

Ordinance 83-05

AN ORDINANCE AMENDING THE WEST BRADFORD TOWNSHIP ZONING ORDINANCE 77-1, AS AMENDED, BY ADDING SANITARY LANDFILLS AS A CONDITIONAL USE WITHIN THE INDUSTRIAL DISTRICT AND CREATING PERFORMANCE STANDARDS AND CONDITIONAL USE STANDARDS FOR THE SAME.

1. Add the following terms and definitions to Section 201 of the Township Zoning Ordinance.

** Dump. A tract of ground, or portion thereof, used for deposit and storage of refuse, including but not limited to garbage, ashes and rubbish. The definition of dump does not include a sanitary landfill as defined by this Ordinance and when operated in accordance with standards and regulations established by the Pennsylvania Department of Environmental Resources or the Chester County Health Department.

** Hazardous Waste. As defined in Section 103 of Pennsylvania Act 97 (1980), the Solid Waste Management Act.

** Sanitary Landfill. A land site on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation. A sanitary landfill shall be operated in accordance with standards established by, and shall be subject to inspection by, the Pennsylvania Department of Environmental Resources or Chester County Health Department, or it shall be considered a dump.

** Solid Waste. Any waste, including, but not limited to municipal or residual wastes, but specifically excluding hazardous wastes; including solid, liquid, semi-solid, or contained gaseous materials.

2. Add a "2" to Section 601.2 B. (Industrial District)

B. Conditional Uses:

2. Sanitary landfill, subject to the provisions of Section 804.6, and provided that:

- a. Such landfill is operated by the County of Chester, Commonwealth of Pennsylvania or ownership by an authority in which West Bradford is a member.

- b. The service area of said landfill includes all of West Bradford Township, or a lesser area of the Township at the discretion of the Board.

3. Add a final phrase to Section 802.8 C. 10. (Industrial Use Performance Regulations)

C. Uses shall be such that they:

10. Do not engage in the storage of waste materials on the lot for any period beyond thirty (30) days, excluding sanitary landfills approved pursuant to Section 601.2. B.

4. Add a "6" to Section 804 (Conditional Use Regulations)

804.6 Sanitary Landfills

A. Applications The following information shall be submitted by an applicant for conditional use approval for a sanitary landfill and shall be evaluated by the Board. An applicant receiving conditional use approval pursuant to this Section shall not be required to resubmit this information in applying for a zoning permit pursuant to Section 902.2.

1. Maps of the proposed sanitary landfill site, prepared by a registered engineer to a scale of 1" = 50', showing the following:
 - a. topography;
 - b. geological formations;
 - c. soil classifications;
 - d. proximity of site to surface water, and use of such surface water;
 - e. groundwater study, including location of all aquifers and aquifer recharge zones;
 - f. wetlands;
 - g. floodplains;
 - h. areas of prime agricultural land;
 - i. wildlife habitat areas;
 - j. woodlands and other significant vegetation;
 - k. existing uses of the property;
 - l. the names of adjacent owners and the land uses of their property.
 - m. any existing and/or proposed natural or artificial buffers;
 - n. nearby historic sites;
 - o. nearby schools, hospitals and other congested areas;
 - p. location of the site relative to public roads; and

- q. any proposed fencing or other improvements.
2. A written description of the proposed operations as per Section 902.2 D., unless otherwise covered in items 8 - 14 below.
 3. Engineering and, if any, architectural plans as per Section 902.2 F., unless otherwise covered in items 8 - 14 below.
 4. Any other information required by Section 902.2, at the request of the Board.
 5. Written description as to the operating experience, financial status, instances of landfill permit violations, and other pertinent data concerning the applicant, and if different, the owner (s) and proposed manager; relationships among applicant, owner, and proposed manager.
 6. Anticipated types and places of origin of solid waste to be eligible for disposal.
 7. Statement indicating expected useful life of the site as a sanitary landfill, anticipated condition of the site upon completion of operation, and plans for the restoration of the site upon termination of the landfill operation.
 8. A copy of the application to D.E.R. for a Solid Waste Management Permit, including Module 9 when submitted under D.E.R.'s Environmental Assessment Process.
 9. In the event the amount of earth to be disturbed (including access roads, buffers, and screens) shall exceed 25 acres, a copy of (a) an application to D.E.R. for an Erosion and Sedimentation Control Permit, and (b) an Erosion and Sedimentation Control Plan.
 10. Evidence, which may take the form of a certification by the Chester County Board of Commissioners, that the application for (1) a Solid Waste Management Permit, and (2) the conditional use, is consistent with the Chester County Solid Waste Management Plan.
 11. Proposals for leachate collection, treatment and disposal, and for gas migration control.
 12. Proposed sources of cover material sufficient for the project.

13. Adequate provisions for public services, including water, sewer, police and fire.
14. A traffic study prepared by a traffic engineer selected by the Township showing (1) the existing and projected traffic in the area of the proposed sanitary landfill, and (2) the projected traffic patterns after its completion and full operation, including proposed access routes, roads and bridges (indicating their capacity), traffic plan, and types, sizes, and capacities of disposal vehicles.
15. Proposed hours of operation.

Provided, that to the extent any such information is already contained in the applicant's application for a Solid Waste Management Permit, such information may be incorporated by reference in the application for conditional use and, provided further, that the application for conditional use shall contain any such other information as may be requested by the Board in order to assist the Board in determining whether or not such application shall be granted.

B. Standards The following standards and criteria shall be used by the Board as a guide in evaluating any application for a sanitary landfill as a conditional use.

1. The sanitary landfill shall (a) contain a leachate collection, treatment and disposal system to protect the surface and ground water, (b) be adequately screened off by buffer zones from adjacent properties, and (c) be properly fenced, to prevent access at other than designated patrolled locations and so as to further prevent the dissemination of papers and other trash outside the site and any other nuisance on adjoining properties.
2. Said landfill shall be located so that safe and adequate access is available over public roads at all times. The Board may require that any road providing access to the proposed landfill be a minimum cartway of 24 feet in width and paved with surface and base course of sufficient depth to withstand traffic loads determined by the number and weight of trucks anticipated in the daily operation of the proposed landfill. The Board may further require that the cost of improvement of roads to provide this standard of access be assessed against the applicant, either by requiring contribution of monies sufficient to pay for the improvement of the road or by assessing dumping fees on the operation of said landfill sufficient to pay for the improvement and maintenance of access roads.

3. All trucks entering and leaving the landfill shall be covered and roads used for access to the landfill shall be patrolled daily by an agent of the landfill operator to pick up and dispose of scattered and blowing papers or other refuse.
4. Final grading of the land shall be done in a manner so that the land is left in a useful condition. A bond in the amount of 10% of the construction costs shall be posted to assure the Township that the property is left in such condition.
5. The permissible hours of landfill operation, including support operations beyond the acceptance of trash, shall be between 6 a.m. and 6 p.m. No operations shall take place on Sundays.

C. Conditions of Operation

1. Prior to the commencement of any activity to prepare or operate a site given conditional use approval as a sanitary landfill, the applicant and operator shall agree to conduct all such activities in strict accordance with the standards in Subsection B., above, and with any other reasonable conditions that may be imposed by the Board at the time of conditional use approval. Such acknowledgment shall be in the form of a development agreement (s) with the Township, executed at the time of conditional use approval and recorded with the property deed at the Chester County Office of the Recorder of Deeds.
2. Operation of a sanitary landfill as an approved conditional use shall be contingent upon the applicant securing and conforming to the terms of a Solid Waste Management Permit from the Pennsylvania Department of Environmental Resources (DER) and any other applicable statutes or regulations. A copy of the DER approved application and permit shall be filed with the Township prior to commencing any site preparation activity.
3. No hazardous waste shall be deposited in any such sanitary landfill.

- D. Future Use Any subsequent use of the landfill site shall be only those permitted by the zoning district in which it is located, provided that the applicant demonstrates to the Board that the site has been, or can be, stabilized and otherwise made suitable and safe for the use proposed.

E. Violations and Penalties In addition to the fines and penalties generally prescribed for violations of this Ordinance in Section 901.4 and 901.5 the conditional use approval of a sanitary landfill shall be subject to suspension or termination in the event that:

1. Such landfill is operated in a manner other than that permitted by the conditional use approval.
2. The operator should ever be enjoined from operating the sanitary landfill.
3. The Solid Waste Management Permit for the landfill operation is suspended or revoked.

Adopted this 9th day of August, 1983.

ATTEST: Jack A. Hines

BY THE BOARD OF SUPERVISORS
WEST BRADFORD TOWNSHIP

George P. Eagle Jr.
Junior