

ORDINANCE 03.10.2015, 01

**ON-LOT SEWAGE MANAGEMENT
PROGRAM ORDINANCE**

**GOVERNING MUNICIPAL MANAGEMENT OF
ON-LOT SUBSURFACE SEWAGE DISPOSAL FACILITIES**

**Hepburn Township
Lycoming County, Pennsylvania**

March 10, 2015

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**ON-LOT SEWAGE MANAGEMENT PROGRAM ORDINANCE
AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT
OF ON-LOT SUBSURFACE SEWAGE DISPOSAL FACILITIES
HEPBURN TOWNSHIP, LYCOMING COUNTY, PENNSYLVANIA**

Section I. Short Title: Introduction; Purpose

- A. This ordinance shall be known and may be cited as “An ordinance governing municipal Management of On-lot Subsurface Sewage Disposal Facilities Ordinance.”
- B. In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, 35 P.S. §~691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §750.1 et seq. known as Act 537), it is the power and the duty of Hepburn Township 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 Hepburn Township indicates that it necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.
- C. The purpose of this ordinance is to provide for the regulation, inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

Section II. Definitions

- A. “Authorized Agent” shall mean a sewage enforcement officer, employee of the Township, professional engineer, plumbing inspector, or any other qualified or licensed person who is authorized to function within specified limits as an agent of Hepburn Township to administer or enforce the provisions of this ordinance.

- B. “Board” shall mean the Board of Supervisors, Hepburn Township, Lycoming County, Pennsylvania.
- C. “Community Sewage System” shall mean 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.
- D. “Department” shall mean the Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).
- E. “Individual Sewage System” shall mean 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 this Commonwealth.
- F. “Malfunction” shall mean a condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.
- G. “Official Sewage Facilities Plan” shall mean a comprehensive plan for the provision of adequate sewage disposal systems, adopted and then approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.
- H. “On-lot Sewage Disposal System” (OSDS) shall mean any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems, community sewage systems and cesspools.
- I. “Sewage Pumping Permit/Inspection Report Form” - A completed inspection form made to the Township by a septage hauler providing service to an OSDS within the Township which at a minimum contains the name and address of the septage hauler, the name of the property owner, the address of the property upon which the OSDS is located, a description of all services performed by the septage hauler, a statement concerning the condition of the tank and inlet and outlet baffles, the location at which any sewage or solids removed from the OSDS will be disposed, a description of the condition of the OSDS, a statement noting whether any

malfunctions of the OSDS were observed. The form shall expressly state the condition of the baffles and whether the septage hauler informed the landowner that the baffles should be replaced.

- J. “Person” shall mean any individual, owner, renter, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.
- K. “Septage Hauler” - any person registered with Hepburn Township to remove septage or other solids from treatment tanks of OSDS holding tanks, privies, aerobic tanks, cesspools or any other sewage disposal facility within the Township.
- L. “Rehabilitation” shall mean work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.
- M. “Sewage” shall mean 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 the 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. 394), known as “The Clean Streams Law”, as amended.
- N. “Sewage Enforcement Officer (SEO)” shall mean a person certified by DEP who is employed by the Township. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by the Township.
- O. “Sewage Management District” shall mean any area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board as an area for which a Sewage Management Program is to be implemented.
- P. “Sewage Management Program” shall mean a comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, the

Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by or required of the Board to effectively enforce and administer this ordinance.

- Q. “Subdivision” shall mean the division or redivision of a lot, tract or other parcel of land in two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.
- R. “Township” shall mean the Township of Hepburn in Lycoming County, Pennsylvania.
- S. For the purposes of this ordinance, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and Regulations promulgated thereto and any amendments thereof.

Section III. Applicability

- A. The provisions of this ordinance shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems within Hepburn Township.

Section IV. Permit Requirements

- A. No person shall install, construct or request bid proposals for construction, or alter an individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit from the sewage enforcement officer which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law (35 P.S. §~691. 1-691.1001) and the Pennsylvania Sewage Facilities (Act 35 P.S. §750.1 et seq.) and the regulations adopted pursuant to those Acts, as amended.
- B. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by a sewage enforcement officer. If 72 hours have elapsed, excepting Sundays and Holidays, since the sewage enforcement officer issuing the permit received notification of completion of construction, the applicant may cover said

system or structure unless permission has been specifically refused by the sewage enforcement officer.

- C. Applicants for sewage permits shall be required to notify the sewage enforcement officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Facilities Act may be scheduled and performed by a sewage enforcement officer.
- D. No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from a sewage enforcement officer.
- E. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from a sewage enforcement officer that such a permit will not be required. The sewage enforcement officer shall determine whether the proposed alteration or conversion of the structure will result in increase sewage flows.
- F. Sewage permits may be issued only by a sewage enforcement officer. DEP shall be notified as to the identity of each sewage enforcement officer employed by Township.

Section V. Administration

- A. The Township will remain divided into the same three pumping groups as established from the On-Lot Subsurface Sewage Disposal Facilities Ordinance adopted in 1994. Property owners in each district will be notified in writing by the Township of the need to pump their septic system and conduct an inspection.
- B. Upon receipt of notification, property owners shall pay an administrative fee, as established, from time to time, by resolution, to the Township and obtain a Sewage Pumping Permit/Inspection Form from the Township.
- C. Within 7 months of receipt of notification property owner shall apply for a permit, pay the inspection fee, receive the permit from the township, and have a registered and licensed hauler pump and inspect their septic system.

- D. Property owners shall provide one copy of the completed Sewage Pumping Permit/Inspection Form to the Township within the 7 month period described above.
- E. An approved septage hauler list will be kept on file at the Township office and provided to property owners at the time they obtain their Sewage Pumping Permit/Inspection Form.

Section VI. Inspections

- A. Any on-lot sewage disposal system may be inspected by an authorized agent of the Township or the septage hauler retained by the property owner at any reasonable time as of the effective date of this ordinance.
- B. Such inspection 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 disposal 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 the wastewater generated in the structure.
- C. An authorized agent shall have the right to enter upon land for the purposes of inspections described in this ordinance.
- D. An inspection shall be conducted by the registered and licensed septage hauler, or authorized agent for the purpose of determining the type and functional status of each sewage disposal system in the Township. A Sewage Pumping Permit/Inspection Form shall be furnished to the owner of each property inspected and a copy of said report shall be provided to the Township for its records. The cycles of inspection and groups of properties shall remain as established in 1994. The cycle is 3 consecutive years of inspections and 2 years with no inspection, then the cycle repeats itself.
- E. Property owners in each district will be notified in writing by the Township of the need to pump their septic system and conduct an inspection.
- F. An authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning; the authorized agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations

of DEP including, but not limited to, those outlined in Chapter 73 of Title 25 of Pennsylvania Code or, is not technically or financially feasible in the opinion of the authorized agent and a representative of DEP; then action by the property owner to mitigate the malfunction shall be required.

Section VII. Operation

- A. Only domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system.
1. Industrial waste.
 2. Automobile oil and other non-domestic oil.
 3. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
 4. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and french drains.
 5. Any other waste that may cause harm or damage to the system, ground water, or are in violation of any applicable law or regulation.

Section VIII. Maintenance

- A. Each person owning a property served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank pumped by a qualified septage hauler within seven months of receipt of notification from the Township to pump the tank. Thereafter that person shall have the tank pumped at least once every five years or whenever an inspection reveals that the septic tank is filled with solids, scum, and the like in excess of 1/3 of the liquid depth of the tank. Receipts from the septage hauler shall be submitted to the Township within the prescribed seven months and five year pumping periods.
- B. The required pumping frequency may be increased at the discretion of the Township or it's authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown.

- C. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a completed Sewage Pumping Permit/Inspection Form from the septage hauler to the Township.
- D. Any person owning a property served by an on-lot sewage disposal system which 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 six months of the effective date of this ordinance. 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 for aerobic treatment tanks exceed those required for septic tanks.
- E. Additional maintenance activity may be required as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

Section IX. Compliance with Tank Maintenance Requirements

- A. When a septic tank is "pumped out" and septage removed for disposal, the hauler responsible for septage removal shall fill out and sign the Hepburn Township Sewage Pumping Permit/Inspection Form containing the following:
 - 1. Date of pumping
 - 2. Name and address of system owner
 - 3. Size of tank
 - 4. Any indication of system malfunction
 - 5. Estimated amount of septage removed in gallons
 - 6. Designated disposal area
- B. The property owner of any on-lot sewage disposal system must certify that the septage does not contain any substances or chemical compounds not considered sewage by definition in this ordinance or as otherwise defined by any applicable law or regulation.
- C. The Sewage Pumping Permit/Inspection Form shall be submitted to an authorized agent of Hepburn Township to serve as proof of compliance with the requirement for septage removal in Section 8 of this Ordinance. The system owner shall retain a copy of the form and a copy of the form shall be provided to the site or facility accepting the septage for disposal.

Section X. System Rehabilitation

- A. No person shall operate or maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit for such discharge has been obtained from DEP.
- B. A written notice of violation shall be issued to any person who is the owner of any property which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging sewage without a permit.
- C. Within seven days of notification by the Township that a malfunction has been identified, the property owner shall make application to the sewage enforcement officer for a permit to repair or replace the malfunctioning system. Within 30 days of initial notification by the Township, construction of the permitted repair or replacement shall commence. Within 60 days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.
- D. A sewage enforcement officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal areas, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site.
- E. In lieu of, or in combination with, the remedies described in Subsection D above, a sewage enforcement officer 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 or they may be required to be replaced by water conserving devices.
- F. In the event that the rehabilitation measures in Subsections A through E are not feasible or effective, the owner may be required to apply for a permit to install an individual spray irrigation treatment system or to DEP for a single residence treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within 60-days.

- G. Should none of the remedies described in this Section be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

Section XI. Liens

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

Section XII. Disposal of Septage

- A. All septage originating within the sewage management district shall be disposed of in accordance with requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §~6018.101 et seq.), and any amendments, and all other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.
- B. Septage haulers operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §~6018.101 - 6018.1003), and any amendments and all other applicable laws.

Section XIII. Administration

- A. The Township has the authority to fully utilize those powers it possesses through enabling statues and ordinances to effect the purpose of this ordinance.
- B. The Township has the authority to employ qualified individuals to carry out the provisions of this ordinance. Those employees may include a sewage enforcement

officer and may include an administrator and such other persons as may be necessary. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this ordinance.

- C. All permits, records, reports, files and other written materials relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems in the Township shall become the property of, and be maintained by, the Township. Existing and future records shall be available for public inspection during regular business hours at the official office of the Township. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of DEP.
- D. The Township Board shall establish all administrative procedures necessary to properly carry out the provisions of this ordinance.
- E. The Township Board has or will establish a permit fee for each property, by resolution, to cover the cost to the Township of administering this program.

Section XIV. Appeals

- A. Appeals from final decisions of the Township or any of its authorized agents under this ordinance shall be made to the Board of Supervisors in writing within 30 days from the date of written notification of the decision in question. Said appeal fee will be \$500.00.
- B. The appellant shall be entitled to a hearing before the Board of Supervisors within sixty (60) days of receipt of the appeal by the township. The municipality shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.
- C. A decision shall be rendered in writing within 30 days of the date of the hearing.

Section XV. Penalties

Any person failing to comply with any provision of this ordinance shall be subject to summary criminal charges and subject to a fine of not less than Five-Hundred dollars

(\$500) per day of violation, and cost and attorney fees, or in default thereof shall be confined in the county jail for a period of not more than 90 days or as otherwise authorized by law. Each day of noncompliance shall constitute a separate offense.

Section XVI. Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.


Section XVII. Severability

If any section or clause of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

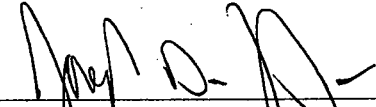
Duly Enacted and Ordained this 10th day of March, 2015, by Hepburn Township, Lycoming County, Pennsylvania, in lawful sessions duly assembled.

Hepburn Township

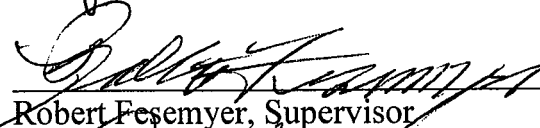
ATTEST:



Karen Confer, Secretary



Joseph Hamm, Chairman



Robert Fesemyer, Supervisor



Oscar Schon, Supervisor