

Truckload: A load containing a maximum of approximately 23 (twenty-three) tons of sewage sludge, based upon Rush Township's understanding that sewage sludge for land application typically is delivered in tri-axle trucks that can hold approximately that amount of sewage sludge.

Section 6—Adoption of State Regulations

Rush Township hereby adopts as local law the Pennsylvania regulations concerning the land application of sewage sludge, including without limitation those codified at 25 Pa. Code §§ 271 and 275, *et seq.*, as amended, to the extent that those regulations permit persons, but not corporations, to engage in land application of sewage sludge under those regulations.

Section 7—Statements of Law

Section 7.1: It shall be unlawful for any person, corporation, or other entity to violate in Rush Township the Pennsylvania regulations concerning the land application of sewage sludge, including without limitation those codified at 25 Pa. Code §§ 271 and 275, *et seq.*, as amended.

Section 7.2: It shall be unlawful for any person to land apply sewage sludge in Rush Township without first complying with the requirements in section 8 of this Ordinance.

Section 7.3: It shall be unlawful for any corporation to engage in the land application of sludge within the Township of Rush. It shall be unlawful for any person to assist a corporation to engage in the land application of sewage sludge within Rush Township.

Section 7.4: It shall be unlawful for any director, officer, owner, or manager of a corporation to use a corporation to engage in the land application of sludge within Rush Township.

Section 7.5: Within the Township of Rush, corporations engaged in the land application of sludge, dredged material, or any other type of waste as defined under Title 25, §271.1 of the Pennsylvania Code, shall not be "persons" under the United States or Pennsylvania Constitutions, or under the laws of the United States, Pennsylvania, or Rush Township, and so shall not have the rights of persons under those constitutions and laws. In addition, within the Township of Rush, no corporation engaged in the land application of sludge, dredged material, or any other type of waste as defined under Title 25, §271.1 of the Pennsylvania Code, shall be afforded the protections of the Contracts Clause or Commerce Clause of the United States Constitution, or similar provisions from the Pennsylvania Constitution.

Section 7.6: Natural communities and ecosystems possess inalienable and fundamental rights to exist and flourish within the Township of Rush. It shall be unlawful for any corporation or its directors, officers, owners, or managers to interfere with the existence and flourishing of natural communities or ecosystems, or to cause damage to those natural communities and ecosystems. The Township of Rush, along with any resident of the Township, shall have standing to seek declaratory, injunctive, and compensatory relief for damages caused to natural communities and ecosystems within the Township, regardless of the relation of those natural communities and ecosystems to Township residents or the Township itself. Township residents, natural communities, and ecosystems shall be considered to be "persons" for purposes of the enforcement of the civil rights of those residents, natural communities, and ecosystems.

Section 7.7: All residents of Rush Township possess a fundamental and inalienable right to a healthy environment, which includes the right to unpolluted air, water, soils, flora, and fauna. All residents of the Township possess a fundamental and inalienable right to the integrity of their bodies, and thus have a right to be free from unwanted invasions of their bodies by pollutants.

Section 8—Application and Testing Requirements

Before each and every truckload of sewage sludge is land applied in Rush Township by a person, the sewage sludge applicant must do the following:

Section 8.1: Complete and submit to the Township a written application in form and number provided by the Township and containing the name and address of the sewage sludge applicant, the name and address of the landowner on whose land the sewage sludge is to be land applied, the location of the land on which the sewage sludge is to be land applied, and a copy of all DEP and other applicable state and federal permits pertaining to the land application.

Section 8.2: Provide Rush Township with written proof of the Class of sewage sludge to be land applied. If the sludge is Class A, provide Rush Township with written proof of the Alternative in 25 Pa. Code § 271.932(a) under which the sludge qualifies as Class A. If the sludge is Class B, provide Rush Township with written proof of the Alternative in 25 Pa. Code § 271.932(b) under which the sludge qualifies as Class B. For all Classes of sludge, provide Rush Township with written proof of the Alternative in 25 Pa. Code § 933(b) under which the sludge purportedly satisfies DEP vector attraction requirements. The purpose of this subsection is to confirm the Class of sludge to be applied and to identify the testing that Rush Township must conduct on the sewage sludge and the requisite testing and collection fees under Section 8.4 of this Ordinance.

Section 8.3: Arrange for and allow Rush Township to collect the necessary sewage sludge samples from the truckload to be land applied to have a qualified laboratory test the sludge for pollutants, pathogens, and vector attractants regulated by DEP at 25 Pa. Code § 271.914 (pollutants), § 271.932 (pathogens), § 271.933 (vector attractants), and at all other applicable state and federal regulations, as amended.

Section 8.4: Pay Rush Township the testing and collection fees identified below and, when indicated, provide Rush Township with the written proof requested below.

Pollutants: For all classes of sewage sludge, the testing fee for pollutants under 25 Pa. Code § 271.914(a)(1) will be determined based upon quotes from one or more qualified laboratories at the time of testing.

Pathogens: For Class B sludge under Alternative 1 of 25 Pa. Code § 271.932(b), the testing fee to test seven samples for fecal coliform will be determined based upon quotes from one or more qualified laboratories at the time of testing.

For Class B sludge under Alternatives 2 and 3 of 25 Pa. Code § 271.932(b), the sewage sludge applicant shall submit written proof that the sludge to be land applied has been treated as required under the applicable Alternative.

Vector Attractants: For sewage sludge that purportedly satisfies vector attraction requirements under 25 Pa. Code § 271.933(b)(1), (2), or (3), the testing fee for mass of volatile solids will be determined based upon quotes from one or more qualified laboratories at the time of testing.

For sewage sludge that purportedly satisfies vector attraction requirements under 25 Pa. Code § 271.933(b)(4), the testing fee for SOUR will be determined based upon quotes from one or more qualified laboratories at the time of testing.

For sewage sludge that purportedly satisfies vector attraction requirements under 25 Pa. Code § 271.933(b)(5), (6), (7), (8), (9), or (10), the sewage sludge applicant shall submit written proof that the sludge to be land applied satisfies the requirements under the applicable Alternative.

Collection: For all classes of sewage sludge, the administrative fee for collection and transportation of the sewage sludge samples for testing, and for handling the application, is \$50.00 per truckload of sewage sludge to be land applied.

Section 8.5: Store the sewage sludge pursuant to all applicable DEP, federal, and state regulations (including without limitation those at 25 Pa. Code §275.204 and 25 Pa. Code Chapter 285) until the Township notifies the sewage sludge applicant whether it may land apply the sewage sludge in Rush Township. The sewage sludge applicant shall notify Rush Township of the location of the stored sludge and the identity of the container storing the sludge, in a manner sufficient to enable the Township to verify that the stored sludge is the same sludge being considered for land application.

Section 8.6: If the land applicant does not receive permission to land apply the sewage sludge in Rush Township, it shall follow all applicable state and federal regulations for handling and disposing of sewage sludge that may not be land applied.

Section 8.7: If the land applicant receives notice that it is allowed to land apply the sewage sludge in Rush Township, it shall do so in compliance with all applicable federal, state, and local laws and regulations.

Section 9—Testing Procedures

When Rush Township receives all of the following—a complete application pursuant to section 8.1 of this Ordinance; all information required under Section 8.2 of this Ordinance; and all testing and collection fees and written proofs required under Section 8.4 of this Ordinance—it shall do the following:

Section 9.1: Collect the necessary sewage sludge samples for testing by a qualified laboratory for compliance with DEP's pollutant regulations at 25 Pa. Code § 271.914, pathogen regulations for Class B sludge at § 271.932, vector attractant regulations at § 271.933, and all other applicable state and federal regulations, as amended. The Township shall instruct the laboratory to conduct the tests in compliance with all DEP regulations for testing sewage sludge to be land applied under the beneficial use program.