

Ordinance 93-8

Waste Flow Control

June 28, 1993

MUNICIPAL WASTE FLOW CONTROL ORDINANCE
ORDINANCE NO. 93-8

WHEREAS, Township of Hopewell, a municipality of Beaver County, Commonwealth of Pennsylvania and the County have determined that the appropriate legal mechanism for achieving the objectives of Section 102 and 303(a) and (e) of the Municipal Waste Planning, Recycling, and Waste Reduction Act, Act 101 of July 28, 1988, P.L. No. 528 (hereinafter referred to as "Act 101"), and for ensuring the delivery of the Township of Hopewell's generated municipal waste is the enactment of a Municipal Waste Flow Control Ordinance that provides for the disposition of municipal solid waste at approved disposal sites which are listed in the Beaver County Solid Waste Management Plan; and

NOW, THEREFORE, it is hereby enacted and ordered by Township of Hopewell as follows:

SECTION I. Definitions.

Unless the context clearly indicates otherwise, the following terms used in this Agreement shall have the following meanings:

- a) "Act 101" - The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101, as now or hereafter amended.
- b) "Disposal" - The deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.
- c) "Landfill" - A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to areas where disposal or processing activities actually occur, support facilities,

borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads and transportation and storage facilities. The term does not include construction/demolition waste landfills or a facility for the land application of sewage sludge.

- d) "Municipal Waste" - Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.
- e) "Municipal Waste Landfill" - Any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the Department under the Solid Waste Management Act. The term shall not include any facility that is used exclusively for disposal of construction;demolition waste or sludge from sewage treatment plants or water supply treatment plants.
- f) "Municipality" - Township of Hopewell, Beaver County, Pennsylvania.
- g) "Permit" - Permit No. issued by the Department for the operation of the Landfill by Operator.
- h) "Person" - Any individual, partnership, corporation, association, institution, cooperative, enterprise, municipality, municipal authority, Federal Government or agency, State institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- i) "Recycling" - The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.
- j) "Solid Waste Management Act" - Act 97 of 1980, 35 P.S. Section 6018.101 et seq., and the Department regulations promulgated thereunder.

SECTION 2. Licensing of Collectors and/or Transporters.

Not later than 120 days after the effective date of County Ordinance No. 082092-SWM all persons collecting and/or transporting waste within the Municipality shall be required to obtain a County license pursuant to County Ordinance No. 082092-SWM.

SECTION 3. Disposal of Municipal Waste at Designated Municipal Waste Processing or Disposal Facility.

All municipal waste collectors and transporters shall deliver and dispose of all municipal waste generated within the Township, other than recyclable materials as designated in the Township's recycling ordinance, at the site(s) designated by the Municipality. Hopewell Township has contracted for waste disposal capacity with those disposal facilities set forth in Exhibit "A" which is attached hereto for a period of five (5) years with the option to renew said contract for an additional five (5) years.

SECTION 4. Regulations.

All collectors and transporters shall comply with all County rules and regulations adopted by the County and this Municipality pursuant to Act 101, County Ordinance No. 082092-SWM, or this Ordinance.

SECTION 5. New Municipal Waste Processing or Disposal Facilities Prohibited; Continuation of Existing Facilities.

(a) Prohibition of Municipal Waste Processing and Disposal Facilities. No person other than the County, the United States of America, the Commonwealth of Pennsylvania, or this Municipality, shall use or permit to be used any property owned or occupied by that person within the Municipality as a new municipal waste processing or disposal facility, for the processing or disposal of waste generated within Hopewell, Beaver County, without the express written approval of the Township, County, and the Department of Environmental Resources.

(b) Existing Facilities. The prohibition set forth in Section 5(a) of this Ordinance shall not interfere with the operation of any existing facility provided:

- (i) the owner/operator of the facility has an approved permit or has submitted a permit application to DER prior to April 9, 1990.
- (ii) the facility does not accept municipal waste from any sources within the County other than those authorized by the facility's permit.

(c) Recycling. The prohibition set forth in Section 5(a) of this Ordinance shall not interfere with the operation of any program adopted by the Municipality for recycling.

SECTION 6. Unlawful Activity; Nuisance.

(a) Unlawful Conduct. It shall be unlawful for any person to:

(1) Violate, cause or assist in the violation of any provision of this Ordinance, County Ordinance No. 082092-SWM or any rule, regulation or order promulgated by the County pursuant to County Ordinance No. 082092-SWM.

- (2) or cause to be processed, treated, or disposed of municipal waste generated

within this Municipality at a facility set forth in Exhibit "A" which is attached hereto, pursuant to the Township of Hopewell waste disposal agreement and the County Solid Waste Management Plan.

(3) collect or transport municipal waste generated within this Municipality without a valid County license:

(4) hinder, obstruct, prevent or interfere with this Municipality in the performance its duties under this Ordinance, Act 101 or any enforcement of this Ordinance;

(5) act in any matter that is contrary to Act 101, the County's Municipal Waste Management Plan, County Ordinance No. 082092-SWM, this Ordinance, or any County or Municipality rule or regulation promulgated pursuant to this Ordinance or County Ordinance No. 082092-SWM, or the terms of any licenses issued by the County.

(b) Public Nuisance. Any unlawful conduct set forth in Section 6(a) hereof shall constitute a public nuisance.

SECTION 7. Penalties.

Any person who engages in unlawful conduct as defined in this Ordinance shall be subject to such penalties and jail terms that are legally adopted by this Municipality.

SECTION 8. Injunction; concurrent remedies.

(a) Restraining Violations. In addition to any other remedy provided in this Ordinance, the Municipality may institute a suit in equity if unlawful conduct or a public nuisance exists as defined in this Ordinance for an injunction to restrain a violation of this

Ordinance, or rules, regulations, orders issued pursuant to this Ordinance or County ordinance No. 082092-SWM. In addition to an injunction, the court may impose penalties as authorized by Section 7 hereof.

(b) Concurrent Remedies. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent, the existence or exercise of any remedy shall not prevent the Municipality from exercising any other remedy provided by this Ordinance or otherwise provided at law or equity.

SECTION 9. Construction.

The terms and provisions of this Ordinance are to be liberally construed, so as to best achieve and effectuate the goals and purpose hereof. This Ordinance shall be construed in pari materia with the County Ordinance No. 082092-SWM and Act 101.

SECTION 10. SEVERABILITY.

The provisions of this Ordinance are severable. Any provision of this Ordinance or its application to any person or circumstance within a part of a Municipality is held invalid, said invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provisions or application of the Ordinance and any other part of the County.

SECTION 11. Repealer.

All provisions of any other ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 12. Effective Date.

This Ordinance shall take effect on July 1, 1993.

ENACTED AND ORDAINED an Ordinance this 28 day of JUNE, 1993.

Township of Hopewell

ATTEST: 
Manager

BY: 
Township Board of Commissioners

J. J. Brunner, Inc. Landfill, New Sewickley Township, Beaver County, PA
Mr. Joseph J. Brunner
R.D.#1, Brunner Road
Zelienople, PA 16063

Arden Landfill, Washington County, PA
Mr. John Rangos, Chambers Development Company, Inc.
P. O. Box 27300
Pittsburgh, PA 15235

BFI of PA - Imperial Landfill, Findlay Township, Allegheny County, PA
Mr. Cecil Medrick
P. O. Box 448
Carnegie, PA 15106

Northwest Sanitary Landfill, Butler County, PA
Mr. Harry Small - Waste Management of PA
P.O. Box 1798
Butler, PA 16001

Brooke County Sanitary Landfill, Colliers, West Virginia
Mr. Pat Mascaro
R.D.#2, P. O. Box 410
Colliers, WV 26035

BFI of Ohio - Carbon Limestone (Poland) Sanitary Landfill, Mahoning County, Ohio
Mr. Mike Heher
P. O. Box 5240
Poland, OH 44514

EXHIBIT "A"

Beaver County Times

P.O. BOX 400
BEAVER, PA 15009-0400
AREA CODE 412 775-3200



LEGAL ADVERTISING INVOICE

TOWNSHIP OF HOPEWELL
CLARK BOULEVARD
ALQUIPPA PA 15001

06/24/93 101.81

PROOF CHARGE IS \$2.00 FOR AFFIDAVIT, \$4.00 FOR CLERICAL FEE

ACCOUNT	INVOICE DATE	DESCRIPTION	LINES	TIMES	PROOF	TOTAL CHARGES
94249600	06/24/93	ORD-MUN WASTE FLOW	67	1	6.00	↓
6/22/93						101.81
DATES APPEARED						

PROOF OF PUBLICATION

The **Beaver County Times**, a daily newspaper of general circulation, published by BEAVER NEWSPAPERS, INC., a Pennsylvania corporation, 400 Fair Avenue, West Bridgewater, Beaver County, Pennsylvania, was established in 1946, and has been issued regularly, except legal holidays since said date.

The attached advertisement, which is exactly as printed and published, appeared in the regular issue on

6/22/93

BEAVER NEWSPAPERS, INC.

By Terry L. Tolson

STATE OF PENNSYLVANIA, }
COUNTY OF BEAVER, } SS:

Before me, a Notary Public in and for such county and state, personally appeared

TERRY L. TOLSON, who being duly sworn according to law says that he is **ADVERTISING DIRECTOR** of BEAVER NEWSPAPERS, INC.; that neither affiant nor said corporation is interested in the subject matter of the attached advertisement; and that all of the allegations of the foregoing statement including those as to the time, place and character of publication are true.

Sworn to and subscribed before me
this 24TH day of JUNE 1993

Pamela Sue Reese

The costs of advertising and proof, 101.81
has been paid.

Notarial Seal
Pamela Sue Reese, Notary Public
Bridgewater Boro, Beaver County
My Commission Expires Aug. 26, 1995
Member, Pennsylvania Association of Notaries

BEAVER NEWSPAPERS, INC.

By _____

SECTION 7. Penalties.
SECTION 8. Injunction: con-
current remedies.
SECTION 9. Construction.
SECTION 10. SEVERABILITY.
SECTION 11. Repealer.
SECTION 12. Effective Date.
6/22/93
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