

ORDINANCE NO. 178,2007

TILDEN TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

AN ORDINANCE OF TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER XII, ENTITLED "GARBAGE, REFUSE, SOLID WASTE AND RECYCLING" TO ESTABLISH A NEW PART 3, ENTITLED "MONITORING AND REPORTING FOR APPLICATION OF BIOSOLIDS", ESTABLISHING THE MONITORING AND REPORTING OF THE REQUESTS FOR APPLICATION OF BIOSOLIDS AND THE FUNDING AND ADMINISTRATION OF SUCH MONITORING AND REPORTING; PROVIDING FOR RENEWAL OF SITE REGISTRATION; REQUIRING QUARTERLY REPORTING; ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF, AND SETTING FORTH SEVERABILITY OF INVALID PROVISIONS AND REPEALER OF INCONSISTENT ENACTMENTS

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Tilden Township, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same, as follows:

SECTION 1. Chapter XII, entitled "Garbage, Refuse, Solid Waste and Recycling", of the Code of Ordinances of the Township of Tilden is hereby amended by adding thereto the following new Part 3:

"Part 3

Monitoring and Reporting for Application of Biosolids

Section 301. Tipping Fee and Site Registration Fee. The Township, by resolution which may be amended from time to time, shall impose:

(a) A tipping fee on any individual or entity applying sewage sludge or biosolid products upon any land within Tilden Township in excess of one (1) ton per year.

(b) A site registration fee per calendar year for each property upon which sewage sludge or biosolid products are being applied.

Section 302. Site Registration. Any individual or entity desirous of applying sewage sludge or biosolid products on any land within Tilden Township, with the

exception of permitted landfills, in excess of one (1) ton per year, must register said site with the Township. The registration shall include the following:

- (a) The name and address of the applicant.
- (b) The name of the record owner of the land to which the sewage sludge or biosolid products will be applied, and the consent of the record owner of the land to the application of sewage sludge or biosolid products to the land, if the applicant is not the record owner of the land.
- (c) The address and location of the land to which the sewage sludge or biosolid products will be applied.
- (d) The name and address of the entity actually applying the sewage sludge or biosolid products.
- (e) An identification of:
 - (1) The source(s) of the biosolid or sewage sludge product(s);
 - (2) A chemical analysis of the biosolid or sewage sludge product(s);
 - (3) A fecal coliform count and pathogen analysis;
 - (4) Amount, date(s) and frequency of planned application.
- (f) A copy of the permit from the Pennsylvania Department of Environmental Protection for the application of sewage sludge or biosolid products.

Section 303. Inspection and Monitoring.

- (a) Tilden Township reserves the right to perform the following actions with respect to land on which biosolid products or sewage sludge is applied:
 - (1) Entering the land for purposes of conducting soil analysis;
 - (2) Entering the land to determine compliance with setbacks, stormwater management, and erosion and sedimentation controls required by the regulations of the Pennsylvania Department of

Environmental Protection, and contained in the Pennsylvania Solid Waste Management Act and the Pennsylvania Nutrient Management Act; and,

(3) Taking and analyzing samples of biosolid products or sewage sludge as deemed necessary to protect public health, safety, and welfare.

(b) Any variation in application practice, content or composition of soil, or content or composition of product which is outside of parameters authorized by the laws and regulations of the Commonwealth of Pennsylvania or the United States of America shall be reported by the Township to the Pennsylvania Department of Environmental Protection or other authorized agency for enforcement by the same.

(c) The applicant shall, for each application of biosolid products or sewage sludge, provide a copy of the manifest to the Township for the product applied.

(d) Each property owner adjacent to land on which the biosolid products or sewage sludge shall be entitled, at the applicant's expense, to testing of their on-site well water by a certified laboratory prior to the use of biosolid products or sewage sludge on the land, and once every six (6) months thereafter for a period of five (5) years.

Section 304. Renewal of Registration.

(a) Registrations must be renewed annually.

(b) Registrations must be updated if any new source(s) of biosolid or sewage sludge are added.

Section 305. Quarterly reporting. A quarterly report must be filed at the Township Municipal Building to verify amounts applied and to verify payment of the tipping fee, and pay any additional amounts for additional tonnage applied.

Section 306. Enforcement. Any person who violates or permits the violation of this Part shall, upon being found liable therefore in an enforcement proceeding commenced by the Township, pay a civil penalty not exceeding One Thousand Dollars and 00/100 (\$1,000.00), plus all court costs and reasonable attorney's fees incurred by the Township. Each and every day during which a violation is found to have occurred shall constitute a separate violation.

Section 307. Severance clause. Should any section, paragraph, clause, or phrase of this Part be declared unconstitutional, unlawful, or invalid by a Court of competent jurisdiction, the remainder of said Part shall not be affected thereby, and shall remain in full force and effect."

SECTION 2. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 3. This Ordinance shall become effective in accordance with the law.

SECTION 4. The Code of Ordinances of the Township of Tilden, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of the code of Ordinances of the Township of Tilden, Berks County, Pennsylvania, as amended, upon adoption.

DULY ENACTED AND ORDAINED as an Ordinance this 8th day of September, 2007.

TILDEN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

Troy R. Natt
Troy R. Natt, Chairman

Russell H. Werley
Russell H. Werley, Vice Chairman

Judy E. Romig
Judy E. Romig, Supervisor

(SEAL)

Attest:

Cheryl A. Haus
Cheryl Haus, Township Secretary