

ORDINANCE NO. 37

AN ORDINANCE PROVIDING RULES, REGULATIONS, AND RESTRICTIONS GOVERNING THE OPERATION OF DUMPS AND LANDFILLS, AND ESTABLISHING RESPONSIBILITY FOR THE CLEANUP OF OIL AND TOXIC CHEMICAL SPILLS AND OTHER HAZARDOUS WASTE MATERIAL.

The Board of Supervisors of Greene Township, Pike County, Pennsylvania hereby ordain and enact as follows:

SECTION I (PURPOSE)

The intent of this ordinance is to protect the public health, safety and welfare of the Greene Township Community.

SECTION II (DEFINITIONS)

- a. Nonhazardous waste shall include all organic or inorganic refuse, garbage, or rubbish that has been determined nonhazardous by competent authority.
- b. Hazardous waste shall include all wastes that are flammable, combustible, corrosive, radioactive, or toxic to humans or react violently to chemicals.
- c. Person shall include any individual, firm trust, partnership, public or private corporation or association, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, or other entity.

SECTION III (APPLICATION)

No waste shall be discarded, accumulated, or burned within Greene Township except as herein provided.

IV SECTION VI (NONHAZARDOUS WASTE PRIVATE DISPOSAL)

Nothing in this ordinance shall prevent any person from burying or burning upon land owned by him nonhazardous waste arising from his own activities as opposed to waste disposal activities which are of a commercial nature. Furthermore, such actions shall be subject to any and all township ordinances and resolutions now existing or hereinafter enacted

by the Board of Supervisors that are related to private disposal activities.

SECTION V (PERMITS)

No person shall establish, maintain, or enlarge a public or private commercial waste dump for nonhazardous waste without first obtaining a license from D. E. R. and the supervisors of Greene Township. All persons desiring such license shall apply in writing to the supervisors of Greene Township, setting forth the proposed location, proposed screening if necessary, and certification that only nonhazardous waste will be handled. A fee of \$100.00 per year or portion thereof will accompany each letter request. All licenses are renewable annually and will be applied for annually in the same manner described above. Failure to reapply annually will be considered cause for license revocation.

SECTION VI (RESPONSIBILITIES OF WASTE DISPOSAL SITE OPERATORS)

The duties and responsibilities of licensed waste dump operators shall be as follows:

- a. To operate and maintain a waste dump only in compliance with Pennsylvania D. E. R. standards and in an area approved by the supervisors of Greene Township.
- b. To abstain absolutely from operating the dump for hazardous waste material.
- c. To abstain absolutely from burning or permitting the burning of waste.
- d. To take all reasonable security measures to prevent unauthorized burning or dumping of waste by others on his premises.
- e. To permit periodic unannounced on-site inspections of the waste dump by the Greene Township supervisors or their designated representatives.

SECTION VII (HAZARDOUS WASTES)

No person shall store, accumulated, keep, possess, dispose, or allow hazardous waste material upon any property within Greene Township limits except licensed commercial establishments which must arrange for safe transportation and disposal outside the township to an approved facility as provided by Pennsylvania state law.

SECTION VIII (WASTE SPILLS-CLEANUP)

Any person transporting waste in or through Greene Township or any highway (state, interstate, township, or private) shall be responsible in case of any accidental or deliberate spill of waste material for:

- a. The cleanup of such spill within a reasonable number of days.
- b. All costs incurred in the cleanup and for reimbursement to Greene Township in the event that Greene Township employees or equipment are used in the cleanup.
- c. Any environmental damage, contamination, or pollution to land or water and reimbursement as determined by competent authority, to the person injured materially or physically by the spill.

SECTION IX (TOWNSHIP ADMINISTRATION)

Greene Township supervisors will:

- a. Hold a public hearing upon the receipt of a written request, as specified in SECTION V above, and after inspection of the proposed site by the supervisors or their designated representative.
- b. Grant license only if supervisors are satisfied that location is reasonable to be suited for nonhazardous waste disposal.
- c. Enlist the aid and support of experts and competent authorities such as the Pennsylvania D. E. R. or Federal E. P. A. when deemed necessary for decision in the handling and disposition of hazardous as well as nonhazardous waste material.
- d. Revoke license for violations of this ordinance.

SECTION X (PENALTIES)

a. Any person who fails to comply with any or all of the provisions of this ordinance or who fails or refuses to comply with any notice, order, or direction of the Greene Township supervisors or their duly authorized and designated representatives shall pay a fine to the Greene Township of not less than \$100 nor more than \$300 plus cost of prosecution.

b. In default of such payment noted in SECTION X, a , above, such person shall be imprisoned in the county prison for a period not to exceed 30 days. Each day during which any violation of this ordinance

continues shall constitute separate offense. In addition to the foregoing penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this ordinance.

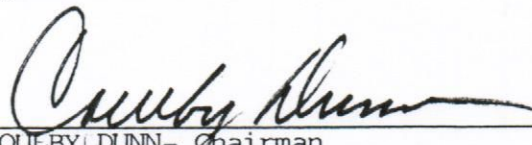
c. The imposition of a fine or penalty for any violation of, or non-compliance with this ordinance shall not excuse the violation or noncompliance, or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time as determined by the Greene Township supervisors. Any waste dump installed or operating not in compliance with this ordinance shall be declared by the Greene Township supervisors to be a public nuisance and abatable as such.

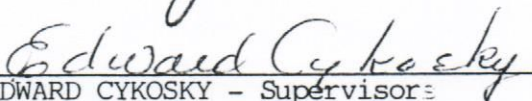
SECTION XI (SEVERABILITY CLAUSE)

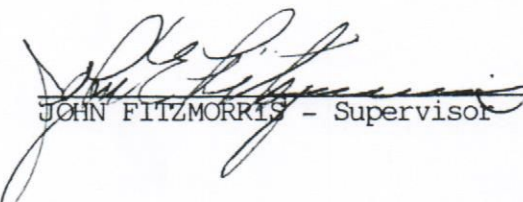
If any section, paragraph, sentence, or phrase of this ordinance should be declared invalid for any reason whatsoever, the other sections, paragraphs, sentences, or phrases of this ordinance shall not be affected thereby.

SECTION XII


This Ordinance shall become effective five (5) days after its adoption. Adopted this 4th day of August, 1982.


COULBY DUNN - Chairman


EDWARD CYKOSKY - Supervisor


JOHN FITZMORRIS - Supervisor

ATTEST:


Secretary