

ORDINANCE NO. 98-01

WASTE DISPOSAL OR TREATMENT FACILITIES  
BONDING & WARRANTY REQUIREMENTS

AN ORDINANCE OF LENOX TOWNSHIP, SUSQUEHANNA COUNTY, PENNSYLVANIA, PROVIDING THAT ALL WASTE FACILITIES WITHIN THE TOWNSHIP ARE REQUIRED TO SATISFY BONDING, WARRANTY AND ANALYSIS REQUIREMENTS PRIOR TO THE APPLICATION FOR PERMIT OR LICENSING OF THE WASTE FACILITY BY THE TOWNSHIP AND PROVIDING FOR PENALTIES FOR ANY VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lenox Township, Susquehanna County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION ONE. DEFINITIONS:

(a) Person - any individual or individuals, partnership, firm association or corporation, and specifically including the partners, officers and directors thereof.

(b) Refuse - any waste material constituting "solid waste" as defined in the Solid Waste Management Act (Act of July 7, 1980, P.L. 380, 35 P.S. 6018.101 et seq.) enacted by the Commonwealth of Pennsylvania, as amended to the date of this Ordinance.

(c) Solid Waste Facilities - any land site used to dump, bury or deposit, store or treat refuse.

(d) Permit - Where used in this Ordinance, the terms permit and licensing are deemed as having the same meaning.

SECTION TWO. Any solid waste facilities (landfills, incinerators, sludge operations, or a facility designed for the breakdown of waste materials for disposal) within Lenox Township will obtain bonding in the amounts and for the purposes described herein, will accomplish water testing requirements as described herein and will obtain or provide warranty for storage devices and/or materials as described herein prior to application for permit or licensing of any waste facility by the Township of Lenox, Susquehanna County, Pennsylvania is accomplished.

REQUIREMENT ONE. A bond of not less than two million dollars (2,000,000.00) per acre, or any portion thereof, shall be required for lands used for solid waste facilities. Solid waste facilities are defined as all

attached or contiguous acres to lands used for the purpose of landfills, incinerators, or sludge operations that lie entirely or in part within the bounds of Lenox Township. Said bond must be established and paid for a period of not less than 100 years by the proposers of solid waste facilities. Said bond is for the purposes of clean up of chemicals, toxins or elements not natural to the environment that may emit or seep from the waste facility for whatever reason.

REQUIREMENT TWO. All wells within a two (2) mile radius of the proposed waste facilities, at the request and/or permission of the owner of said well must be tested and the results provided the owner and officials of Lenox Township to be made public record. After a permit has been issued, all wells within the two (2) mile radius, at the request and/or permission of the owner of said well must be tested on an annual basis with results provided the owner and officials of Lenox Township to be made public record. In the event that contamination is detected, testing of all wells within a one (1) mile radius of the contaminated well will be accomplished on a monthly basis to determine the spread or extent of contaminated water. Water tests will be conducted by a certified agency recognized as such by the Department of Environmental Resources (DER). Expenses of said testing will be paid for by the proposers or the current owners of record of the waste facilities. Tests are to be performed for any chemicals, contaminants or foreign bodies known harmful for human consumption.

REQUIREMENT THREE. A bond of five million (\$5,000,000.00) dollars must be established to ensure sufficient funds are available to build and maintain a public water supply to provide pure water to residents whose well may become contaminated by waste facilities within the township. This bond must be established and paid in advance by the proposers of the waste facility for a period of 100 years. This bonding applies for each waste facility site that is established regardless of the ownership being the same for multiple sites.

SECTION THREE. CIVIL PENALTY FOR VIOLATIONS. Any person who violates any of the provisions of this Ordinance in addition to any other fines and penalties provided elsewhere in this Ordinance, at law or equity shall pay a civil penalty of not less than Three Hundred Dollars (\$300.00) nor more than Six Hundred Dollars (\$600.00) plus

court costs and attorney fees for each separate and distinct violation, and a separate penalty shall be imposed on each day during or on which a violation occurs or continues. An occurrence is defined as each day for which a waste facility operated (accepts materials for disposal). Enforcement of this Ordinance shall conform to the procedures contained in the Second Class Township Code. In addition to or in lieu of civil actions before a district justice, Lenox Township may enforce violations of this section in equity.

SECTION FOUR. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted has such unconstitutional, illegal or invalid sentence, clause, section or part thereof, not been included herein.

ENACTED INTO AN ORDINANCE this 23<sup>rd</sup> day of November, 1998, A.D.

ATTEST:

Sharon Depew  
Secretary

Fred Benson

Franklin Granger

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