

1 TOWNSHIP OF CENTRE

2 Berks County, Pennsylvania  
3

4 Ordinance No. 28-1985  
5

6 AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS  
7 COUNTY, PENNSYLVANIA, ENACTED PURSUANT TO ARTICLE  
8 1, SECTION 27 OF THE CONSTITUTION OF PENNSYLVANIA  
9 REGULATING THE CONSTRUCTION, OPERATION, AND  
10 MAINTENANCE OF FACILITIES FOR THE STORAGE,  
11 PROCESSING OR DISPOSAL OF MUNICIPAL WASTE AND  
12 RESIDUAL WASTE; AND PROHIBITING SUCH ACTIVITIES,  
13 EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS  
14 ORDINANCE, AND FURTHER PROVIDING PENALTIES FOR  
15 ANY VIOLATION OF THIS ORDINANCE.

16 The Board of Supervisors of the TOWNSHIP OF CENTRE, Berks  
17 County, Pennsylvania, hereby enacts and ordains the following  
18 Ordinance.

19 SECTION 1: Pennsylvania Constitution. That Article 1,  
20 Section 27, of the Constitution of the Commonwealth of Pennsylvania  
21 provides as follows:

22 "The people have a right to clean air, pure water, and  
23 to the preservation of the natural, scenic, historic, and  
24 esthetic values of the environment. Pennsylvania's public  
25 natural resources are the common property of all the  
26 people, including generations yet to come. As trustee for  
27 these resources, the Commonwealth shall conserve and  
28 maintain them for the benefit of all the people."

29 SECTION 2: Statutory Authority. This Ordinance is being  
30 enacted in recognition of the constitutional right referred to in  
31 Section 1 of this Ordinance and the duty of the Board of Supervisors  
32 of the said Township of Centre, pursuant to the terms and provisions  
33 of the Act of Assembly of May 1, 1933, P.L. 103, Article VII, Section

34 702, Clause XXIX, added July 10, 1947, P.L. 1481, Section 9 (53 Pa.  
35 C.S. 65729), Act of Assembly of May 1, 1933, P.L. 103, Article VII,  
36 Section 702, Clause LXII, added August 27, 1963, P.L. 1280, Section 1  
37 (53 Pa.C.S. 65762), Act of Assembly of May 20, 1957, P.L. 174,  
38 Section 5 and Act of Assembly of May 21, 1968, P.L. 66, December,  
39 Section 1 (53 Pa.C.S. 65712) and Act of Assembly of May 9, 1961, P.L.  
40 164, Section 1 (53 Pa.C.S. 65708) to promote the health, cleanliness,  
41 comfort and safety of the citizens of the said Township of Centre;  
42 and in recognition of the quality of the soil and water conditions  
43 present in the said Township of Centre; and in recognition of the  
44 present uses and the anticipated development of the land and other  
45 natural resources in said Township of Centre; and in recognition that  
46 any storage, disposal, transportation, or treatment of any solid,  
47 hazardous or residual wastes may have the effect of gravely  
48 endangering the constitutional rights of the citizens of the said  
49 Township of Centre to clean air, pure water, and to the preservation  
50 of the natural, scenic, historic and esthetic values of the  
51 environment.

52           SECTION 4: Short Title. This Ordinance shall be commonly  
53 known and may be cited as "Township of Centre Solid Waste Management  
54 Ordinance".

55           SECTION 5: Definitions. Unless otherwise expressly  
56 stated, the following words and phrases shall be construed throughout  
57 this Ordinance to have the meanings indicated herein:

58           (a) "Access Road" - Any driveway or road providing ingress  
59 and/or egress to and/or from a Solid Waste Facility from a paved  
60 public street, road or highway for a distance of at least five  
61 hundred (500) feet measured from the center of the paved public  
62 street, road or highway opposite each Access Road.

63           (b) "Board" - Board of Supervisors of the Township of  
64 Centre, Berks County, Pennsylvania.

65           (c) "Disposal" - The incineration, deposition, injection,  
66 dumping, spilling, leaking, or placing of Solid Waste into or on  
67 the land or water in a manner that the Solid Waste or a  
68 constituent of the Solid Waste enters the environment, is  
69 emitted into the air or is discharged to the waters of the  
.0 Commonwealth of Pennsylvania.

71           (d) "Hazardous Waste" - Any garbage, refuse, sludge from  
72 an industrial or other wastewater treatment plant, sludge from a  
73 water supply treatment plant or air pollution control facility  
74 and other discarded material including solid, liquid, semisolid  
75 or contained gaseous material resulting from municipal,  
76 commercial, industrial, institutional, mining, or agricultural  
77 operations, or from community activities, or any combination of  
78 the above, but does not include solid or dissolved material in  
79 domestic sewage, or solid or dissolved materials in irrigation  
80 return flows or industrial discharges which are point sources  
81 subject to permits under §402 of the Federal Water Pollution  
82 Control Act, as amended, 86 Stat. 880, or source, special

83 nuclear, or by-product material as defined by the U.S. Atomic  
84 Energy Act of 1954, as amended, 68 Stat. 923, which because of  
85 its quantity, concentration or physical, chemical, or infectious  
86 characteristics may:

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

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

93 The term "Hazardous Waste" shall not include coal refuse as  
94 defined in the Act of Assembly, September 24, 1968, P.L. 1040,  
95 No. 318, known as the "Coal Refuse Disposal Control Act."  
96 "Hazardous Waste" shall not include treatment sludges from coal  
97 mine drainage treatment plants, disposal of which is being  
98 carried on pursuant to and in compliance with a valid permit  
99 issued pursuant to the Act of Assembly of June 22, 1937 P.L.  
100 1987, No. 394, known as "The Clean Streams Law."

101 (e) "Interior Road" - Any driveway or road within the  
102 boundaries of a Solid Waste Facility other than an Access Road.

103 (f) "Liner" - A continuous layer of natural or synthetic  
104 material beneath or on the sides of a storage or treatment  
105 device, service impoundment, landfill or landfill cell, which  
106 severely restricts or prevents the downward or lateral escape of  
107 solid waste, solid waste constituents, or leachate.

108           (g) "Municipal Waste" - Any garbage, refuse, industrial  
109 lunchroom or office waste, and other material including solid,  
110 liquid, semisolid, or contained gaseous material resulting from  
111 operation of residential, municipal, commercial, or  
112 institutional establishments or from community activities, and  
113 any sludge not meeting the definition of Residual Waste or  
114 Hazardous Waste, as defined in Section 5 of this Ordinance, from  
115 a municipal, commercial, or institutional water supply treatment  
116 plant, waste water treatment plant, or air pollution control  
117 facility.

118           (h) "Municipality" - A city, borough, incorporated town,  
119 township or county or any authority created by any of the  
120 foregoing.

121           (i) "Open dump" - A disposal facility or part of a  
122 facility where solid waste is placed in or upon land without  
123 utilizing accepted engineering principles to protect public  
124 health and the environment, or such a disposal facility which  
125 does not have a valid current permit issued by the Pennsylvania  
126 Department of Environmental Resources for the operation of the  
127 same.

128           (j) "Person" - An individual, partnership, corporation,  
129 association, institution, cooperative enterprise, municipal  
130 authority, Federal Government or agency, State institution  
131 and/or agency including but not limited to, the Department of  
132 General Services and the State Public School Building Authority,

133 or any other legal entity whatsoever which is recognized by law  
134 as the subject of rights and duties in any provision of this  
135 Ordinance prescribing a fine, imprisonment or penalty, or any  
136 combination of the foregoing, the term "person" shall include  
137 the officers and directors of a corporation or other legal  
138 entity having officers and directors.

139 (k) "Residual Waste" - Any garbage, refuse, other  
140 discarded material, or other waste including solid, liquid,  
141 semisolid, or contained gaseous materials resulting from  
142 industrial, mining, and agricultural operations and any sludge  
143 from an industrial, mining, or agricultural water supply  
144 treatment facility, wastewater treatment facility, or air  
145 pollution control facility, provided that it is not hazardous.  
146 The term "residual waste" shall not include coal refuse as  
147 defined in the Coal Refuse Disposal Control Act (52 Pa.C.S.  
148 30.53). "Residual Waste" shall not include treatment sludges  
149 from coal mine drainage treatment plants, disposal of which is  
150 being carried on pursuant to and in compliance with a valid  
151 permit issued pursuant to The Clean Streams Law (35 Pa.C.S.  
152 691.1 - 691.1001).

153 (l) "Sanitary Landfill" - A land site on which engineering  
154 principles are utilized to bury deposits of Solid Waste without  
155 creating public health or safety hazards, nuisances, pollution  
156 or environmental degradation and which operates under all

157 necessary permits pursuant to the applicable local, State and  
158 Federal statutes, rules, regulations and ordinances.

159 (m) "Scavenging" - The uncontrolled removal of material  
160 from a Solid Waste Facility.

161 (n) "Solid Waste" - Any waste, including but not limited  
162 to municipal, residual, or hazardous waste, including solid,  
163 liquid, semisolid or contained gaseous materials.

164 (o) "Solid Waste Facility" - Any operation where solid  
165 wastes are treated, processed, stored or disposed including all  
166 land, structures and other appurtenances or improvements  
167 therein.

168 (p) "Storage" - The containment of any waste on a  
169 temporary basis in such a manner as not to constitute disposal  
170 of such waste. It shall be presumed that the containment of any  
171 waste in excess of ninety (90) days constitutes disposal. This  
172 presumption can be overcome by clear and convincing evidence to  
173 the contrary.

174 (q) "Township" - Township of Centre, Berks County,  
175 Pennsylvania.

176 SECTION 6: Permit. It shall be unlawful for any person  
177 hereafter, to operate or maintain, or continue to operate or  
178 maintain, within the Township a Solid Waste Facility without first  
179 obtaining a one (1) year permit, therefor, from the Township. A  
180 Permittee under this Ordinance must in fact be the operator of the  
181 Solid Waste Facility. After the effective date of this Ordinance,

182 such permit may be obtained only by a municipality, provided,  
183 however, that any Sanitary Landfill, or other Solid Waste Facility,  
184 lawfully in existence and operation within Township on the effective  
185 date of this Ordinance, shall be eligible for such permit and shall  
186 be required to obtain such permit pursuant to the terms and  
187 conditions of this Ordinance. The permit herein referred to shall be  
188 obtained by an existing Solid Waste Facility within ninety (90) days  
189 after the effective date of this Ordinance unless the time for the  
190 obtaining of such permit is extended by Township, in writing.

191           SECTION 7: Permit Fees. Each application for a permit, or  
192 renewal application, shall be accompanied by a permit fee of One  
193 Thousand and 00/100 Dollars (\$1,000.00), made payable to Township in  
4 the form of a certified check or money order. All permit fees  
195 submitted with a permit application or renewal application are  
196 nonrefundable, even though the required permit is refused or is  
197 subsequently suspended or revoked.

198           SECTION 8: Permit Renewal. Each permit shall be valid for  
199 one (1) year from the date of issuance. A permit holder, desiring to  
200 renew an existing permit, shall complete and submit to Township an  
201 application at least ninety (90) days prior to the expiration date  
202 thereof and shall tender with each application permit fees, as  
203 required.

204           SECTION 9: Application for Permit.

205           (a) The application for a permit shall be submitted in  
206 writing to Township and shall contain:



207 (1) An identification of the following:

208 (i) the nature and type of facility to be  
209 operated, i.e., storage, processing or disposal;

210 (ii) the types of wastes which will be accepted,  
211 i.e., municipal, residual; and

212 (iii) the type of operation to be employed;  
213 i.e., sanitary landfill, resources recovery,  
214 recycling, incineration.

215 (2) A topographical drawing, setting forth exact  
216 boundary lines of the Solid Waste Facility certified by a  
217 professional engineer then currently licensed by the  
218 Commonwealth of Pennsylvania to a scale no greater than 1"  
219 -- 100 feet, or such lesser scale as approved by Township,  
220 in writing, showing:

221 (i) Location of the proposed site relative to  
222 public roads;

223 (ii) Location of properties adjacent to the  
224 boundaries of the Solid Waste Facility and the current  
225 uses of such properties;

226 (iii) Location of proposed fencing and  
227 improvements;

228 (iv) Location of proposed screening;

229 (v) Cross-sections showing the existing grades  
230 and the proposed grades upon completion and closure;

231                   (vi) The location of Interior Roads and Access  
232 Roads;

233                   (vii) Location of equipment cleaning and tire  
234 cleaning areas;

235                   (viii) The location, including the elevation and  
236 distance from the proposed site, of any reservoir of  
237 drinking water source within a 5 mile radius of the  
238 proposed site;

239                   (ix) The location, including the elevation and  
240 distance from the proposed site, of any private and/or  
241 municipal and/or public well(s), used for drinking  
242 water within a 1 mile radius of the proposed site;

243                   (x) The location, including the elevation and  
244 distance from the proposed site, of any stream, lake,  
245 river, creek or other waters of the Commonwealth which  
246 are within one (1) mile of the proposed site.

247                   (3) Statement of Applicants:

248                   (i) management form (i.e., individual,  
249 partnership, corporate) and

250                   (A) the identity and current address of  
251 each stockholder possessing legal or equitable  
252 ownership interest in more than 10 percent (10%)  
253 of the stock, if Applicant is a corporation;

254 (B) the identity and current address of  
255 each partner and/or limited partner, if Applicant  
256 is a partnership or limited partnership;

257 (C) the identity and current address of the  
258 directors and/or officers of Applicant, if  
259 applicable;

260 (D) the identity and current address of  
261 Applicant's parent corporation and each of  
262 Applicant's subsidiaries and affiliates, if any;

263 (E) the names and current addresses of any  
264 and all persons who own any interest, real or  
265 equitable, in the real estate which is the  
266 subject of the application;

267 (F) the names and current addresses of any  
268 and all persons having any ownership interest in  
269 any corporations or other business entities which  
270 may be set forth in answers to (E) above, where  
271 such persons or firms possess an ownership  
272 interest of ten percent (10%) or more;

273 (G) the names and current addresses of any  
274 and all persons having any interest in the  
275 operation or proposed operation and maintenance  
276 of the Solid Waste Facility;

277 (H) the names and current addresses of any  
278 and all persons having any ownership interest in

279 any corporations or other business entities which  
280 may be set forth in answer to (G) above, where  
281 such persons possess an ownership interest of ten  
282 percent (10%) or more;

283 (I) the identities and qualifications of  
284 personnel designated to manage the Solid Waste  
285 Facility, together with their responsibilities.

286 (ii) prior experience, if any, in  
287 owning and/or operating a Solid Waste  
288 Facility;

289 (iii) compliance history (both within  
290 and outside the Commonwealth of  
291 Pennsylvania) with all State and Federal  
292 environmental, health and criminal statutes  
293 and regulations, which shall include the  
294 following:

295 (A) any and all misdemeanor or  
296 felony convictions of, or pleas of  
297 guilty or nolo contendere by persons or  
298 entities listed in Sections 8(a)  
299 (3)(i)(A) through (I) above for  
300 violations of any State or Federal  
301 statutes within the past five years;

302 (B) any administrative orders  
303 issued to those persons or entities

304 identified in Section 8(a) (3)(i)(A)  
305 through (I) within the past five years  
306 pursuant to any State or Federal  
307 statutes relating to environmental  
308 protection.

309 (C) any court order, court  
310 decree, consent decree, consent  
311 adjudication, consent order, civil  
312 penalty, adjudication, action on bond  
313 forfeiture or settlement agreement in  
314 the past 5 years between or among any  
315 of those persons or entities identified  
316 in Section 8(a) (3)(i)(A) through (I)  
317 and any State or Federal agencies  
318 responsible for environmental  
319 protection.

320 (4) The Applicant shall submit copies of any and all  
321 plans, applications, data, materials, studies and  
322 information to Township, as is required to be submitted to  
323 the Pennsylvania Department of Environmental Resources  
324 pursuant to the Solid Waste Management Act , Act of  
325 Assembly of July 7, 1980, P.L. 380, No. 97, as amended, (35  
326 Pa.C.S. 6018.101) and any regulations and standards  
327 promulgated pursuant to such Act. All such materials shall  
328 be certified by the Applicant to be true and correct copies

329 of original materials filed with the Pennsylvania  
330 Department of Environmental Resources.

331 (5) The proposed uses of the Solid Waste Facility  
332 upon termination of operation, including the useful life of  
333 the Solid Waste Facility where applicable, and any  
334 limitations on future uses resulting from the use of the  
335 site as a Solid Waste Facility.

336 (6) A road survey, which shall include the following:

337 (i) Statement as to the estimated number of  
338 vehicles weighing over sixty thousand (60,000) pounds,  
339 loaded, which are expected to use the Solid Waste  
340 Facility on a daily basis during the term of such  
341 permit.

342 (ii) A plan indicating all public streets, roads  
343 or highways located within the boundary limits of  
344 Township which are anticipated to be used by vehicles  
345 transporting Solid Waste to the Solid Waste Facility  
346 and which are further anticipated to be used by  
347 vehicles leaving the Solid Waste Facility.

348 (b) (1) Together with the Application, the Applicant  
349 shall provide to Township an environmental statement, which  
350 shall include the following:

351 (i) A description of the proposed site and Solid  
352 Waste Facility including all Access Roads and Interior  
353 Roads, for which the permit is being sought;

354           (ii) A physical description of the environment which  
355 may be affected by the proposed Solid Waste Facility,  
356 including, but not limited to, summary technical data and  
357 maps and diagrams adequate to permit an assessment of  
358 potential environmental impact by commenting agencies and  
359 the public. Technical and specialized analyses and data  
360 should be attached as appendices or footnoted with adequate  
361 bibliographic references;

362           (iii) The interrelationships and cumulative  
363 environmental (including economic) impact of the proposed  
364 Solid Waste Facility and other existing Solid Waste  
365 Facilities within the Township shall be stated with  
366 adequate technical analysis;

367           (iv) The sources of data used to identify, quantify  
368 or evaluate any and all of environmental consequences must  
369 be expressly noted;

370           (v) The relationship of the proposed Solid Waste  
371 Facility to land use plans, policies and controls for the  
372 affected area, including a statements as to how the  
373 proposed Solid Waste Facility may conform or conflict with  
374 the objectives and specific terms of existing or proposed  
375 Federal, State, County of Berks and Township land use  
376 plans, policies and controls;

377           (vi) A statement of any effects on community growth;  
378 and

379 (vii) A statement describing the location and impact  
380 of the project on nearby recreation areas.

381 SECTION 10. Regulations.

382 (a) Every person receiving a permit under this Ordinance  
383 shall constantly maintain the Solid Waste Facility in accordance  
384 with all applicable State and Federal statutes, rules and  
385 regulations and the provision of this Ordinance, together with  
386 any amendments thereto, and in the manner prescribed by any  
387 subsequent regulations enacted by Board.

388 (b) In order to promote the health, cleanliness, comfort  
389 and safety of the citizens of Township, the following  
390 regulations shall apply to all Solid Waste Facilities which are  
391 now operating and to be hereafter operated as a Sanitary  
392 Landfill within the boundaries of Township:

393 (1) Access Roads suitable for use in all types of  
394 weather by loaded collection vehicles shall be provided to  
395 and from each entrance-exit of the Sanitary Landfill site.

396 (A) The minimum cartway width for two-way  
397 traffic shall be twenty-two (22) feet or a single  
398 cartway of twelve (12) feet with pull-off internals at  
399 no greater than one hundred (100) yards or with pull-  
400 off intervals as such distance where clear sight is  
401 available.



402 (B) For one-way traffic, separate roads with a  
403 minimum cartway of twelve (12) feet shall be  
404 available.

405 (C) The maximum sustained grade shall not exceed  
406 twelve (12) percent.

407 (D) Each Access Road shall be paved with  
408 bituminous or concrete materials having a surface and  
409 base course sufficient in depth to withstand loaded  
410 collection vehicles for a distance of at least five  
411 hundred (500) feet measured from the center of the  
412 paved public street, road or highway opposite each  
413 Access Road so as to aid in the elimination of mud,  
414 dirt, debris and/or waste being deposited upon any  
415 paved public street, road or highway by collection  
416 vehicles.

417 (F) The Permittee shall maintain all Access  
418 Roads in accordance with the within regulations during  
419 the operation of the Sanitary Landfill.

420 (2) To further control dust and mud problems on  
421 Interior Roads, one or more of the following measures shall  
422 be implemented:

423 (i) paving of Interior Roads leading to the  
424 unloading area;

425 (ii) application of moisture absorbing chemicals  
426 such as calcium chloride to Interior Roads; and

427 (iii) application of oil to Interior Roads.

✓

428 (3) All collection vehicles entering and leaving the  
429 Sanitary Landfill shall be covered and such collection  
430 vehicles shall be driven or moved so as to aid in the  
431 elimination of mud, dirt, debris and/or waste being  
432 deposited upon any paved public street, road or highway by  
433 collection vehicles.

434 (4) The entire sanitary landfill shall be adequately  
435 policed, and litter collected routinely at weekly intervals  
436 from fences, roadways, and tree line barriers located  
437 within the boundary limits of the sanitary landfill, and  
438 the same shall be incorporated into the Sanitary Landfill.

439 (5) All Solid Waste being transported to or from a  
440 Sanitary Landfill or emanating from a Sanitary Landfill and  
441 found or located upon or along all public streets, roads or  
442 highways within a radius of one (1) mile of each Access  
443 Road or a Sanitary Landfill shall be collected by personnel  
444 of Permittee each day the Sanitary Landfill is in operation  
445 and the same shall be incorporated into the Sanitary  
446 Landfill, pursuant to applicable statute, rule and/or  
447 regulation.

448 (6) A gate or barrier and fencing as approved by the  
449 Pennsylvania Department of Environmental Resources shall be  
450 utilized and erected to block access to the entrance of the

451 Sanitary landfill during times when the Sanitary Landfill  
452 is not accepting Solid Waste for disposal.

453 (7) Burning of Solid Waste is prohibited at the  
454 Sanitary Landfill.

455 (8) Scavenging shall be prohibited.

456 (9) Hours of unloading at any Sanitary Landfill  
457 unloading site shall be limited to the hours of 7:00 a.m.,  
458 prevailing time, to 4:00 p.m., prevailing time, Monday  
459 through Friday, and to the hours of 7:00 a.m., prevailing  
460 time to 12:00 noon, prevailing time, Saturday. The  
461 Sanitary Landfill shall not be operated on Sunday or on any  
462 Federal Holiday.

463 (10) A sign made of permanent materials, shall be  
464 erected and prominently displayed, at each entrance to a  
465 Sanitary Landfill, setting forth, in bold letters, the  
466 hours of operation of the Sanitary Landfill. Such sign  
467 shall be at least three (3) feet by four (4) feet in  
468 dimension.

469 (11) A sign, made of permanent materials, shall be  
470 erected and prominently displayed, at each entrance to a  
471 Sanitary Landfill, setting forth, in bold letters, that  
472 "the disposal of Hazardous Waste at this Sanitary Landfill  
473 is Prohibited by Law" unless the disposal of Hazardous  
474 Waste at the Sanitary Landfill has been approved by the  
475 Pennsylvania Department of Environmental Resources, in

476 writing. Such sign shall be at least three (3) feet by  
477 four (4) feet in dimension.

478 (12) Access to the Sanitary Landfill unloading area  
479 shall be limited to those times when an attendant is on  
480 duty.

481 (13) Maximum lot size of a Sanitary Landfill shall be  
482 thirty-five (35) acres.

483 (14) No Sanitary Landfill shall be sited, located  
484 and/or operated within three (3) miles of an operating  
485 Sanitary Landfill and/or Open Dump.

486 (15) A tire and undercarriage cleaning area shall be  
487 provided along or near each Access Road of the Sanitary  
8 Landfill. All tires and the undercarriage of each  
489 collection vehicle and all other vehicles upon leaving the  
490 Sanitary Landfill site shall be free of all mud, dirt,  
491 waste and/or debris so that the same is not to be deposited  
492 upon any paved public street, road or highway.

493 (16) Permittee shall provide throughout the active  
494 areas of the sanitary landfill site an adequate supply of  
495 water (including adequate volume and pressure) to assist in  
496 the fighting of fires at the Sanitary Landfill site.

497 (A) Further, Permittee shall provide and  
498 maintain, at its sole cost and expense, an adequate  
499 supply of fire fighting equipment, compatible in size

500 and fitting with that equipment of Township's  
501 volunteer fire companies.

502 (B) All equipment and buildings shall be  
503 equipped with functional fire extinguishers.

504 (C) At least three (3) functional air packs  
505 shall be housed at the Sanitary Landfill site.

506 (D) Necessary measures shall be taken to prevent  
507 and extinguish fires; such measures shall be at least  
508 equivalent to any Township fire control ordinance or  
509 regulation.

510 (E) In the event any equipment of a fire company  
511 is damaged, rendered unusable or is destroyed while  
512 fighting a fire at the Sanitary Landfill, Permittee  
513 shall promptly reimburse such fire company for its  
514 loss or damage to such equipment.

515 (17) Vector control procedures shall be carried out  
516 when necessary to prevent health hazards or nuisances. The  
517 Permittee shall submit a control program for approval to  
518 the Pennsylvania Department of Environmental Resources,  
519 including, when applicable, the contractual arrangement for  
520 the services with an exterminator. Certified copies of all  
521 such documents shall be promptly filed with Township.

522 (18) Provision shall be made for weighing or measuring  
523 all Solid Waste delivered to the site.

598 the boundary limits of lands of Permittee, the decibel  
599 levels in the following octave bands:

600	<u>OCTAVE BAND</u>	<u>MAXIMUM PERMITTED SOUND LEVEL</u>
601	(cycles per second)	(decibels)
602	10 to 600	45
603	600 to 2,400	30
604	2,400 to 4,800	30
605	above 4,800	25

606 (31) A certified copy of all test results and analysis  
607 of monitoring wells, required to be submitted to the  
608 Pennsylvania Department of Environmental Resources shall be  
609 submitted to Township contemporaneously with submission to  
610 Pennsylvania Department of Environmental Resources. In  
611 addition thereto, Township shall be furnished with a  
612 written statement setting forth standards for reported  
613 substances set forth in the said test results and analysis.

614 (32) In addition to any monitoring wells required by  
615 Pennsylvania Department of Environmental Resources,  
616 Township may require monitoring wells to be located at  
617 various locations along the perimeter boundary limits of  
618 the Sanitary Landfill and/or at such other locations as  
619 Board may designate, in writing. The water from each  
620 monitoring well shall be tested at least quarter-annually  
621 at the sole cost and expense of Permittee by an independent  
622 testing laboratory approved by Board. Any such test  
623 results shall be submitted, in writing, to Township within  
624 fourteen (14) days after the date of each test.

625           (33) Sanitary toilet facilities, as approved by  
626 Township, shall be constructed and made available for  
627 individuals at the Sanitary Landfill.

628           (34) An equipment cleaning area shall be provided on  
629 the Sanitary Landfill site. All equipment used to grade  
630 and compact solid Waste at the Sanitary Landfill site shall  
631 be cleaned daily so as to prevent odors, vectors or other  
632 nuisances. All drainage from equipment cleaning areas  
633 shall be managed so as to prevent water pollution, and  
634 shall be controlled in accordance with the provisions of  
635 all applicable Federal and State statutes, rules and/or  
636 regulations.

  ,7           (35) Provision shall be made for the weighing and/or  
638 measuring of all Solid Waste delivered to the Sanitary  
639 Landfill site. The weighing device shall be of a type  
640 approved at all times by the Bureau of Standards of the  
641 Pennsylvania Department of Justice and the accuracy of the  
642 same shall be verified at six (6) month intervals by an  
643 inspector of weights and measures of the County of Berks or  
644 such other inspector approved by Township, in writing.

645           (36) Each area for unloading of Solid Waste, as well  
646 as all improvements erected on the Sanitary Landfill site,  
647 shall be screened from view by a buffer zone of a minimum  
648 of two hundred (200) feet between said unloading area  
649 and/or said improvements and any adjoining property. A

650 planting screen, consisting of evergreen trees in a solid  
651 double row with an initial height of at least nine (9) feet  
652 shall be planted in such buffer zone so as to create a  
653 visual screening of said unloading area and/or improvements  
654 from all adjoining property.

655 (37) No person shall operate a Sanitary Landfill which  
656 is not in compliance with the terms and provisions of this  
657 Ordinance.

658 (c) No landfill which is not a Sanitary Landfill, as  
659 defined by this Ordinance and/or applicable State or Federal  
660 statute, rule and/or regulation, shall be operated or maintained  
661 within the boundary limits of Township and the operation and/or  
662 maintenance of an Open Dump, as defined in Section 5 of this  
663 Ordinance, is declared a public nuisance subject to abatement.

664 SECTION 11: Issuance of Permit. Township upon receipt of  
665 an application for permit for a Solid Waste Facility shall examine  
666 the application pursuant to the terms and provisions of this  
667 Ordinance, and shall within ninety (90) days after receipt of said  
668 application issue a permit or shall refuse to issue a permit to the  
669 Applicant. Should Township refuse to issue a permit, the reasons and  
670 basis for such refusal shall be given to Applicant, in writing.

671 SECTION 12: Transfer of Permit. No permit issued by  
672 Township shall be assigned, transferred or sold, in whole or in part  
673 by Permittee to any person until such assignee, transferee or  
674 purchaser shall have been approved by Township. Township upon



675 receipt of an application for assignment, transfer or sale of a  
676 permit for a Solid Waste Facility shall examine the application  
677 pursuant to the terms and provisions of this Ordinance, and shall  
678 within ninety (90) days after of said application issued a transfer  
679 of permit or shall refuse to issue a transfer of permit to the  
680 Applicant. Should Township refuse to issue a transfer of permit, the  
681 reasons and basis for such refusal shall be given to Applicant, in  
682 writing.

683           SECTION 13: Transfer Fee. In the event Township shall  
684 approve the transfer of a permit, the assignee, transferee and/or  
685 purchaser, as the case may be, shall immediately pay to Township a  
686 transfer fee of One Thousand and 00/100 Dollars (\$1,000.00)

687           SECTION 14: Records. Operational records and plan  
688 execution shall comply with the following:

689           (a) Daily operational records shall be maintained in a  
690 format approved by the Pennsylvania Department of Environmental  
691 Resources;

692           (b) A daily written log which lists the types and  
693 quantities of Solid Waste received shall be maintained by the  
694 Permittee;

695           (c) Operational plans and specifications and the daily log  
696 entries shall be made available to authorized Township personnel  
697 during inspections of the operation to determine compliance with  
698 pertinent statutes, ordinances, rules, regulations and  
699 standards.

700 SECTION 15: Inspection. An inspector, or inspectors, duly  
701 appointed by Township shall have the right to inspect the Solid Waste  
702 Facility, its operators and all vehicles entering and/or leaving the  
703 Solid Waste Facility to monitor compliance with the terms and  
704 provisions of this ordinance. Also, the Permittee shall, at all  
705 reasonable times, allow such inspector(s) access to the following:

706 (a) All records, data, materials, books and other  
707 information relating to the Solid Waste Facility, excluding,  
708 however, financial records, data and books;

709 (b) All areas of the Solid Waste Facility, including but  
710 not limited to the Solid Waste Facility site and all Solid Waste  
711 delivered to or disposed of at the Solid Waste Facility;

712 (c) All equipment, vehicles, buildings or other  
713 improvements and appurtenances located upon the Solid Waste  
714 Facility site; and

715 (d) All vehicles together with the loads of such vehicles,  
716 if any, entering and leaving the Solid Waste Facility site.  
717 Further, such inspector(s) shall have the right to seize, remove  
718 from the Solid Waste Facility site and retain, subject to  
719 applicable law, rule and/or regulation, samples of Solid Waste  
720 located upon the Solid Waste Facility site.

721 SECTION 16: Interpretation. In the event it shall be  
722 finally determined by a Court of competent jurisdiction that any  
723 clause, sentence, paragraph and/or portion of this Ordinance is more  
724 strict than any statute(s) and/or regulation(s) of Pennsylvania

524 (19) Standby equipment shall be on-site or readily  
525 available for major equipment breakdowns.

526 (20) Telephone or radio communications shall be  
527 located at the Sanitary Landfill or shall be readily  
528 available at the Sanitary Landfill.

529 (21) First aid facilities shall be readily available  
530 and job safety shall be practiced.

531 (22) Operational records and plan execution shall  
532 comply with and be maintained in accordance with the terms  
533 and provisions of Section 13 of this Ordinance

534 (23) A certified copy of the annual report submitted  
535 by Permittee to the Pennsylvania Department of  
536 Environmental Resources summarizing the types and  
537 quantities of Solid Waste during the preceding twelve (12)  
538 month period shall be promptly filed with Township.

539 (24) A two hundred (200) feet buffer zone adjacent to  
540 the perimeter property lines and/or public road of the  
541 Sanitary Landfill, unless otherwise approved by the  
542 Pennsylvania Department of Environmental Resources, shall  
543 be established and maintained. No Solid Waste shall be  
544 deposited within such buffer zone.

545 (25) The Sanitary Landfill shall be properly fenced  
546 along the interior boundary of the buffer zone, referred to  
547 in the preceding subparagraph, so as to prevent the  
548 unlawful and/or unauthorized disposal of Said Waste into

549 the Sanitary Landfill and to further prevent papers and  
550 other forms of said waste blowing from the Sanitary  
551 Landfill onto lands of adjoining property owners. The  
552 fence herein referred to shall be of metal wire mesh  
553 constructed of No. 9 gauge wire woven in a two (2) inch  
554 mesh in full conformance with the American Society of  
555 Testing Materials specification A 491-71. The surface  
556 height of the fence shall be eight (8) feet, plus an  
557 additional minimum of three (3) strands of barbed wire,  
558 installed, at least six (6) inches apart, onto brackets  
559 affixed to the top of the fence at an angle forty-five (45)  
560 degrees from vertical. The fence shall contain, at all  
1 entrances, gates which are locked except during business  
562 hours. In addition, temporary litter control fences  
563 constructed of wire mesh, snow fencing or other suitable  
564 material, shall be installed in the immediate operating  
565 area, approximately fifty (50) to seventy-five (75) feet  
566 downwind from the working area. The nature of solid wastes  
567 or excessive winds may require additional litter control  
568 measures, which shall be provided. The Sanitary Landfill  
569 site shall be adequately policed, and all litter shall be  
570 collected daily and incorporated into the Sanitary  
571 Landfill, pursuant to applicable statute, rule and/or  
572 regulation.

573           (26) The Sanitary Landfill shall not be established  
574 within five hundred (500) yards of any stream, creek, river  
575 or other source of water from which a publicly or privately  
576 owned water distribution system withdraws water within a  
577 radius of five (5) miles from the Sanitary Landfill site  
578 unless otherwise approved by the Pennsylvania Department of  
579 Environmental Resources.

580           (27) The disposal of Solid Waste shall be prohibited  
581 in areas where continuous or intermittent contacts occurs  
582 between Solid Waste and the groundwater table.

583           (28) The disposal of sewage liquids and solids,  
584 liquids, and Hazardous Waste in a Sanitary Landfill shall  
5       be prohibited until the methods of disposal, suitability of  
586 the site, and plan of operation have been received and  
587 approved in writing by the Pennsylvania Department of  
588 Environmental Resources. Copies of all correspondence and  
589 documentation relating to these subject matters, including  
590 but not limited to letters of approval, shall be promptly  
591 filed with Township.

592           (29) The emission of unpleasant gases or odorous  
593 matter shall not be permitted in such quantities so as to  
594 be offensive outside the boundary limits of the Sanitary  
595 Landfill.

596           (30) The sound pressure level of any operation within  
597 the Sanitary Landfill shall not exceed, at any point along

725 Department of Environmental Resources relating to engineering or  
726 geological standards, the less strict provision(s) of the  
727 Pennsylvania Department of Environmental Resources statute(s) and/or  
728 regulation(s) shall prevail over the more strict provision(s) of this  
729 Ordinance.

730           SECTION 17: Violations. Any Person or Municipality who  
731 shall violate any of the provisions of this Ordinance shall, upon  
732 conviction thereof, by a summary proceeding, be sentenced to pay a  
733 fine of not more than Three Hundred and 00/100 Dollars (\$300.00), and  
734 the costs of prosecution, or sentenced to confinement in the Berks  
735 county Prison for a period not exceeding thirty (30) days, provided  
736 that each day's violation of any of the provisions of the ordinance  
737 shall constitute a separate offense.

738           SECTION 18: Abatement of Public Nuisances. In addition to  
739 the remedies provided in this Ordinance, a violation of any provision  
740 of this Ordinance shall constitute a public nuisance, any Person or  
741 Municipality committing such a violation shall be liable for the  
742 costs of abatement of any pollution and any public nuisance caused by  
743 such violation. The Court of Common Pleas of Berks County,  
744 Pennsylvania, Sitting in Equity, and any other court of competent  
745 jurisdiction shall have jurisdiction over all actions referred to in  
746 Section 17 of this Ordinance.

747           SECTION 19: Revocation or Suspension of Permit.

748           (a) Any permit granted by the Township under the  
749 provisions of this Ordinance may be revocable, or subject to

750 suspension, at any time, upon the determination by Township that  
751 the Solid Waste Facility: \*

752 (1) is, or has been conducted in violation of this  
753 Ordinance or any other applicable Ordinance of township,  
754 the Solid Waste Management Act, Act of Assembly of July 7,  
755 1980, P.L. 380, No. 97, as amended (35 Pa.C.S. 6018.101) or  
756 the regulations or standards of the Pennsylvania Department  
757 of Environmental Resources;

758 (2) is creating a public nuisance;

759 (3) is creating a potential hazard to public health,  
760 safety or welfare; or

761 (4) adversely affects the environment in and about  
762 the surrounding area of the Solid Waste Facility.

763 (b) When a permit is suspended or revoked, a hearing shall  
764 be held thereon before the Board within fifteen (15) days after  
765 the request therefor is made by the person whose permit is  
766 denied, suspended or revoked. Within seven (7) days following  
767 the date of such hearing, the Board shall notify all parties in  
768 writing of the determination of said hearing and the reasons  
769 therefor.

770 SECTION 20. Insurance. Each Permittee under the  
771 provisions of this Ordinance shall furnish proof to Township on an  
772 annual basis of insurance covering all aspects of the activities of  
773 the Solid Waste Facility, including but not limited to, pollution or,  
774 or damage to, private or public property beyond the boundary limits

775 of the Solid Waste Facility, the contamination of water beyond the  
776 boundary limits of the Solid Waste Facility caused by the operation  
777 of the Solid Waste Facility so as to render such water unfit for  
778 human and/or animal consumption, as defined by drinking water  
779 regulations promulgated by Pennsylvania Department of Environmental  
780 Resources and/or United States Environmental Protection Agency and  
781 injuries to persons both on and off the premises of the said Solid  
782 Waste Facility caused by the operation of the Solid Waste Facility.  
783 In the event it is determined that such water beyond the boundary  
784 limits of the Solid Waste Facility is so contaminated, the insurance  
785 herein referred to shall be used to defray the cost of providing the  
786 owner(s) of the property, whereon such contaminated water is located,  
787 with an adequate supply of water, free from contamination, from a  
788 public water source, or such other supply of water, free of  
789 contamination, as Township may determine. A personal injury policy  
790 shall be obtained in the amount of at least One Million Dollars  
791 (\$1,000,000.00) per person or Three Million Dollars (\$3,000,000.00)  
792 per accident. A property damage policy shall be obtained in the  
793 amount of at least One Million Dollars (\$1,000,000.00) per accident.  
794 A disaster policy shall be obtained in the amount of at least One  
795 Million Dollars (\$1,000,000.00), which policy shall provide for  
796 environmental restoration in the event of sudden and accidental and  
797 gradual pollution caused by discharge, dispersal, release or escape  
798 of pollutants. All policies required by this Ordinance shall have a  
799 minimum cancellation period of not less than thirty (30) days after



800 receipt in writing of the notice of cancellation of Township. All  
801 policies required by this Ordinance shall be maintained by the  
802 Permittee throughout the entire period of the operation of Solid  
803 Waste Facility. The failure of the Permittee to maintain the  
804 policies required by this Ordinance shall be cause for the immediate  
805 revocation or suspension of the permit issued to the Solid Waste  
806 Facility pursuant to the provisions of this Ordinance, subject,  
807 however, to the terms and provisions of the following paragraph.

808           In the event Permittee shall prove to the satisfaction of  
809 Board that a disaster policy, as heretofore described in the  
810 preceding paragraph, is not available to owners and/or operators of a  
811 Sanitary Landfill, in general, by the insurance industry, Permittee  
812 shall entrust with a Federal or Commonwealth chartered commercial  
813 banking institution or institutions, whose deposits are insured by  
814 the Federal Deposit Insurance Corporation, financial security cash in  
815 the form of currency of the United States of America, in an amount  
816 sufficient to cover the present costs of constructing and installing  
817 public drinking water distribution systems and individual services  
818 from the distribution systems, capable of providing an adequate  
819 supply of water, free of contamination, from a public water source,  
820 or such other supply of water, as defined by drinking water  
821 regulations promulgated by Pennsylvania Department of Environmental  
822 Resources and/or United States Environmental Protection Agency, free  
823 from contamination as Township may determine to all residences and  
824 barns located within one and one-half (1 1/2) miles from the

825 boundaries of the Solid Waste Facility. The cash financial security,  
826 herein referred to shall be deposited in an interest-bearing account,  
827 with interest to be retained therein, until principal and interest is  
828 withdrawn from said account by written agreement of Permittee and  
829 Township or by a final Order of a court of competent jurisdiction.

830           SECTION 21: Severability. The provisions of this  
831 Ordinance are severable, and if any provision, or part thereof, shall  
832 be held invalid or unconstitutional or inapplicable to any person or  
833 circumstance, such invalidity, unconstitutionality or inapplicability  
834 shall not affect or impair the remaining provisions or parts thereof  
835 of this Ordinance.

836           SECTION 22: Savings Clause. Nothing in this Ordinance  
837 shall be deemed to affect, modify, amend or repeal any provisions of  
838 any Ordinance administered by the Board or any other department,  
839 commission or agency of Township.