

EAST PENN TOWNSHIP
CARBON COUNTY
ORDINANCE NO. 2021-01

AN ORDINANCE OF THE TOWNSHIP OF EAST PENN, CARBON COUNTY, PENNSYLVANIA TO PROTECT THE SAFETY AND HEALTH OF CITIZENS OF THE TOWNSHIP RELATING TO SLUDGE APPLICATION AND FOR MEASURES TO ASSURE PUBLIC SAFETY DURING AND AFTER LAND APPLICATION AND/OR STORAGE OF SEWAGE SLUDGE

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EAST PENN TOWNSHIP CARBON COUNTY ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF EAST PENN, CARBON COUNTY, PENNSYLVANIA ESTABLISHING PROCEDURES TO PROTECT THE SAFETY AND HEALTH OF CITIZENS OF THE TOWNSHIP RELATING TO SLUDGE APPLICATION AND FOR MEASURES TO ASSURE PUBLIC SAFETY DURING AND AFTER LAND APPLICATION AND/OR STORAGE OF SEWAGE SLUDGE

WHEREAS, this Township, as a township of the second class, is governed by the Second Class Township Code of the Commonwealth of Pennsylvania, Act of May 1, 1933, P.L. 103, as amended, 53 P.S. § 65101 *et seq.*; and,

WHEREAS, pursuant to the provisions of said Code, as amended, the Township has the power to enact ordinances;

WHEREAS, the purposes of this Ordinance shall be as follows:

A. To provide to the citizens of East Penn Township and others notice, information and records relating to biosolids/sewage sludge application and storage practices within the Township.

B. To provide for the health, safety and general welfare of all East Penn Township citizens and others and, to the extent possible, prevent unknowing or inadvertent exposure to sewage sludge.

C. To preserve and protect agriculture and agriculture-related activities and the commercial and agricultural economy and land base in East Penn Township.

D. To assure that local concerns are included in the planning, management and application of sewage sludge to lands within the Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of East Penn Township, Carbon County, Pennsylvania, as follows:

SECTION I
Definitions

Terms used in this ordinance shall have the meanings set forth in the Solid Waste Management Act, 35 P.S. §6018.101 *et. seq.*, and accompanying Pennsylvania Department of Environmental Protection (“PaDEP”) Regulations.

SECTION II
Compliance with PaDEP Standards

Application or storage of biosolids/sewage sludge, as defined in the applicable PaDEP regulations, within East Penn Township shall be in accordance with the requirements set forth by the PaDEP.

SECTION III
Notification to the Township and its Occupants of Land Application of Biosolids/Sewage Sludge

1. Any person or company intending to store or apply biosolids/sewage sludge on or to agricultural land in East Penn Township shall, at least thirty (30) days prior to the first intended

application, notify the Township by submitting to the Township copies of all information required to be submitted to the PaDEP pertaining to land application of biosolids/sewage sludge in the Township.

2. At least seven (7) days prior to the land application of biosolids/sewage sludge, any person or company intending to apply biosolids/sewage sludge to agricultural land in East Penn Township shall notify the Township of:

a. the dates and times of the intended land application so that the Township can monitor the spreading operations pursuant to Section IV below; and

b. how the site restrictions specified in applicable PaDEP regulations will be complied with following land application of biosolids/sewage sludge.

SECTION IV
Investigation and Inspection

1. Prior to the first land application of biosolids/sewage sludge, the Township or its agent may inspect the fields on which land application is to take place to assess conditions on the fields and to ensure compliance with the PaDEP permit requirements. The Township or its agent experienced in the field of soils may also obtain representative soil samples for each field on which biosolids/sewage sludge is to be land applied for pH and those constituents listed in applicable state and/or federal regulations. The Township or its agents may test well water on the property where biosolids/sewage sludge is

being spread only with the consent of the landowner. The Township must provide the landowner and the land applier at least 48 hours advance notice prior to an inspection. The Township will bear the expense of the inspection and testing.

2. During and after the spreading of biosolids/sewage sludge, the Township or its agent may inspect the operations to ensure compliance with the PaDEP permit requirements and regulations. Samples of the biosolids/sewage sludge being applied may be collected by the Township and analyzed utilizing PaDEP approved procedures. The Township must provide the landowner and the land applier with at least 48 hours advance notice prior to an inspection. Samples may be tested for pH and those constituents listed in applicable state and/or federal regulations. The Township may require written proof from the land applier to indicate which pathogen reduction treatment alternative and which vector attraction reduction option was used to produce the biosolids/sewage sludge used at the site. The Township or its agents may test well water on the property where biosolids/sewage sludge is being spread only with the consent of the landowner. The Township will bear the expense of all inspections and testing. Copies of any test results shall be maintained by the Township as part of the land application history within the Township.

SECTION V

Protection of Public Health and Welfare

1. Biosolids/Sewage Sludge application in the Township shall not take place on the holidays of Christmas, New Year's Day, Easter, Memorial Day, July 4th, Labor Day, and Thanksgiving.

2. When biosolids/sewage sludge is applied to lands abutting a public road, the person or company intending to store or apply biosolids/sewage sludge on or to agricultural land in East Penn Township and/or the landowner shall place clearly visible signs written in English and Spanish at intervals at least every 50 feet along such road at least 48 hours prior to biosolids/sewage sludge application and for the duration of operations at such lands. The signs shall state "WARNING" in red, contain notice that biosolids/sewage sludge has been applied to the land and prohibit public access to such land. Such signs shall be at least 12" by 12".

3. The person or company storing or applying biosolids/sewage sludge on or to agricultural land in East Penn Township shall, once every two years, meet and confer with the Township and emergency responder representatives, including representatives of the East Penn Township Volunteer Fire Company, to discuss and share information and procedures for responding to fires, accidents, spills and other emergencies related to the operations.

SECTION VI
Administrative Provisions

This Ordinance shall be administered by the East Penn Township Board of Supervisors or its duly authorized representatives who shall keep and maintain records hereunder of biosolids/sewage sludge land application, disposal, or storage within the Township, make such records available to residents and other interested parties, and enforce the provisions of this Ordinance.

SECTION VII
Fee

Any person or company intending to store or apply biosolids/sewage sludge on or to agricultural land in East Penn Township shall pay a fee of One Hundred (\$100.00) Dollars when it first provides notification to the Township pursuant to Section III.1 hereof. This fee shall be payable upon submitting the required notification to East Penn Township, and is for the purpose of helping to cover the administrative costs of East Penn Township with regard thereto.

SECTION VIII
Enforcement

If the operation or application of biosolids/sewage sludge is in violation of the PaDEP regulations or this ordinance, the Township, or its authorized representative, may seek such equitable remedy for

the violation (s) to the full extent allowed to the Township under the Solid Waste Management Act or the Second Class Township Code.

SECTION IX
Severability

The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision shall be held illegal, invalid or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board of Supervisors that this ordinance would have been adopted if any such section, clause, sentence, part or provisions determined to be illegal, invalid, or unconstitutional had not been included.

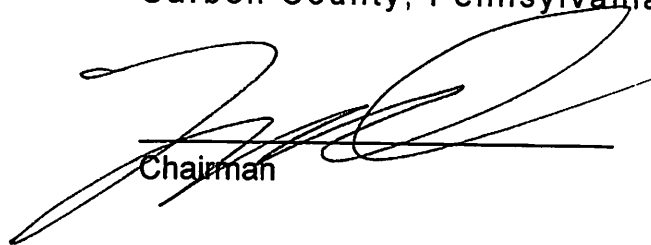
SECTION X
REPEALER

This ordinance specifically amends Ordinance 77, and any sections of Ordinance 77 which are contrary to or in conflict with these amendments are specifically repealed and superseded hereby. In addition, all prior ordinances or parts of ordinances that conflict with or are inconsistent with the provisions of this ordinance are hereby repealed. All other provisions of the Ordinances of the Township, as amended, shall remain in full force and effect.

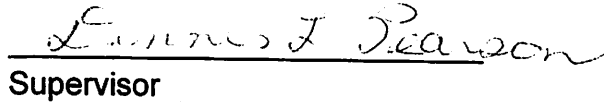
SECTION XI
Effective Date

This Ordinance shall become effective five (5) days after the date of enactment. **ORDAINED AND ENACTED** this 1st day of November, 2021.

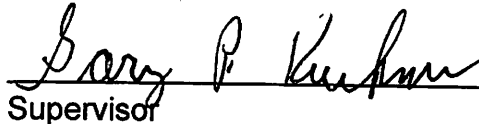
BOARD OF SUPERVISORS
East Penn Township
Carbon County, Pennsylvania




Chairman



Supervisor



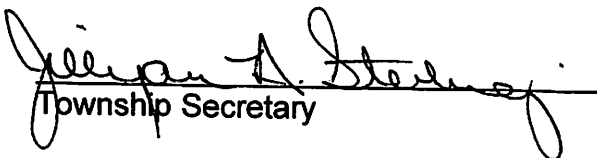
Supervisor



Supervisor

Supervisor

Attest:



Township Secretary