

## Chapter 143

### SLUDGE

**[HISTORY: Adopted by the Board of Supervisors of the Township of West Earl at time of adoption of Code; see Chapter 1, General Provisions, Art. I. Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Sewers and sewage disposal â€” See Ch. 138.  
Solid waste â€” See Ch. 146.

#### ARTICLE I General Provisions

##### **§ 143-1. Construal of provisions; greater restrictions to apply.**

- A. The interpretation and application of the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- B. Where the regulations imposed by this chapter are less restrictive than regulations imposed by any law, rule or regulation of the Commonwealth of Pennsylvania or an agency thereof, the law, rule or regulation which is more restrictive (or which imposes higher standards or requirements) shall govern.

##### **§ 143-2. Definitions and word usage.**

- A. Definitions. In this chapter, the following terms shall be construed to have the meanings set forth:

**CODE ENFORCEMENT OFFICER** — The person designated by the Board of Supervisors as Code Enforcement Officer to enforce the provisions of this chapter and, if so designated by the Board of Supervisors, other township ordinances.

**DER** — The Department of Environmental Resources of the Commonwealth of Pennsylvania or any agency successor thereto.

**PERSON** — Any individual, trustee, court-appointed representative, association, partnership, corporation, municipality, authority or other entity recognized by law as the subject of rights and duties and the officers of such corporation and the members of such partnership or association.

**SEWAGE SLUDGE** — The sewage treatment residues, courses, screenings, grit and dewatered or air-dried sludge from sewage treatment plants and pumpings of septic tank sludges.

**TOWNSHIP** — The Township of West Earl, Lancaster County, Pennsylvania.

- B. Word usage. In construing this chapter, the singular implies the plural, and the masculine gender includes the feminine and neuter genders.

ARTICLE II  
Permits

**§ 143-3. Permits required.**

It shall be unlawful for any person to permit or cause to be permitted the spreading or disposition of sewage sludge as a soil amendment for agronomic crop production or for any other purposes on any lands within the township unless he holds a valid permit issued in his name for such purpose or purposes as may be required by the DER or any other administrative agency under the laws of the Commonwealth of Pennsylvania and holds a valid permit required and issued in his name for such purposes by the township under this chapter or any other ordinance of the township.

**§ 143-4. Prior eligibility for permit.**

No permit shall be issued hereunder unless the person making application therefor shall, if required, have first been issued a valid permit by the DER.

**§ 143-5. Permit application.**

An application, in writing, in such form and number as required for use of sewage sludge as a soil amendment shall be submitted to the Code Enforcement Officer for approval. Concurrently with the written application, a plan of the land or area where sewage sludge is proposed to be used as a soil amendment for agronomic crop production prepared by an engineer or surveyor registered in the Commonwealth of Pennsylvania, together with a soil survey map of Lancaster County indicating and identifying the soil types on said land, shall also be submitted to the Code Enforcement Officer for approval. If the person who makes application for a permit hereunder is not the record owner of the land upon which the sewage sludge is to be spread or deposited, the record owner of the land shall join in and consent to the application.

**§ 143-6. Permit issuance.**

- A. Upon approval of such application in compliance with this chapter and upon submission of satisfactory proof of a valid permit by the DER to the applicant when required herein, the Code Enforcement Officer shall issue a permit to the applicant which shall be valid for a period of one year from the date of issuance.
- B. An application for renewal of a permit in such form and number as may be required by the Board of Supervisors shall be made at least 30 days prior to the expiration date of a permit. The renewal of a permit shall be issued by the Code Enforcement Officer upon proof by the applicant that he continues to meet the standards and requirements hereunder for the issuance of an original permit.

**§ 143-7. Fees.**

A fee shall be paid by the applicant for the issuance of an original permit or of a renewal permit, as the case may be, in accordance with a fee schedule adopted by the township for the issuance of permits.<sup>1</sup>

**§ 143-8. Approval of applications.**

All applications for approval of a permit shall be acted upon by the Code Enforcement Officer, and the Code Enforcement Officer shall render his decision and communicate it to the applicant in writing not later than 90 days after such application is filed.

**§ 143-9. Appeals from application decisions.**

The decision of the Code Enforcement Officer with respect to the approval or disapproval of a permit application may be appealed to the Board of Supervisors not later than 30 days after the issuance of notice of the decision.

**§ 143-10. Transfer of ownership.**

A permit issued hereunder shall not be transferable. If the permit holder is the record owner of the land, upon transfer of the land, the new landowner may make application for a permit in accordance with the terms of this chapter. If the holder of the permit is not the record owner of the land upon which the sewage sludge is to be deposited, the permit holder shall obtain the consent and joinder of the new record owner of the land.

ARTICLE III

**Use of Sewage Sludge as a Soil Amendment**

**§ 143-11. Requirements and standards.**

The use of sewage sludge as a soil amendment shall comply with the following requirements:

- A. No sewage sludge shall be deposited or spread so as to discharge into any lake, stream, pond, well or other waters situate within the township, as to constitute a nuisance or as would pollute potable water.
- B. No sewage sludge shall be deposited or spread on lands where the location of such would constitute an odor nuisance or health hazard to the surrounding property owners.
- C. In depositing or spreading of any sewage sludge, the area of land on which it is deposited shall be plowed under within 48 hours, and all sewage sludge shall be spread and covered with sufficient cover material of not less than six inches so as to prevent the exposure, seepage or drainage of any sewage sludge as would constitute an odor nuisance or health hazard to the surrounding property owners.
- D. The permit holder shall have the necessary equipment available to assure that any sewage sludge deposited on the land shall be spread and covered within the forty-

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1. Editor's Note: See Ch. A190, Fees.

eight-hour period.

- E. Any vehicle that is used to haul sewage sludge, whether liquid or solid, shall be of such construction so as to prevent any part of its load from spilling or dropping at all times while such vehicle is on any public street, road or alley within the township.
- F. The following standards shall be the criteria applying to all sewage sludge deposited on any lands within the township:
  - (1) No sewage sludge shall be deposited which exceeds the following parts per million of heavy metals on a dry matter basis:

<b>Heavy Metal</b>	<b>Parts per Million</b>
Zinc	1,500
Copper	750
Lead	500
Chromium	500
Nickel	150
Cadmium	10

- (2) Not more than 10 dry tons of sewage sludge shall be deposited or spread on one acre of land in any one year, not to exceed a period of three years. A soil analysis for concentration of heavy metals shall be made at the expense of the permit holder to determine potential toxic buildup levels of heavy metals before any permit is reissued.

ARTICLE IV  
**Investigations and Inspections**

**§ 143-12. Investigations.**

The Code Enforcement Officer shall investigate any applicant for a permit and is authorized to consult with and seek the advice and aid of the DER or any other individual or agency of government concerning the depositing of sewage sludge within the township.

**§ 143-13. Inspections.**

- A. Prior to the renewal of any permit issued hereunder and at least once, not more than 10 days after any sewage sludge is deposited on any lands within the township, the Code Enforcement Officer shall inspect the premises for which such permit has been issued to determine whether the person to whom the permit has been issued is complying with all provisions of this chapter. The permit holder shall notify the township three working days in advance of when sewage sludge is to be applied to the property.
- B. If it is determined during any such inspection that any of the provisions of this chapter are being violated, the Code Enforcement Officer shall issue a notice of violation to the permit holder indicating the violations of the chapter and directing

that the violations be abated within five days of the date of the notice of violation. In the event that such violation is not corrected within five days as directed in said notice, the permit shall be revoked.

ARTICLE V  
**Certificates of Approval**

**§ 143-14. Permit and prior notification required.**

It shall be unlawful for any person to deposit or spread or cause to be deposited or spread any sewage sludge within the township without first obtaining a permit as set forth herein and without first providing notification to the township as set forth in § 143-15. Notwithstanding the foregoing, the provisions of this chapter shall not apply to the West Earl Sewer Authority.

**§ 143-15. Statement required; contents.**

Every person desiring to deposit or cause to be deposited sewage sludge within the township shall file a statement, on a form and in the number as required by the township, with the township not less than five days prior to the date when sewage sludge is intended to be deposited within the township, which statement shall contain the following information:

- A. The name of the permit holder and the date of issuance of the permit.
- B. The name and address of both the person who desires to deposit sewage sludge within the township and the person who owns the land upon which the sewage sludge is to be deposited, together with a legal description of the area of land upon which the sewage sludge is to be deposited. If such information is set forth in the permit application, reference to the application shall be sufficient.
- C. The period of time, not to exceed 30 days, and the hours when the applicant desires to deposit sewage sludge, the amount of sewage sludge intended to be deposited and a certification from the DER that the sewage sludge to be deposited has been tested and does not exceed the maximum limits of heavy metals as set forth in § 143-11 of this chapter.
- D. The license number of all motor vehicles used in transporting sewage sludge.

**§ 143-16. Approval of application.**

Upon receipt of a proper notification statement as provided herein, the Code Enforcement Officer shall examine the application and, if satisfied that it complies with the provisions of this chapter, shall issue a certificate of approval for a period of not more than 30 days. In the event that the notification statement is disapproved, the Code Enforcement Officer shall endorse upon the application the reasons for disapproval and return it to the applicant.

**§ 143-17. Appeals from application decisions.**

The decision of the Code Enforcement Officer with respect to the approval or disapproval of a permit application may be appealed to the Board of Supervisors not later than 30 days after the issuance of notice of the decision.

**§ 143-18. Fees.**

Prior to the issuance of a certificate of approval, a fee in the amount as established by resolution of the Board of Supervisors shall be paid to the township.<sup>2</sup>

**ARTICLE VI  
Enforcement**

**§ 143-19. Notice of violation and compliance order.**

Whenever the Code Enforcement Officer determines that there has been a violation of any provision of this chapter or of any regulation adopted pursuant thereto, the Code Enforcement Officer shall give notice of such alleged violation to the person who has committed such violation as hereinafter provided. Such notice shall:

- A. Be in writing.
- B. Include a statement of the reasons for its issuance.
- C. Allow five days for the performance of any act it requires.
- D. Be served upon the person or his agent.
- E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter, or part thereof, and with the regulations adopted pursuant thereto.

**§ 143-20. Revocation of permit or certificate.**

Upon the failure of a holder of a permit or certificate to comply with the notice of violation and compliance order, the Code Enforcement Officer may revoke the permit or certificate and may give an appropriate cease and desist order terminating the disposition of sewage sludge within the township.

**§ 143-21. Appeals.**

The person receiving a notice of violation or the holder of a permit or certificate revoked hereunder may appeal the notice of violation or the revocation to the Board of Supervisors, in writing, within 10 days after the date of the notice, order or revocation.

**§ 143-22. Violations and penalties; remedies.** [Amended 6-24-1996 by Ord. No. 116]

- A. Enforcement penalties. For each violation of the provisions of this chapter, the owner, agent, lessee or contractor or any other person who commits, takes part in or assists in any such violation shall be liable, upon conviction thereof in a summary

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<sup>2</sup>. Editor's Note: See Ch. A190, Fees.

proceeding, to pay a fine of not less than \$200 nor more than \$1,000 for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation exists shall be considered a separate violation of this chapter, and each section of this chapter which is violated shall be considered a separate violation. In default of payment of such fine, such person shall be liable to imprisonment for a period not exceeding 30 days. [Amended 4-28-1997 by Ord. No. 129]

- B. Remedies. In addition to the enforcement penalties herein provided, the township may institute any appropriate action or proceeding at law or in equity to enforce the provisions of this chapter or to prevent the violation thereof.

**§ 143-23. Nonapplicability.**

Nothing in this chapter shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred, any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this chapter.