

Part 8**On-Lot Management Program****§18-801. Title and Purpose.**

1. As mandated by the municipal codes, the Clean Streams Law, 35 P.S. §691.1 *et seq.*, and the Pennsylvania Sewage Facilities Act, 35 P.S. §7501 *et seq.*, municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for East Pennsboro Township has evaluated the need to implement an on-lot management program to effectively prevent potential water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

2. The purpose of this Part is as follows:

A. To bring and keep the municipality within the requirements of the Clean Streams Law, Act of 1937, P.L. 1987, No. 394, and the Pennsylvania Sewage Facilities Act, Act of 1966 P.L. 1535, No. 537, as amended, known as Act 537.

B. To provide for inspection, pumping, maintenance, and rehabilitation of private and public on-lot sewage systems.

C. To establish penalties and appeal procedures necessary for the proper administration of such a management program.

(Ord. 757-2009, 7/1/2009)

§18-802. Definitions.

Act 537 - the Act of January 27, 1966, P.L. 1535, No. 537, as amended, 35 P.S. §750.1 *et seq.*, known as the "Pennsylvania Sewage Facilities Act."

Authorized agent - a certified sewage enforcement officer, code enforcement officer, professional engineer, plumbing inspector, municipal secretary, or any other qualified or licensed person who is delegated by the Township to carry out the provisions of this Part within specified limits.

Board - the Board of Commissioners of East Pennsboro Township, Cumberland County, Pennsylvania.

Cesspool - a below ground cavity built of loose rock or blocks that provides for the temporary storage of sanitary sewage until the sewage drains into the surrounding area.

Code Enforcement Officer (CEO) - an authorized agent of the Township to administer and enforce other ordinances in the Township.

Community sewage system - any system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

DEP or *Department* - the Department of Environmental Protection of the Commonwealth of Pennsylvania.

Individual sewage system - a system of piping, tanks, or other facilities serving a

single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of the Commonwealth of Pennsylvania.

Lot - a designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Malfunction - the condition occurring when an on-lot sewage system causes pollution to ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or is a hazard to public health. Any treatment or holding tank observed to be leaking, or any instance where sewage is backing up into a building connected to the system, is considered a malfunction. Systems shall be considered to be malfunctioning if any of the conditions noted above occur for any length of time during any period of the year.

Municipality - East Pennsboro Township, Cumberland County, Pennsylvania.

Official Act 537 Sewage Facilities Plan - a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Township and approved by the Pennsylvania Department of Environmental Protection, as described in and required by the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.* Hereinafter called the "plan" it shall mean the East Pennsboro Township Act 537 Plan, as amended.

On-lot sewage system - any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal; including both individual sewage systems and community sewage systems.

On-lot management program - a comprehensive set of legal and administrative requirements including this Part, the Act, the Clean Streams Law, 35 P.S. §691.1 *et seq.*, and all regulations and requirements adopted by the Board to enforce and administer this Part.

Owner - any person having an equitable or legal interest in real estate in East Pennsboro Township.

Person - any individual, association, partnership, public or private corporation, whether for profit or not-for-profit, trust, estate, or other legally recognized entity.

Rehabilitation - work done to modify, alter, repair, enlarge, or replace an existing on-lot disposal system.

Septage - any human excrement, other domestic or restaurant waste, or other material or substance removed from a portable toilet, septic tank, seepage pit, treatment tank, cesspool, or other enclosure used for the storage or decomposition of sewage, but does not include liquid industrial waste.

Septic system report - Township form to be completed by the pumper/hauler for each individual tank and forwarded to the Township after each inspection and/or pumping.

Septic tank - a watertight tank that provides for the treatment of sanitary sewage prior to its discharge to an absorption area.

Sewage - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937, P.L. 1987, No. 94, known as the "Clean Streams Law," as amended.

Sewage Enforcement Officer (SEO) - an agent of the Township, certified by DEP to issue and review permit applications and conduct such investigations and inspections as are necessary to implement Act 537 and the rules and regulations promulgated there under.

Sewage facilities - any method of sewage collection, conveyance, treatment, and disposal, which will prevent the discharge of, untreated or inadequately treated sewage into the waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage.

Sewage Management District - any area or areas of the Township designated in the 537 plan adopted by the Board as an area where sewage management is to be implemented.

Township - East Pennsboro Township, Cumberland County, Pennsylvania.
(Ord. 757-2009, 7/1/2009)

§18-803. Applicability.

From the effective date of this Part, its provisions shall apply to every owner of a lot served by an on-lot sewage system within East Pennsboro Township and all persons or businesses servicing on-lot sewage systems (constructing, pumping, inspecting, or repairing on-lot sewage systems) within the Township.

(Ord. 757-2009, 7/1/2009)

§18-804. Maintenance.

1. The Township shall notify all owners of property served by an on-lot sewage system that their system must be pumped and inspected within 12 months of the date the notification letter is postmarked. The Township shall follow a schedule whereby a quarter of all of the owners of properties within the Township served by on-lot sewage systems are notified annually of the pumping and inspection requirement, such that all owners are notified at least once every four years. Any person owning a building served by an on-lot sewage system within the Sewage Management District, which contains a treatment tank, shall have the tank pumped by a licensed pumper/hauler. The property owner must have his system pumped within the time period specified in the Township's notification letter, unless he can provide the Township with a receipt, or other written evidence showing that his tank has been pumped within the past 1 year. Property owners providing such written documentation satisfactory to the Township can request a postponement of their initial required pumping until the end of a 3-year period following enactment of this Part.

2. Property owners within the Sewage Management District must provide a fully completed septic system report to the Township within 30 days of the date of pumping. The property owner shall mail or hand-deliver the septic system report to the Township Municipal Building at 98 South Enola Drive, Enola PA 17025.

3. Commencing from the date of pumping as prescribed in subsection .1 above, removal of septage or other solids from treatment tanks shall be performed every 4 years or whenever an inspection program reveals the treatment tanks are filled with solids in excess of one-third of liquid depth of the tank or filled with scum in excess of one-third the liquid depth of the tank.

4. The required pumping frequency may increase at the discretion of the SEO for the following reasons:

A. If the tank is undersized.

B. If solids buildup in the tank is above average.

C. If the hydraulic load on the system increases significantly above average.

D. If a garbage grinder is used in the building.

E. If the system malfunctions or for other good cause not shown (as determined by the SEO, and approved by the Board of Commissioners).

F. Treatment tanks to be pumped more frequently than the required 4 years must have a septic system report prepared and provided to the Township within 30 days of each pumping occurrence.

G. The Township may allow a treatment tank to be pumped less than once every 4 years if it is demonstrated to the satisfaction of the Township that the system will operate to its maximum efficiency with less frequent pumping. In no case shall the period extend beyond 8 years. Such a request may be made after the initial pumping and inspection. Requests must be in writing with all supporting documents attached. The Township, in making its determination, shall take into account the information submitted by the applicant, the sewage permit issued by the Township SEO upon installation or rehabilitation of the system and supporting documentation, reports of inspection and maintenance of the system including documentation that the sludge depth and/or scum layer is less than one-third of the tank capacity as determined by a pumper/hauler, and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection, surface or subsurface, and soil or wastes sampling conducted for the purposes of evaluating the request. The applicant shall receive a decision within 30 days of accumulation of all necessary information by the Township.

H. Tanks shall be deemed to be pumped when all organic solids are removed and the total average liquid depth remaining in the tank is less than 1 inch.

I. Holding tanks shall be pumped out at intervals that prevent the overflow, leakage, back up, and other malfunctions characteristic of an overloaded system.

J. The owner of a property upon which an on-lot sewage system is constructed shall maintain the area around such system so as to provide convenient access for inspection, maintenance, and pumping; and divert surface water and downspouts away from the absorption area and other on-lot sewage system components.

K. Tanks shall only be pumped from/through the manhole/access port, i.e., the largest tank opening. Tanks shall not be pumped from/through the observation ports.

L. Any person owning a building served by an alternate system or on-lot sewage system that contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within 6 months of the effective date of this Part. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or

pumping intervals exceed those required for septic tanks.

M. The Township may require additional maintenance activity as needed including, but not necessarily limited to:

- (1) Cleaning and unclogging of piping.
- (2) Servicing and repair of mechanical equipment.
- (3) Leveling of distribution boxes, tanks, and lines.
- (4) Removal of obstructing roots or trees.
- (5) The diversion of surface water away from the disposal area.
- (6) Other means acceptable to the SEO and DEP.

(Ord. 757-2009, 7/1/2009)

§18-805. Inspections.

1. An inspection shall be conducted whenever an on-lot sewage system is pumped in accordance with this Part. It shall be the property owner's responsibility to schedule the inspection with a licensed pumper/hauler for the same time as the system is pumped.

2. The person completing the inspection shall prepare a written report on the inspection findings using the East Pennsboro Township septic system report form and immediately provide the completed form to the property owner.

3. Any on-lot sewage system may be inspected by the Township's SEO at any reasonable time as of the effective date of this Part.

4. The inspection by the Township's SEO may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure. The owner will bear the cost of the inspection and the analysis of any sample(s).

(Ord. 757-2009, 7/1/2009)

§18-806. Operation.

Only normal domestic wastes shall be discharged into any on-lot sewage system. The following shall not be discharged into the system:

- A. Industrial wastes.
- B. Automobile oil and other non-domestic oil.
- C. Toxic or hazardous substances or chemicals including, but not limited to, pesticides, disinfectants, acids, paints, thinners, herbicides, gasoline and other solvents.
- D. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and french drains.

(Ord. 757-2009, 7/1/2009)

§18-807. Ground Markers.

Any person who shall install new or rehabilitated on-lot sewage systems shall

provide a marker or markers at ground level locating all major subsurface components of the system. The Township SEO shall establish marker types and required locations. In addition, a riser or access hatch shall be constructed so as to enable easy access to the waste disposal tank, prevent odors from escaping, and to prevent children from removing the hatch. Accessibility for visual inspection and maintenance shall be provided in the drainage fields via 4-inch vertical, nonperforated PVC pipe connected directly to the drain tile at a minimum of four locations in the drainage field. Such installation shall be subject to Township SEO approval.

(Ord. 757-2009, 7/1/2009)

§18-808. System Rehabilitation.

1. The Township's SEO shall have the authority to require the repair of any malfunction by the following methods:

- A. Cleaning, repair or replacement of components of the existing system.
- B. Adding capacity or otherwise altering or replacing the existing system's treatment tank.
- C. Expanding the existing disposal area.
- D. Replacing the existing disposal area.
- E. Replacing a gravity distribution system with a pressurized system.
- F. Replacing the system with a holding tank.
- G. Other alternatives as appropriate for the specific site or building.

2. In lieu of, or in combination with, the remedies described above, the SEO may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances. Wastewater regeneration in the structure may also be reduced by requiring changes in water usage patterns in the structure served.

(Ord. 757-2009, 7/1/2009)

§18-809. Liens.

The Township, upon written notice from the SEO that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage system as provided under the terms of this Part, shall have the authority to perform or contract to have performed, the work required by the SEO. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with law.

(Ord. 757-2009, 7/1/2009)

§18-810. Disposal of Septage.

1. All septage originating within the Township shall be disposed of at sites or facilities approved by DEP.

2. Septage pumper/haulers operating within the Township shall be licensed and operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act, Act 97 of 1980, 35 P.S. §§6018.101 *et seq.*

(Ord. 757-2009, 7/1/2009)

§18-811. Administration.

1. The Township shall employ or contract with qualified individuals or firms to carry out the provisions of this Part.

2. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage systems in the Township shall become the property of the municipality. Existing and future records shall be available for public inspection during required business hours at the Township office. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the municipality's on-lot management program shall be made available, upon request. A fee for copying may be charged.

3. The Township Commissioners shall establish all administrative procedures necessary to properly carry out the provisions of this Part.

4. The Commissioners may establish a fee schedule, and subsequently collect fees, to cover the cost to the Township of administering this program.

(Ord. 757-2009, 7/1/2009)

§18-812. Appeals.

Any person aggrieved with the actions of the SEO or any other authorized agent of the Township may file an appeal in accordance with Act 537. See, 35 P.S. §750.16.

(Ord. 757-2009, 7/1/2009)

§18-813. Penalties.

1. Any person who shall violate or fail to comply with any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

2. The discharge by the Township of its obligations as set forth in this Part shall create no liability upon the Township, its officials, employees or agents.

3. All reports, inspections, appraisals, certifications or records required or produced by the Township, its officials, employees or agents, as required by this Part, shall be for the use and benefit of the Township only and shall not be accepted, utilized or relied upon by any other person or party by way of certification or otherwise.

(Ord. 757-2009, 7/1/2009)