

AN ORDINANCE PROHIBITING THE DISCHARGE OF
HAZARDOUS AND TOXIC WASTES AND REGULATING THE
DISCHARGE OF LIQUID WASTES, SEWAGE SLUDGE,
SEPTAGE AND HUMAN AND ANIMAL WASTES
WITHIN WEST CALN TOWNSHIP, AND PRESCRIBING THE
PENALTIES FOR VIOLATIONS OF THESE REGULATIONS

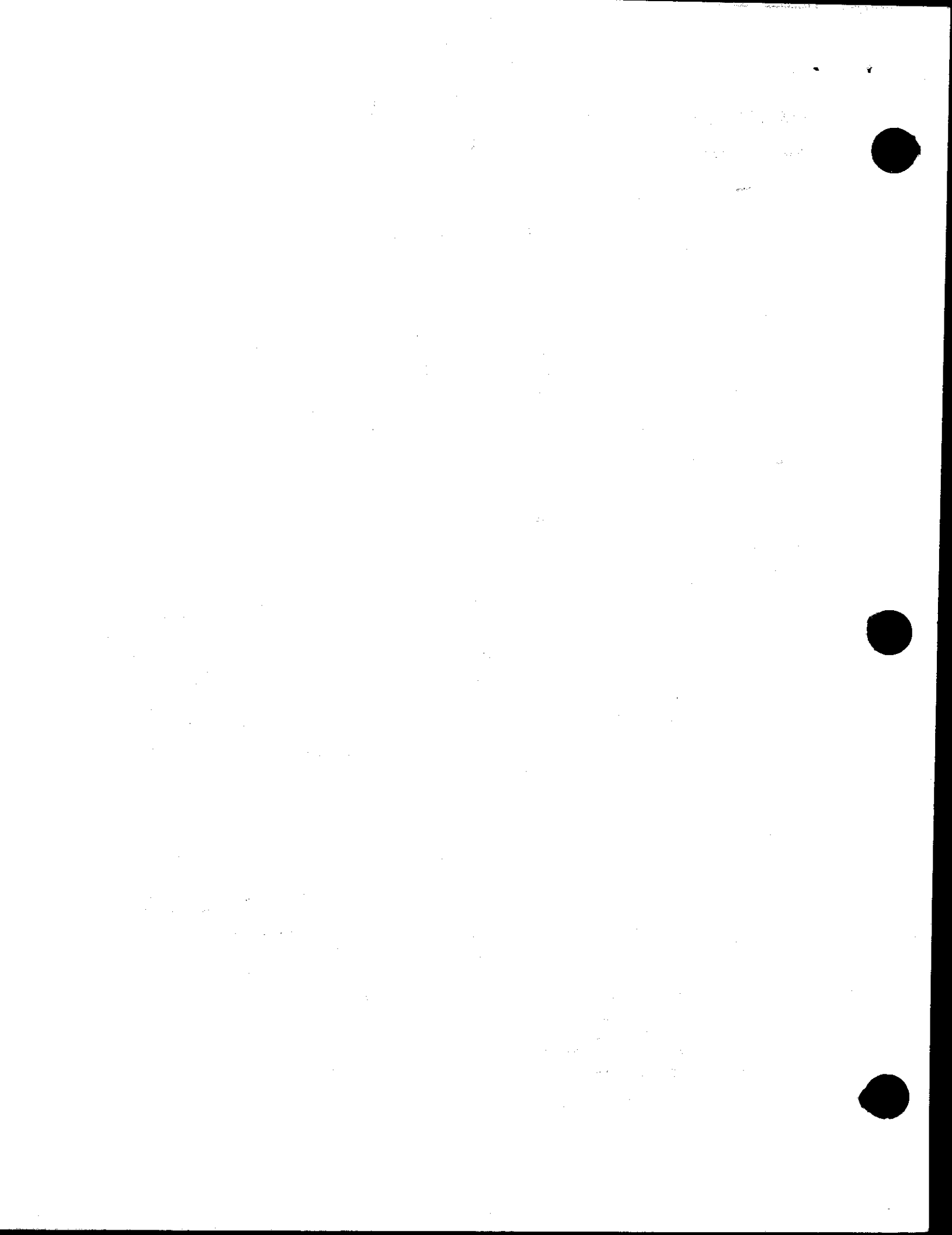
ARTICLE I TITLE

This ordinance shall be known and may be cited as the "Waste Disposal Ordinance of West Caln Township of 1983."

ARTICLE II PURPOSES

The purposes of this ordinance are as follows:

- Section
201 To prohibit the discharge of all hazardous and toxic wastes within West Caln Township.
- Section
202 To regulate the discharge of liquid wastes, sewage sludge, and human and animal wastes upon property situate within West Caln Township.
- Section
203 To preserve the fragile environmental qualities of all land within the Township including but not limited to the protection of ground-water supplies.
- Section
204 To promote, protect and facilitate the public health, safety and general welfare of all Township citizens by preventing excessive discharge of potential contaminants.
- Section
205 To provide methods of allowing certain human and animal wastes generated within the Township to be used as agricultural nutrients for actively farmed properties but to prevent excessive land application of such wastes.



ARTICLE III DEFINITIONS

The following definitions shall be applicable:

Section

301 Agricultural Waste

Poultry and livestock manure or residual materials in liquid or solid form, generated in the production and marketing of poultry, livestock, fur-bearing animals, and their products. It includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, silvicultural, and aquacultural crops or commodities grown on what are usually recognized and accepted as farms, forests, or other agricultural lands.

Section

302 DER

The Department of Environmental Resources of the Commonwealth of Pennsylvania.

Section

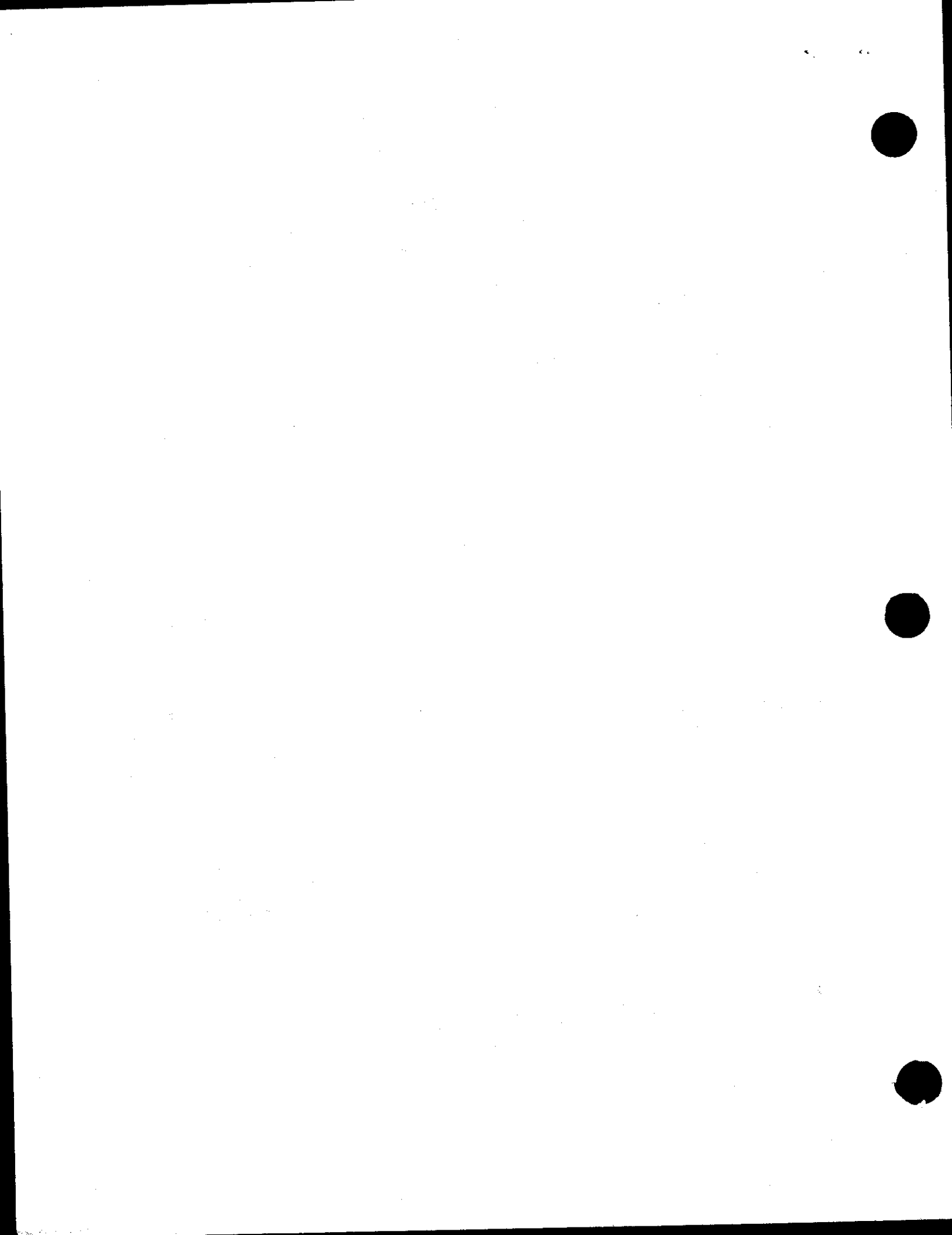
303 Hazardous Wastes

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

Section

304 Normal Farming Operations

The customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in year after year in the production and preparation for market of poultry, livestock, and their products and the production and harvesting of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. It includes the storage, composting, and utilization of agricultural and food process wastes for animal feed and includes the agricultural utilization of septic tank cleanings. It also includes the management, collection, storage, composting,



transportation, and use of manure, other agricultural waste, and food process waste on land where such materials will improve the condition of the soil and the growth of crops, or will aid in the restoration of the land for the same purposes.

Section
305.

Treatment Tank

A watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. It includes the following:

- (i) Septic Tank - A watertight receptacle which receives domestic sewage and is designed and constructed to provide for sludge storage and sludge decomposition and to separate solids from the liquid through a period of detention before allowing the liquid to be discharged to a subsurface absorption area.
- (ii) Aerobic Sewage Treatment Tank - Any unit incorporating, as a part of the treatment process, a means of introducing air and oxygen into the residential sewage held in a storage tank or tanks so as to provide aerobic biochemical stabilization during a detention period prior to its discharge to a subsurface absorption area.

ARTICLE IV AUTHORITY

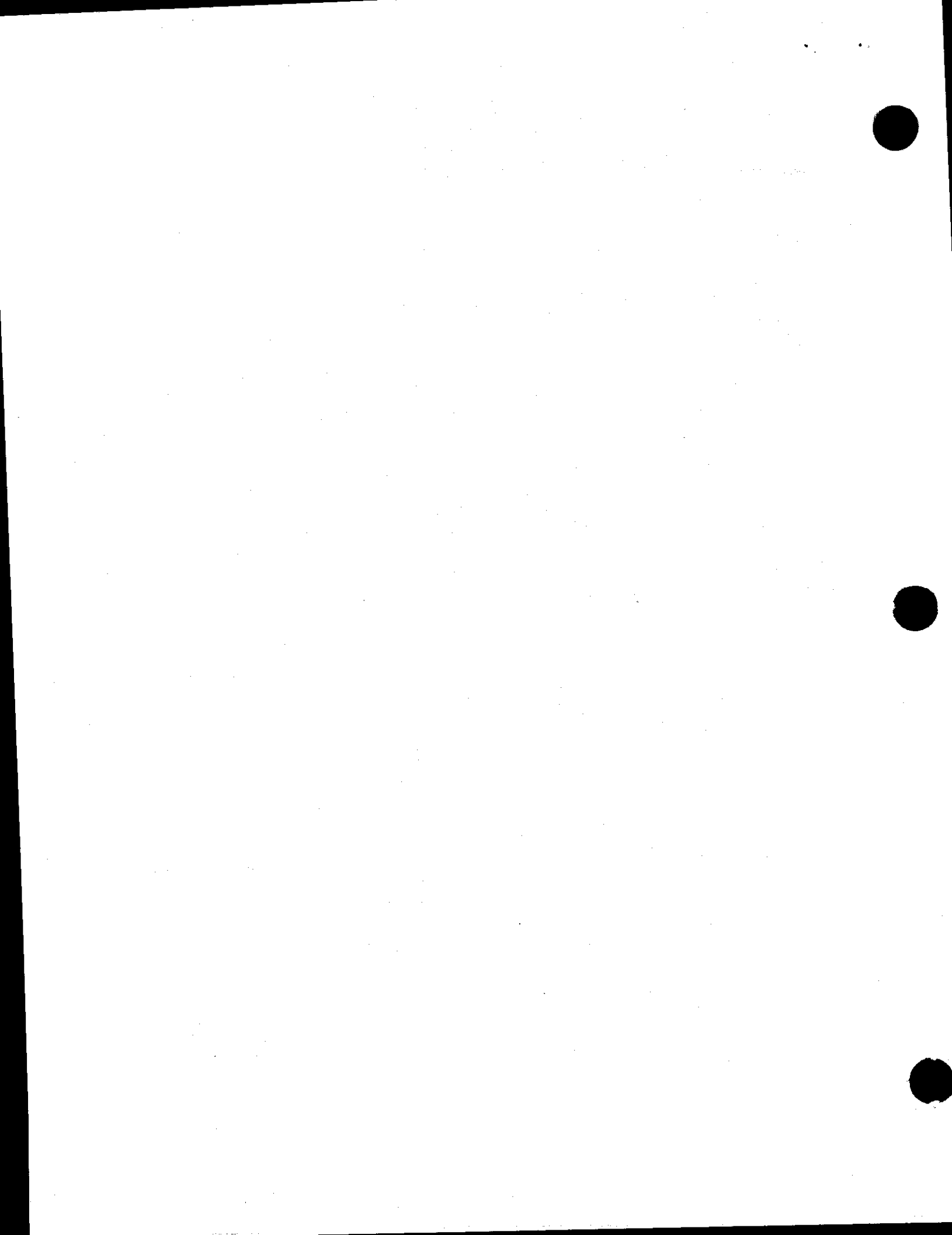
This Ordinance is adopted and enacted pursuant to the authority granted to the Township by the Legislature of the Commonwealth of Pennsylvania in the following enacted statutes:

Section
401

The sections of the Second Class Township Code authorizing the Township to enact ordinances dealing with the protection of the health of township residents, refuse materials, nuisances, and public safety, codified in Volume 53 of Purdons Consolidated Statutes of the Commonwealth of Pennsylvania at Sections 65729, 65708, 65712, and 65747, as amended:

Section
402

The applicable provisions of the Pennsylvania Municipalities Planning Code dealing with zoning



ordinances codified at Volume 53 of Purdons Consolidated Statutes of the Commonwealth of Pennsylvania at Sections 10601 and 10603, as amended:

Section
403

The applicable provisions of the Pennsylvania Solid Waste Management Act, codified in Purdons Consolidated Statutes of the Commonwealth of Pennsylvania at Section 6010 as amended.

ARTICLE V PROHIBITION, REGULATION AND CONTROL

Section
501

General. The Board of Supervisors of West Caln Township recognizes that legal control of waste disposal has been delegated to the Pennsylvania Department of Environmental Resources (DER) under Act of July 31, 1968, P.L. 788 (No. 241) §6, (35 P.S. §6006). It is not the intention of the Township to abrogate such authority granted to DER. Moreover, it is the intention of the Board of Supervisors to impose additional requirements to meet the needs of public safety and public health of all Township residents.

Section
502

Prohibited Discharge and Storage

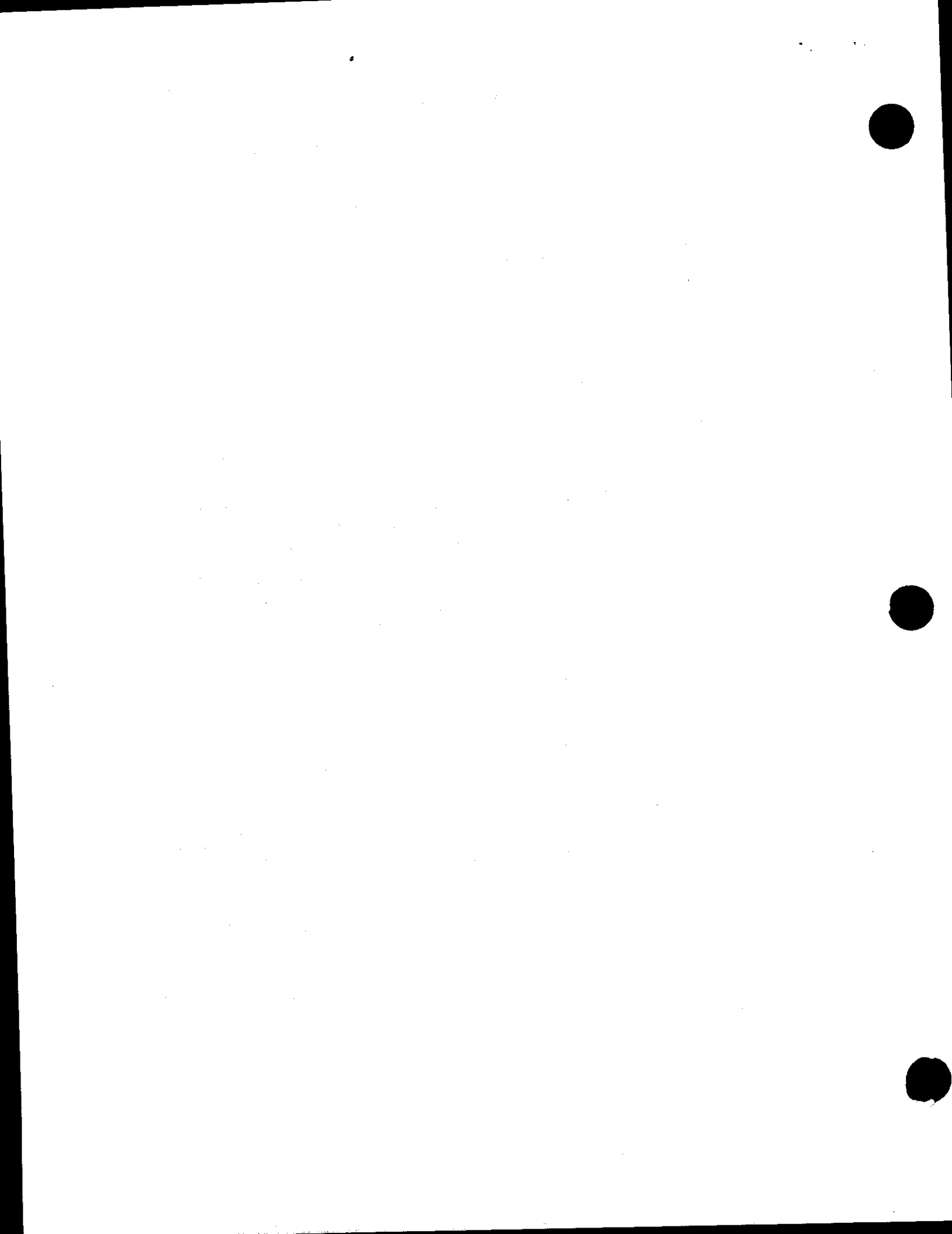
It shall be unlawful to store, dump, discharge, or to place in or upon the ground or waters located within West Caln Township, Chester County, Pennsylvania, any quantity of toxic or hazardous wastes as such are identified in:

- A. 40 CFR, Part 261, Identification and Listing of Hazardous Waste, as amended (published in the Federal Register, Vol. 45, No. 98, Monday, May 19, 1980) as may be amended; and
- B. Chapter 75, Sections 75.261 to 75.267 of Title 25, DER Rules and Regulations, Subchapter C., as may be amended from time to time.

Section
503

Regulated and Controlled Discharge

It shall be unlawful to place, dump or otherwise discharge onto the ground or waters located in West Caln Township, Chester County, Pennsylvania, any liquid waste, sewage sludge, septage or human and animal waste generated from sources, located outside of the geographical limits of said Township.

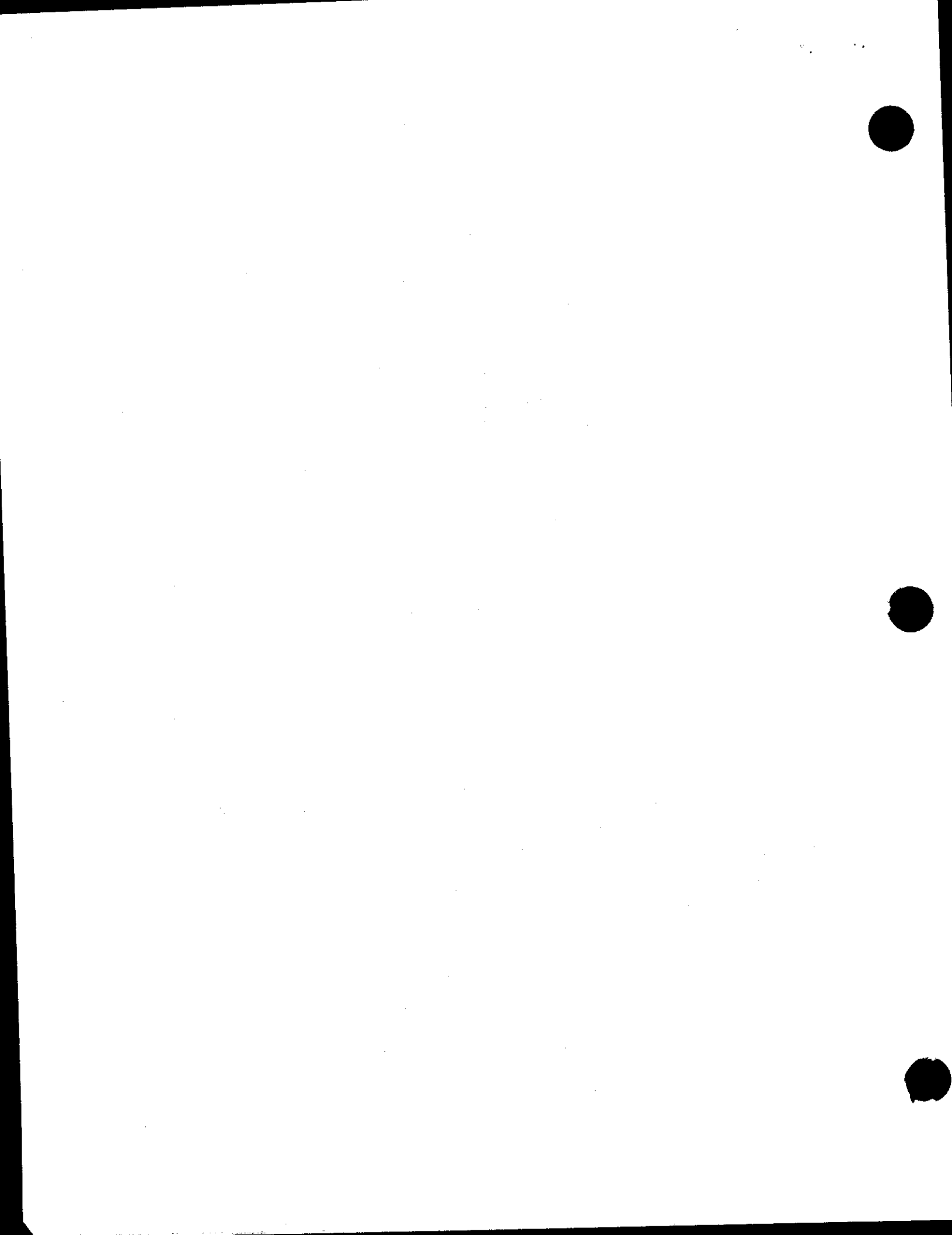


Further, it shall be lawful to discharge only: animal wastes generated by farm animals kept and maintained as a part of normal farming operations located within said Township; and, human wastes derived from residential septic tanks or aerobic treatment tanks serving residences located within said Township, onto ground which is actively farmed or kept in pasture, and is located within said Township, subject to the following limitations:

- A. Recognized commercial fertilizer and commercial manure typically used in agricultural operations shall be exempt from these regulations.
- B. Any active, local farmer or farming operation spreading animal wastes generated entirely from within said farm into the same farm shall be exempt from these limitations, but shall meet all regulations established by DER.
- C. Any human waste derived from septic tanks connected to residences located within the Township and animal wastes generated by farm animals kept on other farms within the Township may be applied to any actively farmed ground within the Township provided DER permits are secured and the following requirements are met:
 1. All permits required by DER regulations, Title 25, Chapter 75, Section 75.32 shall be met.
 2. A copy of the Application made to DER and the permit issued by DER shall be provided to the Township.
 3. All such human and animal wastes applied must be plowed under or properly injected and disked into the ground within 24 hours of application.
 4. Permitted human and animal wastes shall not be applied to soil areas which have:
 - a. Bedrock within twenty (20) inches of the ground surface.



- b. A seasonal high water table or permanent ground water within 48 inches of the ground surface.
 - c. Ground slopes exceeding twelve (12) percent.
 - d. Surface ponds or depressions larger than ten (10) square feet.
 - e. Characteristics other than USDA classes for sandy loam, loam, sandy clay loam, silty clay loam and silt loam.
 - f. A pH less than 6.5, or which cannot be maintained at a pH level of 6.5 or greater.
5. All of the characteristics listed in 4., above shall be determined by a Professional Geologist, Hydrogeologist, or Soil Scientist and shall be submitted in report format to the Township with an Application to the Township for a Permit to apply such discharge.
6. Permitted human or animal wastes may not be applied and are prohibited in the following areas:
- a. Within two hundred (200) feet of any stream, perennial or intermittent.
 - b. Within five hundred (500) feet of any water supply or domestic well, or other such potable water supply.
 - c. Within twenty-five (25) feet of bedrock outcrops.
 - d. Within one hundred (100) feet of property lines or within five hundred (500) feet of any occupied residence or dwelling.
 - e. Within one hundred (100) feet of a public road.



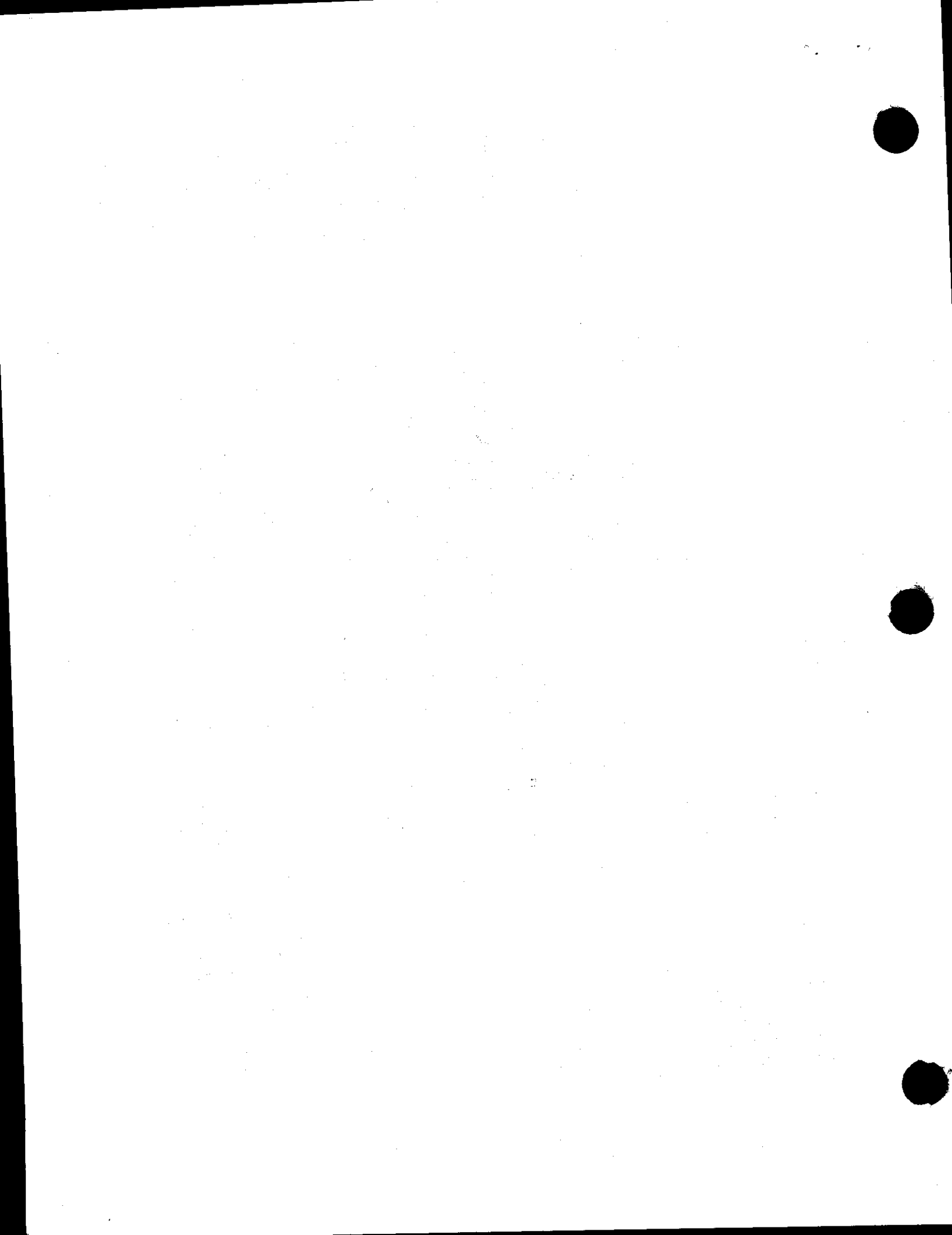
7. In the Application to the Township, adequate maps showing the exact area of discharge shall be included along with:
 - a. A narrative describing the source of effluent, the application rate, the chemical composition of effluent, the dates of application and a statement as to the nutrient need for each area of application.
8. The Applicant shall agree to provide random samples of each load of effluent to be discharged so as to provide up to a three (3%) percent sample of all effluent applied, which shall be chemically treated and analyzed once per month (at cost borne by the applicant).
9. The Applicant shall provide an escrow account to be deposited with the Township to assure that accidental road spills are properly cleaned and to assure that costs of inspection by the Township, including chemical testing, are fully covered at applicant's cost.
10. The Township shall issue cease and desist orders if any effluent application violates the provisions of any DER regulation, or any violation of the provisions of this ordinance, or there shall be evidence that the operation is causing an immediate health or sanitation problem.
11. Complete Application Forms shall be provided by the Township for any permit required hereunder.

ARTICLE VI STORAGE

Section
601

Hazardous or Toxic Wastes

It shall be unlawful to provide temporary or permanent storage for hazardous wastes identified in Article V, Section 502 of this Ordinance at any place or on any property or street within West Caln Township. If there are existing, legally approved storage facilities for such hazardous



wastes at the time of enactment of this Ordinance, such storage facilities shall be:

- A. Fully fenced with ten (10) foot high cyclone security fencing with locked gates.
- B. Have adequate security lighting to fully illuminate said storage area.
- C. Be limited to not more than ten thousand (10,000) gallons of stored liquid or five thousand (5,000) pounds of stored solids, all within a transportable vehicle, and said vehicle shall not remain on the property or premises for more than twenty-four (24) hours.
- D. Any vehicle containing such hazardous wastes, while temporarily stored, shall be located within and be completely surrounded by an earth berm, fully lined with an impervious liner throughout, having a containment capacity of not less than fifteen thousand (15,000) gallons. All earth surfaces within such containment area shall be made totally impervious to infiltration by water or any other liquid.

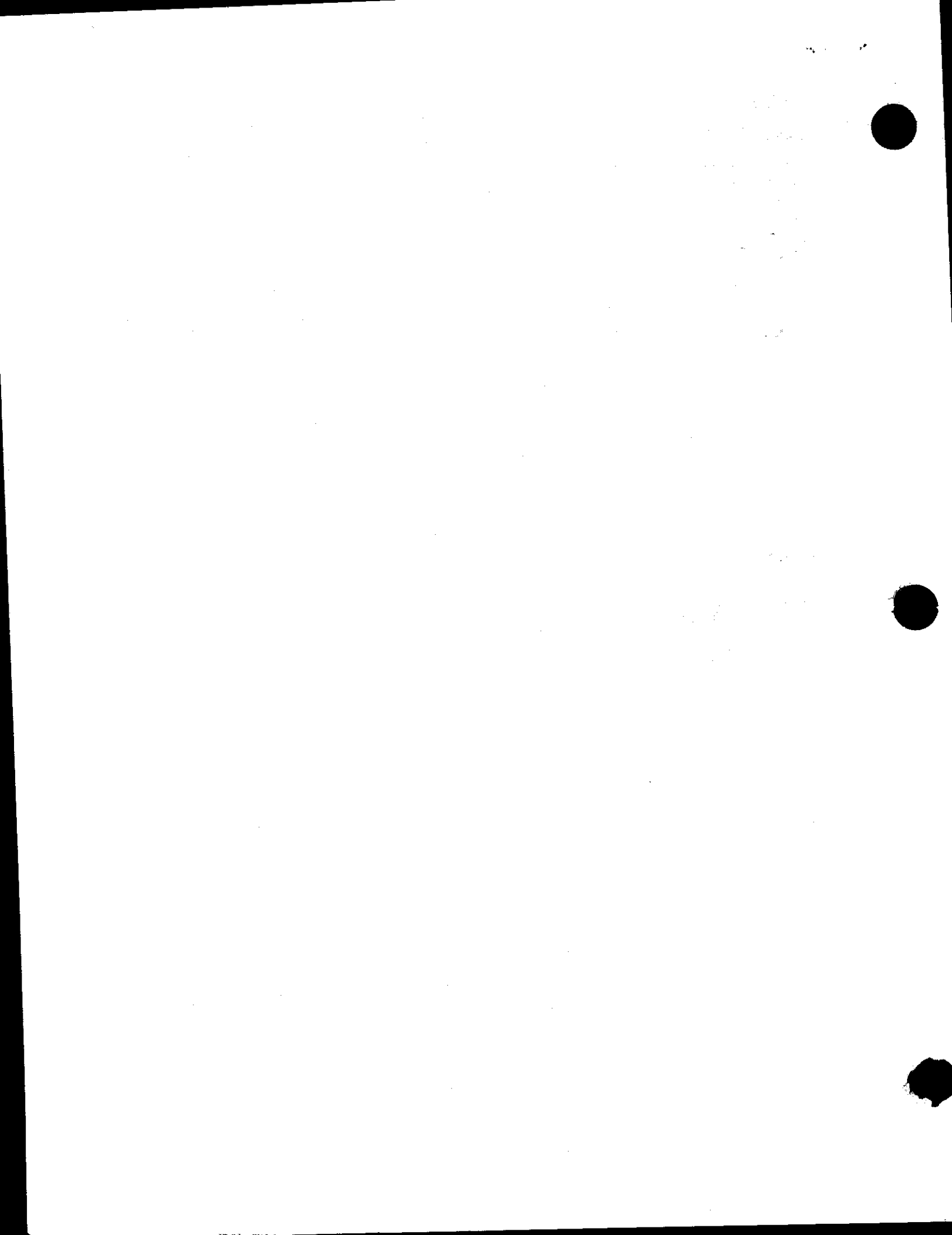
Section
602

Human and Animal Wastes

If human and animal wastes are stored temporarily (up to 48 hours) in a transportable vehicle while awaiting land application, the vehicle shall be parked away from any public road, in a secure area which is impounded by an earth berm capable of containing an accidental discharge, and at least two hundred (200) feet from any residence. Storage for more than forty-eight (48) hours is prohibited.

ARTICLE VII PENALTIES

For any and every violation of the provisions of this Ordinance, the owner, general agent, or contractor for the premises where such violation has been committed or shall exist, and the lessee or tenant of premises where such violation has been committed, or shall exist, and the owner, general agent, contractor, lessee or tenant of any premises in which part such violation has been committed or shall exist, or any other person who knowingly commits, takes part, or assists in any such violation, or who maintains premises in



which any such violation shall exist, shall be liable on conviction thereof to a penalty not exceeding five hundred dollars (\$500.00) for each and every offense, and whenever such person shall have been notified by the Township Manager by service of summons in a prosecution, or in any other way, that he is committing such violation of this Ordinance, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.

ORDAINED and ENACTED this 13TH day of December, 1982

BOARD OF SUPERVISORS
WEST CALN TOWNSHIP

John B. Wenger
Gerald G. Bonnell

Attest:

Margaret Sweeney
Township Secretary

