

**TOWNSHIP OF SHAMOKIN
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2012 - 1

AN ORDINANCE OF SHAMOKIN TOWNSHIP, NORTHUMBERLAND COUNTY, PENNSYLVANIA, AUTHORIZING THE TOWNSHIP TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NORTHUMBERLAND COUNTY CONSERVATION DISTRICT TO CONTROL ACCELERATED EROSION AND PREVENTING SEDIMENT POLLUTION TO THE WATERS OF THE COMMONWEALTH WHICH MAY RESULT FROM THE CONDUCT OF EARTHMOVING ACTIVITIES IN SHAMOKIN TOWNSHIP.

WHEREAS, the Shamokin Township Board of Supervisors is the chief governing body of Shamokin Township; and

WHEREAS, Shamokin Township desires to enter into a Memorandum of Understanding with The Northumberland County Conservation District to control accelerated erosion and to prevent sediment pollution to the waters of the Commonwealth which may result from the conduct of earthmoving activities in Shamokin Township; and

WHEREAS, the purpose of the same is to set forth the role of the parties hereto; and

WHEREAS, a copy of the Memorandum of Understanding is attached hereto, made a part hereof and designated as Exhibit "A".

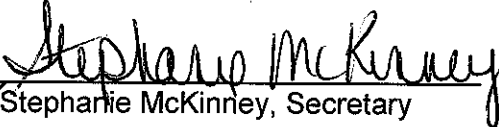
THEREFORE, the Township of Shamokin ordains and enacts the following:

1. The Township of Shamokin is authorized to enter into the attached Memorandum of Understanding with The Northumberland County Conservation District.
2. Any other Memorandum of Understanding inconsistent herewith shall be repealed.

DULY ENACTED AND ORDAINED, this 9th day of May, 2012 by the Board of Supervisors of Shamokin Township, Northumberland County, Pennsylvania, public session duly assembled.

ATTEST:

TOWNSHIP OF SHAMOKIN


Stephanie McKinney, Secretary

BY: 
Thomas R. Carl, Chairman


Greg Rachau - Supervisor



John Klinger - Supervisor

EXHIBIT "A"

MEMORANDUM OF UNDERSTANDING

Between the

Northumberland County Conservation District

And the

Shamokin Township

This Memorandum has been prepared jointly and agreed upon by each party for the following purposes:

To serve as a joint commitment by the signatory parties to control accelerated erosion and to prevent sediment pollution to the waters of the Commonwealth which may result from the conduct of earthmoving activities in Shamokin Township.

To serve as a basis for stating the role of each party in administering the provisions of Northumberland County's Subdivision and Land Development Ordinance # 2008..

- I. In carrying out the intent of this memorandum, the Northumberland County Conservation District shall:
 - A. Provide to Shamokin Township a listing of its plan review fees for distribution to interested parties. The district will promptly notify Shamokin Township of any changes in the plan review fee schedule.
 - B. Receive all erosion and sediment control plans (Plan) as required under Northumberland County's Subdivision and Land Development Ordinance, # 2008; and complete an initial review of the Plan within 45 calendar days of its receipt. Reviews of second and third Plan submissions (revisions) will be completed within 30 calendar days of their receipt.
 - C. Within five (5) working days of completion, notify the applicant, Shamokin Township, and the Northumberland County Planning Commission of all Plan approvals, **and** all determinations that a Plan cannot be approved upon completion of the third review because of inadequate information and/or a failure of the applicant to develop a Plan in compliance with the provisions of the ordinance.
 - D. Upon request, provide all applicants with a DEP Erosion and Sediment Pollution Control Program Manual and related forms, worksheets, checklists, etc., necessary to successfully prepare a Plan.
 - E. In accordance with a routine inspection schedule contained in the ordinance, and/or upon the request of Shamokin Township and/or the Northumberland County Planning Commission and/or

upon receipt of a request from a third party, inspect ongoing earth disturbance projects and complete a standard DEP site inspection report. In conjunction with this responsibility, the district shall:

1. Advise Shamokin Township and the Northumberland County Planning Commission of all third party complaints within 10 calendar days of their receipt.
 2. Provide a copy of all inspection reports to the affected earthmover and municipality within 10 calendar days of their completion.
- F. Serve as the repository for all Plans, complaints, inspection reports, correspondence, etc., that involve earth disturbance activities. All such information shall be contained in a filing system which shall be available for inspection by officials of Shamokin Township and Northumberland County Planning Commission officials at any time.
- G. Commit the necessary staff time, and provide all information necessary to assist Shamokin Township and/or Northumberland County Planning Commission in conducting enforcement proceedings as specified in Northumberland County's Subdivision and Land Development Ordinance, # 2008
- H. Shall not issue an NPDES Permit until a Letter of Consistency is received from the Northumberland County Planning Commission verifying the Plan is consistent with the provisions of Northumberland County's Subdivision and Land Development Ordinance, # 2008.

II. In carrying out the intent of this memorandum, Shamokin Township and/or Northumberland County Planning Commission shall:

- A. Retain a sufficient quantity of Application and Tracking forms for Plans and issue such forms to all parties for projects that require such review in accordance with the provisions of Northumberland County's Subdivision and Land Development Ordinance, # 2008. Shamokin Township and the Northumberland County Planning Commission shall provide instructions to have the Plans submitted to the Northumberland County Conservation District.
- B. Forward all questions pertaining to the preparation of Plans and Applications and tracking forms to the district.
- C. Forward all third party complaints about ongoing earth disturbance projects to the Northumberland County Conservation District for their inspection.
- D. Upon notification by the Northumberland County Conservation District, withhold any grading plan, building, subdivision and land development permits that apply as specified in Northumberland County's Subdivision and Land Development Ordinance, # 2008 when and where it has been determined that an applicant has failed to secure Plan approval from the Northumberland County Conservation District.

E. Within 10 working days of receipt of notice from the Northumberland County Conservation District that a site is in continued violation (all deadlines for voluntary compliance have expired) issue a Notice of Violation to the earthmover, as specified in Article VIII (Administration and Enforcement) of Northumberland County's Subdivision and Land Development Ordinance, # 2008. Thereafter, it is understood that the Northumberland County Planning Commission shall promptly initiate and complete the penalty and enforcement provisions contained in Northumberland County's Subdivision and Land Development Ordinance, # 2008. Copies of all documents, findings and actions will be sent to the Northumberland County Conservation District.

III. This Memorandum of Understanding shall become effective immediately. It shall be reviewed periodically, as the need arises by either or both parties, and may be amended by mutual consent of both parties. This Memorandum of Understanding may be terminated at any time, by either party, following a 30 day written notice to the other party.

FOR SHAMOKIN TOWNSHIP:

(NAME)	(TITLE)	(DATE)
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FOR THE NORTHUMBERLAND COUNTY CONSERVATION DISTRICT:

(NAME)	(TITLE)	(DATE)
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