

Article XXI

Solid Waste Disposal and Recycling Regulations

Section 2100. Declaration of Legislative Intent

In expansion of the Declaration of Legislative Intent and Statement of Community Development Objectives found in Sections 101 and 102 of Article I of this ordinance, it is the intent of this article to benefit the public health, safety, and welfare by regulating the processing, treatment, storage, recycling, and disposal of solid waste in the township, in conformance with the goals and objectives of the Comprehensive Plan, Open Space and Environmental Resource Protection Plan, and the following objectives:

- 2100.1 Encourage resource recovery, cogeneration of energy and recycling as a means of managing solid waste.
- 2100.2 Guard against harmful impacts of transporting, processing, treating, storing, recycling, and disposing of solid waste and recyclable materials by establishing reasonable and adequate performance standards for facilities permitted by this Ordinance.
- 2100.3 Provide standards and criteria governing the location and operation of solid waste processing, transfer, disposal, and/or recycling facilities where they are specified as permitted uses in zoning districts.
- 2100.4 Provide definitions for terms specific to solid waste processing, transfer, disposal, and recycling facilities and operations.

Section 2101. Permitted Uses

The following types of solid waste processing, transfer, disposal, and/or recycling facilities, as defined herein, may be operated only in the zoning districts where they are specified as conditional uses:

- 2101.1 Solid waste disposal facilities, including incinerators, composting facilities, resource recovery facilities, sludge processing, salvage operations, and transfer facilities, provided:
 - A. Prior to the onset of operation of these facilities, or expansion thereof, a permit or permits must be obtained by the applicant from the Pennsylvania Department of Environmental Protection or the U.S. Environmental Protection Agency for the operation, as required by law.
 - B. The Board of Supervisors and/or its authorized representatives shall, from time to time, be permitted to inspect these facilities and operations to assure continued compliance with this Article, with the expenses of inspection to be borne by the facility operator.

C. The Board of Supervisors reserves the right for itself or other units of public agencies to own and operate any and all solid waste processing, transfer, disposal, and/or recycling facilities in the Township, including the rights to:

1. Buy and/or lease land for these purposes.
2. Choose operators such as municipal employees or authorities, or by contracting with private firms, or other legitimate means.
3. Enter into agreements with adjoining communities to handle their municipal waste.
4. Buy and/or lease equipment or contract with private firms who will provide, operate, and maintain equipment for these purposes.

2101.2 Recycling facilities, including community drop-off centers, intermediate processing centers, and material processing centers.

2101.3 Junk yards or other outdoor storage uses listed in Section 1802.4 of this ordinance.

Section 2102. Dimensional Standards

These standards shall apply to solid waste processing, transfer, disposal, composting and/or recycling facilities, as specified:

2102.1 Solid Waste Processing and/or Disposal.

- A. Minimum lot area: 10 acres.
- B. Minimum lot width: 750 feet.
- C. Minimum principal building setback from ultimate right-of-way, any zoning district boundary, and any property boundary: 250 feet.
- D. Minimum side or rear setback for an accessory landfill or building not associated with the operation of the facility: 100 feet.
- E. Maximum impervious coverage: 40 percent of the net lot area.
- F. Maximum building height: 35 feet.

2102.2 Composting or Solid Waste Transfer.

- A. Minimum lot area: 5 acres.
- B. Minimum lot width: 300 feet.

- C. Minimum building setback from ultimate right-of-way, any zoning district boundary, and any property boundary: 150 feet (per MS).
 - D. Minimum side or rear setback for an accessory building not associated with the operation of the solid waste facility: 50 feet.
 - E. Maximum building height: 35 feet.
 - F. Maximum impervious coverage: 40 percent of the net lot area.
- 2102.3 Recycling. Recycling facilities shall comply with the dimensional standards of the zoning district that permits the use.

Section 2103. Performance Standards

In addition to complying with the regulations of the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, and other applicable federal and state regulations, the following performance standards shall apply to solid waste processing, transfer, disposal, composting, and/or recycling facilities:

2103.1 The use shall not:

- A. Constitute a nuisance or damage to health or any property by reason of dissemination of noxious, toxic or corrosive fumes, smoke, odor, debris, or dust onto adjacent properties.
- B. Result in noise or vibration clearly in excess of the levels specified in Article XXVIII, Noise Regulations, of this ordinance.
- C. Endanger surrounding areas by reason of radiation, fire, or explosion.
- D. Discharge any untreated or incompletely treated waste into any stream; or otherwise cause or contribute to the pollution of surface or underground waters.
- E. Endanger the underground water level or supply for other properties.
- F. Create an objectionable traffic condition on the highways or in an adjacent area; or generate a nuisance to surrounding property by reason of traffic.
- G. Create any objectionable condition in an adjoining area which will endanger public health and safety or be detrimental to the environmental quality of the surrounding area.
- H. Include a municipal waste landfill except as an accessory to a solid waste disposal facility owned and operated by Upper Hanover Township or other governmental unit, and is used only to dispose of ash, residues, reject material, and other bypassed solid wastes as generated by a resource recovery and/or incineration facility.

- I. Handle any solid waste other than municipal waste, as defined herein, and the ash, residue, reject material, and other material generated from municipal waste, except that hazardous and/or residual waste may be handled when approved as a separate conditional use, in addition to the conditional use approval required for all other solid waste facilities.

2103.2 Vehicular Access.

- A. Any public road used to provide direct access to these facilities for routine, daily use shall be paved and maintained in good condition, in compliance with the standards of the Pennsylvania Department of Transportation, for the types of trucking which are necessary for operation.
- B. The Board of Supervisors may designate safe and adequate access routes and prohibit the use of other roads, except for local trash pickup purposes.
- C. The minimum paved cartway for access roads shall be 26 feet, with four-foot wide improved shoulders on both sides.
- D. The access driveway into these facilities shall be of sufficient length to provide stacking room on the facility property, so that vehicles entering the facility shall not block the public road outside the facility.
- E. The costs of upgrading and maintaining major access roads to these facilities shall be paid for by these facilities in a means suitable to the supervisors. Assessments and/or dumping fees are examples of suitable methods.

2103.3 Security. These facilities' sites shall be fenced and served by lockable gates for security purposes. Scavenging shall not be permitted. In addition, appropriate precautions shall be taken to prevent trash from being scattered on the site by wind or other means. Fencing, walls, and other enclosures may be required for this purpose. Any scattered litter shall be collected daily and be properly disposed.

2103.4 Grading. These facilities site shall be graded and provided with appropriate drainage facilities to minimize runoff, prevent erosion, and prevent collection of standing water, except in basins designed for that purpose.

2103.5 Landscaped Buffer and Screening.

- A. These facilities shall be separated from adjoining residential or institutional uses or districts by a buffer zone equal to the minimum setback for the solid waste building or facility, landscaped in compliance with the Landscaping Standards in Section 431 of the Subdivision and Land Development Ordinance.

- B. Materials collected, stored or processed at these facilities shall be screened from view from adjacent roads or properties by complete enclosures in a building, opaque screening by solid fencing, walls or dense vegetation, or by location on a site such that the operation is not visible or is screened by existing vegetation on the site.
- 2103.6 Elevation. The highest elevation of an accessory landfill shall not exceed 35 feet above the highest point of natural elevation within the landfill area of the site before the disposal operation began. Final grading of the landfill area shall be done in a manner which leaves the site potentially useful. New landscaping shall be planted to protect against erosion and improve the appearance of the land after final grading.
- 2103.7 Equipment Housing. Equipment not in use shall be housed in on-site buildings.
- 2103.8 Fire Safety. All buildings shall be equipped with fire and smoke detection and extinguishing facilities in compliance with the regulations of the Pennsylvania Department of Labor and Industry, the National Fire Protection Association, BOCA (Building Officials and Code Administrators Code) and/or other more stringent regulations, if determined appropriate by the Board of Supervisors.
- 2103.9 Scales. An on-site scale shall be used to weigh all solid waste delivered to a site and accurate and complete records shall be maintained by the operator, and which records shall be available for inspection by the Board of Supervisors.
- 2103.10 Availability of Records. A certified copy of all reports, data, plans and other material or information required to be submitted to the Pennsylvania Department of Environmental Protection shall also be submitted to the Board of Supervisors.
- 2103.11 Tire Cleaning. A tire cleaning area shall be provided on the access road for a solid waste disposal or transfer site. All tires on all trucks leaving the disposal site shall be cleaned. Run-off from the tire cleaning area shall be controlled in accordance with the provisions of the Pennsylvania Storm Water Management Regulations of the Pennsylvania Department of Environmental Protection.
- 2103.12 Equipment Cleaning. An equipment cleaning area shall be provided on the solid waste disposal or transfer site. All equipment used in the disposal operation shall be cleaned daily to prevent odors and other nuisances or health hazards. All drainage from equipment cleaning areas shall be managed so as to prevent water pollution, and shall be discharged to a sanitary sewer system or other facilities approved by the Board of Supervisors.
- 2103.13 Groundwater Monitoring. At the site of a solid waste disposal facility, groundwater monitoring wells shall be required and shall be located both along the interior boundary lines of the buffer zone and outside the boundary lines of the site as determined by the Pennsylvania Department of Environmental Protection (PADEP). Copies of PADEP monitoring reports shall be promptly provided to the Board of Supervisors. Any unsafe conditions shall be reported immediately to the Board of Supervisors.

- 2103.14 Emergency Systems. All solid waste facilities, equipment and personnel shall be equipped with both an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel, and a device immediately available at the scene of operations, such as a telephone or a hand held two-way radio, capable of summoning emergency assistance from local police and fire departments.
- 2103.15 Emergency Access. All solid waste facilities shall have at least one emergency access entrance, which shall be locked except when used during an emergency situation. The operator shall provide a key to this entrance to the Board of Supervisors.
- 2103.16 Restrooms. Restroom facilities, as approved by the Board of Supervisors, shall be constructed and made available for use by persons on the site, including sanitary toilet facilities, washbasins, and showers, in accord with regulations of the Pennsylvania Department of Environmental Protection.
- 2103.17 Hours of Operation. Solid waste facilities may operate on a 24 hour basis, provided that waste delivery hours for all sites or facilities shall be limited to 7:00 AM to 6:00 PM on weekdays and 7:30 AM to 12:00 Noon on Saturdays. No waste deliveries shall be permitted at any other time unless approved in advance by the Township. Also, the site or facility shall be closed to waste deliveries on Christmas, New Years, Thanksgiving, Labor Day, Memorial Day, and Fourth of July.
- 2103.18 Evidence of Compliance. The applicant shall demonstrate compliance with these regulations by providing to the Board of Supervisors sufficient evidence of the following:
- A. That adequate provisions shall be made to reduce and minimize any objectionable elements to the degree necessary to insure that the proposed use(s) will not be noxious, hazardous or offensive as defined herein.
 - B. That the proposed use will comply with the other standards contained herein.
 - C. That all necessary information, impartial expert judgments and written assurances have been provided in writing.
 - D. That the applicant has obtained the advice of appropriate local, state, and federal agencies and of appropriate expert private consultants.
 - E. That the applicant's proposed use(s) comply with such tests or provide such safeguards in addition to those listed herein, as deemed necessary by the Supervisors, upon advice of the Township Engineer or other appropriate expert advisors.

Section 2104. Additional Standards and Criteria for Conditional Use Applications

In addition to complying with the other standards of this Article and Section 818 of this ordinance, applications for a conditional use for solid waste facilities shall provide the information, comply with the requirements, and be evaluated by the Board of Supervisors in accordance with the standards, criteria, requirements, and regulations of this section.

2104.1 Plan Conformance: The applicant shall provide a statement identifying the relationship of the proposed use to the Upper Perkiomen Valley Regional Comprehensive Plan, Montgomery County Municipal Waste Management Plan, state and federal regulations, and other policies and controls for the proposed use and the affected area, including a statement as to how the proposed use may conform or conflict with the objectives and specific terms of those documents, including a statement of the following:

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- A. Primary and secondary effects of the use and its capacity to stimulate or induce changes in patterns of social and/or economic activities.
 - B. Impact on existing community facilities and activities, changes in natural conditions, etc.
- 2104.2 Separation. No land shall be actively used for solid waste disposal within 300 feet of an existing residence, or within one-quarter of a mile of an existing school or institutional zoning district. Inactive buffer and/or landscaped areas of the waste disposal site may be counted toward the total separation.

2104.3 Traffic.

- A. The applicant shall demonstrate that the existing public road system will be able to accommodate the traffic generated by the use in a safe and efficient manner without infringing on existing residential areas. The Board of Supervisors may request this evidence as a traffic impact statement in accordance with Section 826 of this ordinance and an access road survey, including the following:
 - 1. A statement of the estimated number of vehicles weighing over 20,000 pounds, loaded, which are expected to use the site on a daily basis during the first two years of operation.
 - 2. A plan indicating all roads anticipated to be used as access roads, as defined herein.
- B. Based upon the findings of the study and survey, the Board of Supervisors may require other improvements, both on-site and off-site, to alleviate hazardous or congested situations directly attributable to the proposed development, as a condition of approval.

2104.4 Environmental Assessment Statement. The applicant shall submit an environmental assessment statement to the Board of Supervisors, in accordance with Section 820 of this Ordinance.

Section 2105. Conditional Use Application Requirements

Applications for a conditional use for solid waste facilities shall comply with the requirements of Section 818 of this ordinance and contain the date, information, and drawings specified herein.

- 2105.1 Drawings prepared by a professional engineer, registered in the State of Pennsylvania, to a scale no greater than 1-inch equals 100 feet, showing:
- A. Location of the site relative to public roads.
 - B. Owners of all abutting properties.
 - C. Proposed fencing and improvements.
 - D. Proposed screening and buffering.
 - E. Cross sections showing the existing grades and the proposed grades upon completion and closure of the accessory landfill, if any.
 - F. Accessory landfill area within the site, to include staging of landfill development and the location of haul roads and access roads.
 - G. Location of equipment cleaning and tire cleaning areas.
 - H. Location of weighing scales, fire fighting equipment and all facilities, including buildings.
 - I. Location of public and private water lines and water supplies, wells, springs, streams, swamps, rivers, groundwater aquifers and aquifer recharge zones and other bodies of water, and public and private sewer lines and septic systems.
 - J. Location of utility company rights-of-way and easements.
 - K. Geological formations.
- 2105.2 A soils, geologic, and groundwater report of the characteristics of the area where the proposed site or facility would be located.
- 2105.3 Wind data, including direction and percentage of time.
- 2105.4 Anticipated types, amounts, and places of origin of solid waste to be collected, processed, and/or disposed of.
- 2105.5 Evidence that the application is consistent with the Montgomery County Municipal Waste Management Plan.
- 2105.6 The names and current addresses of any and all persons having any ownership interest in the operation or proposed operation, maintenance and use of the equipment, or who own any interest, real or equitable, in the real estate which is the subject of the application.
- 2105.4 The names and current address of any and all persons having any ownership interest in any corporations or other business entities identified for subsection 2105.6, above, where such persons possess an ownership interest of 10 percent or more.
- 2105.5 The identities and qualifications of personnel designated to manage and operate the proposed facility, together with their intended responsibilities.

- 2105.6 Statements indicating expected useful life of the accessory landfill site and the condition and proposed uses of said site upon termination of operation, including, but not limited to, any limitations on future uses due to decomposition gases.
- 2105.7 The applicant shall submit to the Board of Supervisors, documents certified to be true and correct copies of all original plans, applications, data, materials, studies and information submitted to the Pennsylvania Department of Environmental Protection (PADEP) pursuant to the Pennsylvania Solid Waste Management Act and regulations and standards of PADEP, relating to solid waste processing and disposal systems.

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