitation any wages or salaries of Township employees, costs, or attorneys fees attributable to any such violation.

c. Nothing in this Ordinance shall be deemed to limit, bar, prohibit, preclude or estop any proceeding in any court of law or equity to abate any violation of any provision of this Ordinance nor shall this ordinance be deemed the exclusive remedy for any violation of law based on facts giving rise to a violation hereof, it being hereby expressly declared that this ordinance is supplementary to and not in derogation of other laws, nothing herein contained in any manner abridging or altering any rights of action or remedies now or hereafter existing in equity, or under the common law or statutory law, either criminal or civil.

**Section 8. Severability.** If any article, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 9. Repealer.** All Ordinances or parts of ordinances of the Township inconsistent herewith are hereby expressly repealed to the extent necessary to give this Ordinance full force and effect..

**Section 10. Effective Date.** This Ordinance shall be effective five (5) days after the date of its adoption.

Adopted and Ordained as an Ordinance of the Township of Westfall, County of Pike after due public hearing thereon held on 4/7/92, at a duly convened meeting of the Board of Supervisors of said Township held on the 21<sup>st</sup> day of April, 1992.

TOWNSHIP OF WESTFALL

[Signature]  
Chairman

John F. Hrus  
Supervisor

Marie A. Buda  
Supervisor

Kenneth L. Thiele

Supervisor

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Supervisor

ATTEST:

Beverly Lewis  
Secretary