

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Bureau of Clean Water**

**DOCUMENT NUMBER:** 385-xxxx-xxx

**TITLE:** Sewage Management Program and Annual Reporting

**EFFECTIVE DATE:** Upon publication of notice as final in the *Pennsylvania Bulletin*

**AUTHORITY:** The Pennsylvania Sewage Facilities Act, 35 P.S. §§ 750.1-750.20, 25 Pa. Code Chapter 71

**POLICY:** It is the policy of the Department of Environmental Protection (DEP), to identify, evaluate and implement effective measures for assuring the proper, long-term operation and maintenance needs of existing and proposed sewage facilities in the Commonwealth. Ultimately, it is the municipalities responsibility to ensure that sewage facilities within their borders are properly sited, operated and maintained. Proper siting, construction, operation and maintenance (O&M) of sewage facilities are essential to the provision of adequate sewage treatment and disposal over the functional life of a sewage treatment system and therefore, to the health and welfare of Pennsylvania's citizens and to the protection of the environment. The Department has determined that the establishment of a municipal-wide sewage management program (SMP) provides the most effective method of assuring sewage facilities provide adequate treatment and disposal within the municipality.

**PURPOSE:** The purpose of this guidance is to assure that existing and proposed sewage facilities continue to be properly sited, operated and maintained for the life of the systems through the development of municipal-wide SMPs.

**APPLICABILITY:** This policy applies to any municipality that has sewage facilities within their borders and the Department deems a sewage management program will be beneficial to public health and safety and the waters of the Commonwealth.

**DISCLAIMER:** The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. DEP does not intend to give this guidance that weight or deference. This document establishes the framework, within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

**PAGE LENGTH:** 44 pages

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## I. DEFINITIONS AND ACRONYMS

### A. Definitions

*Act* – Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1-750.20).

*Advanced secondary on-lot sewage pretreatment* – Level of pretreatment of sewage that achieves a reduction in the five-day Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>) and Total Suspended Solids (TSS) to a level at or below 10 mg/l, respectively.

*Alternate sewage system* – A method of demonstrated on-lot sewage treatment and disposal not described in 25 Pa. Code Chapter 72 or 73.

*Applicant* – A person who applies for approval for use in the Commonwealth of Pennsylvania of an on-lot sewage pretreatment system or component to the Pennsylvania DEP.

*CBOD<sub>5</sub>* – Carbonaceous 5-day biochemical oxygen demand in mg/l – the concentration of oxygen utilized by microorganisms in the non-nitrogenous oxidation of organic matter during a period of 5 days at a temperature of 20°C.

*Conventional sewage system* – A system employing the use of demonstrated on-lot sewage treatment and disposal technology in a manner specifically recognized by 25 Pa. Code Chapter 73. The term does not include alternate or experimental sewage systems.

*Fecal Coliform* – A facultatively anaerobic, rod-shaped, gram-negative, non-sporulating bacterium. Coliform bacteria generally originate in the intestines of warm-blooded animals. Bacteria concentrations are measured in most probable number of total coliform bacteria per 100 ml (MPN/100 ml).

*Manufacturer* – A person or legal entity that manufactures on-lot sewage systems or any component of an on-lot sewage system.

*On-lot sewage system component* – Any subsection or component of an on-lot sewage system such as an absorption area; treatment tank(s); media filter(s); dosing tank; disinfection system; equalization tank(s); or any component necessary for an on-lot sewage system to function properly.

*On-lot sewage system* – An individual or community sewage system, whether public or privately owned, which uses a system of components for collecting, treating, and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank serving one or more lots.

*On-lot sewage treatment system* – A sewage treatment system consisting of an ensemble of component parts that provide on-lot treatment of sewage.

*Sewage* – A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and 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 recreation. The term includes any substance which constitutes pollution under The Clean Streams Law.

*Sewage Pretreatment* – Any component or combination of components that provides treatment of sewage prior to conveyance to a final treatment and dispersal component or reuse; often, this treatment is designed to meet primary, secondary, advanced secondary, and/or fecal coliform and total nitrogen performance standards.

*Sewage Treatment* – Any method, technique, or process designed to remove solids and/or pollutants from sewage.

*Service Provider* – An individual, company, or other entity who is certified by the manufacturer to provide O&M to a manufacturer for a specific component, specific components, or a system.

*TSS* – Total suspended solids in mg/l – The pollutant parameter total suspended solids.

## B. Acronyms

DEP – Pennsylvania Department of Environmental Protection

IRSIS – Individual Residential Spray Irrigation System

NLD – New Land Development

OAT – On-lot Alternate Technology

O&M – Operation and Maintenance

SEO – Sewage Enforcement Officer

SFTF – Small Flow Treatment Facility

SMP – Sewage Management Program

TAR – Task/Activity Report

## II. INTRODUCTION

As our understanding of environmental and public health impacts has advanced, it has become clear that on-lot systems must be operated and maintained to protect public health, safety, and waters of the Commonwealth. All forms of sewage treatment technology have potential as valuable tools for meeting public needs and facilitating community development. However, this remains true only if these technologies can be confidently applied and consistently relied upon to perform as needed and expected.

There are increasing public demands in Pennsylvania for the siting of on-lot sewage treatment systems in more limiting soil conditions and in sensitive watershed settings. In response, on-lot and other sewage treatment system designs have become increasingly sophisticated and complex. The resulting systems discharge high quality of effluent from engineered, mechanical pretreatment components and more technically flexible requirements for soil renovation as a part of treatment. O&M of these advanced technologies as with conventional technologies is critical to ensuring protection of public health, safety, and waters of the Commonwealth. Without consistent and effective attention to proper O&M, effluent quality will degrade as the performance of poorly maintained systems deteriorates. Significant, deleterious public health and environmental impacts are possible when these systems are placed in more limited and sensitive siting conditions.

Thus, parallel with the fact that management of sewage facilities to assure long-term operation and maintenance is currently required, maintenance is necessary and integral to all forms of on-lot and other sewage treatment if the Commonwealth is to realize performance outcomes, instill public confidence, and recognize these technologies as true and permanent wastewater treatment infrastructure. These outcomes are vital to effectively support municipal comprehensive planning and sustainable development.

SMPs work hand in hand with existing municipal permitting programs. While the existing on-lot permitting program stops at the final inspection of the system installation, the SMP extends the municipal oversight of these systems through long term maintenance and inspection. Maintenance and inspection of on-lot system not only provide long term benefits to public health and safety and the waters of the Commonwealth, but they also provide system owners with longer lasting systems which protects the welfare of citizen through protection of property value. While it is important for municipalities to address malfunctioning on-lot systems, it is just as important to prevent or delay future malfunctions caused by improper maintenance practices. An SMP will allow the municipality to take planned, consistent, corrective action and to prevent future problems from occurring.

The Pennsylvania Sewage Facilities Act (Act) establishes the framework for the development and implementation of plans for the sanitary disposal of sewage waste. Effective O&M of sewage facilities is essential to maintaining the quality of waters of the Commonwealth and the economic value of residential and other properties.<sup>1</sup> Section 5 of the Act requires each municipality to submit to the DEP an officially adopted plan for sewage services for areas within its jurisdiction and establishes the framework for review and approval of these official plans by both the municipality and the DEP.

25 Pa. Code §71.73(b) (relating to sewage management programs for sewage facilities permitted by local agencies) states, "When an official plan or official plan revision shows, or the Department determines, that existing sewage facilities permitted by the local agency need periodic inspection, operation or maintenance to provide long-term proper operation, or are not properly functioning because of inadequate operation and maintenance, the municipality shall revise its official plan to establish a sewage management program for these types of facilities."

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<sup>1</sup> 35 P.S. § 750.3 (Declaration of policy) ("It is hereby declared to be the policy of the Commonwealth of Pennsylvania through this act: (1) To protect the public health, safety and welfare of its citizens through the development and implementation of plans for the sanitary disposal of sewage waste. ...")

The regulation goes on to provide the minimum requirements for O&M of on-lot sewage systems.

Municipality wide SMP's are necessary to ensure proper long-term O&M of all on-lot sewage systems. The DEP has issued several fact sheets that can assist a municipality to develop and implement an SMP. A planning module (Component 2M, - [DEP eLibrary \(state.pa.us\)](#)) is available which incorporates a municipal SMP in the official plan. The planning module provides the sewage planning vehicle for an update revision that will address the SMP requirement. Municipal-wide SMP's must be developed and implemented in all municipalities where on-lot sewage disposal occurs.

The DEP's authority for requiring sewage management is found in regulation at 25 Pa. Code § 71.71 (relating to general requirements). This section states, "Municipalities are required to assure the proper operation and maintenance of sewage facilities within their borders. Proper operation and maintenance of sewage facilities is essential to the provision of adequate sewage treatment and disposal over the functional life of a sewage treatment system. Municipalities shall, therefore, address long-term operation and maintenance in official plans and revisions to official plans." It goes on to state, "The establishment of a sewage management program as part of an official plan or revision to an official plan provides a method of assuring proper operation and maintenance of sewage facilities." This section provides the requirement for a municipality to address long-term O&M of on-lot sewage systems.

Compliance with the requirements for implementation of the SMP need to be documented in annual reports prepared by the Municipalities and submitted to the DEP.

### **III. SCOPE**

The scope of this document is intended to guide local agencies through the SMP process from drafting the necessary documents and ordinances through implementation and annual reporting.

- A. Provide the minimum elements required in an SMP.
- B. Provide the minimum requirements expected for O&M of sewage facilities.
- C. Provide the minimum requirements expected for inspection of on-lot systems and SFTFs.
- D. Provide timeline for development and implementation of SMP's.
- E. Provide minimum required elements for annual report.

### **IV. PREPLANNING**

Preparing an SMP is a major task and will require interaction between the DEP, municipalities and local agencies. Bringing all parties to the table and preplanning will benefit the process.

- A. Set-up and attend a preplanning meeting with a regional Department planning staff. It is important that the municipality meet and discuss with Department staff the proposed sewage facilities planning approach to assess the SMP alternatives. The primary concern of the municipality should be to protect the investment they and their citizens are making in these systems by establishing adequate SMP's to oversee long-term maintenance of the system

components. The Department will be prepared to aid the municipality regarding the necessary planning approach. The municipality should be prepared to:

- a. Discuss the outcome of the preliminary inventory of all sewage facilities within the municipality's borders.
  - b. Discuss the municipality's vision for developing and implementing an SMP.
  - c. Discuss what type of update revision is necessary based on municipality's needs; a municipal-wide Act 537 update revision or a minor update revision for developing and implementing SMP's. Please see the technical guidance document titled *Sewage Facilities Planning: A Guide for Preparing Act 537 Update Revisions* if a municipal-wide Act 537 update revision is required by the Department.
  - d. Discuss draft timeline for completion and implementation of the update revision.
  - e. Discuss preliminary administrative, legal, technical, financial and management options needed to carry out the long-term O&M activities of the SMP.
- B. The Department acknowledges that this document does not directly address municipalities that are covered by multi-municipal local agencies or county health departments. In these cases, it will be important for the member municipalities and agency to work together to develop uniform sewage management ordinances that incorporate the agency where appropriate. Communication between the agency and municipalities will be of utmost importance in a successful sewage management program. A preplanning meeting with all member municipalities and the agency is suggested. The Department is available to provide assistance.
- C. Develop a Task Activity Report (TAR) and submit the TAR to the Department for approval.

#### **IV. PLANNING AND DEVELOPMENT**

In the past municipalities have established numerous approaches to sewage management. Existing sewage management may range from only addressing malfunctions when they occur, to simple pumping or maintenance programs, to more complex municipal inspection programs. When developing an SMP, there are regulatory requirements as specified in Chapter 71.73 (b) that must be addressed, but these are not the only elements necessary for developing and implementing a successful SMP. This section of the guidance provides the municipalities the minimum elements necessary when completing an update revision for developing and implementing SMP's that satisfy the municipalities' regulatory obligations, and any recommendations from the.

All update revisions must address the need for an SMP. The municipality must assure that O&M requirements for private, non-municipal sewage facilities will be evaluated. Any mechanisms necessary to maintain long-term use of these systems should be established. This SMP evaluation is important in the consideration of non-municipal system use both in regulation of repair and replacement of existing malfunctioning systems in needs areas and for consideration of future NLD. Each municipality must tailor the program to meet their specific needs.

The plan should closely evaluate the advantages of testing for and protecting a second suitable site on each lot for future replacement systems. The system design must include provisions for access to system components for operation and maintenance requirements. The plan should include other options for situations where soils are found to be unsuitable for on-lot repair systems, such as community systems which would need easements or land acquisitions. Private community system O&M must be closely evaluated for long-term sustainability or DEP require the municipality to assume ownership and they may not be prepared. Direct municipal control can occur through the establishment of an authority.

The SMP should be designed to:

- Actively ID malfunctions
- Take enforcement action to abate nuisances
- Provide technical assistance to help correct malfunctions
- Require property owners to pump
- Conduct operation inspections
- Require financial assurances of system O&M

The following are the minimum elements necessary in developing an SMP:

- A. Develop a database of pertinent information for all sewage facilities within the municipality necessary for a successful SMP. (**See Appendix A - Recommended Elements for a Sewage Facilities Inventory Database**) for details on the Departments recommended elements that should be included in the database.
- B. Establish an inventory of all sewage facilities within the municipality through review of planning approvals, permit applications and need surveys, to include number, type, age, design flow and ownership of; update the database with this information:
  - a. systems permitted by an SEO.
  - b. systems permitted by the Department.
  - c. pre-regulatory systems.
  - d. 10-acre permit exemption systems.
  - e. other unpermitted systems.
- C. Department approval of a TAR, template located on the Department's Act 537 website and eLibrary, prior to submitting the update revision.
- D. Develop preliminary methods needed to educate the residents; citizens will better accept the program if they understand and have a say in its development. The education may include:
  - a. Surveys and questionnaires
  - b. Public meetings for exchanging question and answers (Q&A) and opinions. Use experts, such as consultants, service providers, and other personnel that manage successful SMP's in other municipalities.
  - c. Civic events
  - d. Programs at schools
  - e. Mailings and newsletters
  - f. Articles and announcements in local media or websites

- g. Use experts, such as consultants
- E. Develop preliminary methods needed to educate other stakeholders, such as, municipal officials; solicitors; local agency personnel; authority officials; codes enforcement officer zoning officer; building inspector; administrative and clerical staff; SEOs, septage pumpers; designers; installers; service providers; administrators and operators of the wastewater treatment plant(s) that serve the municipality; municipal planning department; county planning commission; and solid waste authority.
- F. Develop draft ordinances, policies, and regulations in consultation with their solicitor to implement the SMP. The draft ordinances, policies, and regulations must be submitted with the update revision. Model ordinance templates may be found in **Appendices B and C**.
  - a. Legal authority needs to be identified that allows SEO's to enter private property to conduct inspections of sewage facilities.
  - b. Identification of the legal authority used to enforce and limit violations of the SMP.
  - c. If applicable, identification of the legal authority used by the municipality to take ownership of individual and community on-lot systems and SFTF's.
  - d. If applicable, develop the structure, legal authority, and standards necessary to implement municipal-wide operational permits for individual and community on-lot sewage systems.
  - e. Identification of penalty provisions for violations of the SMP requirements.
  - f. Develop resolutions and/or policy documents that are used with ordinances to establish elements of the SMP, such as fee schedules, O&M, and technical standards, and procedures. These resolutions and/or policy documents define how to comply with the requirements in the ordinance. Changes to these elements are easier than changing an ordinance.
  - g. Develop maintenance agreements executed between the property owner, the service provider and, in some cases, the municipality's sewage management program. In these situations, the SMP ordinance should set the general framework for requiring and continuing the maintenance agreement while the maintenance agreement itself would specify the terms and requirements for O&M. The ordinance and/or the maintenance agreement should also require regular reporting of the maintenance agreement activities and results to the management entity or local agency. Maintenance agreements work well for certain types of systems like SFTF's, alternate, and experimental systems. Common types of maintenance agreements are as follows:
    - i. Homeowner and service provider
    - ii. Homeowner and municipality or it's designated management agency oversight.
- G. Develop standards for operation, maintenance, repair and/or replacement of sewage facilities.

Additional O/M requirements for on-lot alternate sewage systems and components will be provided in the On-lot Alternate Technology (OAT) guidance document for each technology and should be referenced in the SMP.

Additional O/M requirements for experimental on-lot sewage systems will be provided by the Department; reference to these requirements should be included in the SMP.

Minimum standards for all on-lot sewage systems are as follows, (**See Appendices D and E**):

- a. Pumping of septage and other solids from treatment tanks every three years or when inspection reveals treatment tanks are filled with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of the liquid depth of the tank.
  - b. Protection of the treatment facilities and absorption areas from disturbance and compaction. This would include a requirement to maintain proper 25 Pa. Code Chapter 73 horizontal isolation distances post construction, i.e., keep all new house additions 10' from the septic tank, etc.
  - c. Protection of treatment facilities and absorption areas from erosion and hydraulic overload of the system by diverting stormwater from these areas. This would include a requirement to maintain a proper vegetative cover on the absorption area.
  - d. Requirements for use of water conservation devices on new systems and repairs.
  - e. Requirements for O/M of electrical, mechanical, and chemical components.
  - f. Requirements for O/M of collection and conveyance piping, pressure lines and manholes (if applicable), alarm and flow recorder devices, pumps, disinfection equipment, and all other structural, electronic and mechanical components necessary for the proper operation of the sewage facility.
  - g. Testing and monitoring standards to assess the quality of effluent treated when required by an on-lot alternate technology.
  - h. Requirements for septage haulers which are consistent with the Solid Waste Management Act.
  - i. Requirements for retaining tank maintenance.
  - j. Requirement for all installers to be properly trained in the installation of sewage facilities they are installing. Installers installing proprietary alternate systems will be required to be certified by the manufacturer of the alternate system.
  - k. Requirement that all replacement absorption areas be protected by a deed restriction or other action that guarantees the protection of the absorption area until use during a future replacement or when the property is connected to a sewerage collection system.
- H. Evaluate funding options for implementing the SMP.
- l. Establishment of a fee schedule.
    - iii. User fees
    - iv. Permitting fees
    - v. Service fees
  - m. Use of general funds.
- I. Establish an inspection schedule for all sewage facilities in the municipality. Inspection of all sewage facilities should occur at a minimum of once every three years; alternate and experimental technologies may require more frequent inspections as detailed in the OAT guidance document and the experimental permit. SFTF frequency of inspection will be at a minimum of once per year or as required in the applicable DEP Permit.
- J. Establish who will carry out the pumping requirements. For example.
- a. Notify property owners of the requirement to pump their tanks and obligate them to individually contract with a commercial septage pumper. Either the pumper or the

- property owner is required to submit to the management program a written invoice or manifest documenting that the pumping was completed.
- b. The management program can contract directly with one or more septage haulers and direct pumping according to the management schedule. The septage hauler then coordinates directly with the management program to document the completion of the pumping. In these situations, the property owner is notified that pumping of their tank(s) needs to be conducted.
  - c. The management program can purchase their own pumping equipment and do their own pumping with qualified individuals. This will require registration of the equipment under the Solid Waste Management regulations.
- K. Identify septage disposal options, including identification of septage haulers, pumper licensing, and pumper reporting requirements. These options can be established either directly in ordinance or as policy or resolution that is referenced by ordinance.
- a. Verify the septage disposal option(s) chosen by the municipality can handle all septage generated in the municipality. A letter from the receiver(s) of the septage stating they can handle the amount of septage generated by the municipality is required. If the municipality allows for the property owner to contract individually with a septage hauler, verification from the septage hauler on where the septage is being disposed.
  - b. Establish specific qualifications that pumpers should meet to operate within the municipality.
  - c. Identify when the pumper should contact the SEO to confirm the presence of a sewage malfunction.
- L. Establish an enforcement policy, including penalty assessments and appeal procedures.
- M. Establish bonding or other financial assurances for Department permitted sewage facilities. See Chapter 71.72.
- N. Establish an implementation schedule for the SMP.
- O. Submit the update revision to municipal and county planning agencies. See Chapter 71.31 (b)
- P. Publicly notice the update revision. See Chapter 71.31 (c)
- a. For a minimum of 30 days.
  - b. Provide municipal responses to the comments.
- Q. Municipalities shall adopt the official plan revision by resolution.

## VI. IMPLEMENTING AN SMP

- A. Develop a database to track all aspects of the SMP. The database should at a minimum contain the information required in the annual report. **(See Appendix F – Annual Report.)**
- B. If a municipality relies on a county health department or other multi-municipal local agency, it is recommended that communication occurs regularly between the municipality and the local agency, including permits the SEO has issued. Understanding the types and numbers of permits issued in a particular area and having information available on the locations and number of complaints can help the municipality to establish priority areas for future Act 537 planning initiatives.
- C. Complete a comprehensive inventory of all sewage facilities within the municipality's borders.

- a. Establish the location, using GPS, of all components of the systems in the inventory.
    - i. Absorption area(s)
    - ii. Septic tank(s)
    - iii. Dosing tank(s)
    - iv. Filter(s)
  - b. Determine the type of technology for each component of the system, i.e., elevated sand mound, in-ground trench, etc.
- D. Determine the design flow for each system.
- E. Divide the municipality to better manage inspections and pumping of systems; division should not be more than three areas. Three examples are:
- a. Divide into three contiguous sewage management districts using natural or political boundaries as dividing lines.
  - b. Divide sewage management districts by street numbers. Properties ending in street numbers with 0,1, and 2 are in district 1; 3,4, and 5 are in district 2; 6 to 9 are in district 3.
  - c. Divide based on sewage needs areas; areas with the highest needs can be district 1 and areas with the lowest can be district 3 with all other areas district 2.
- F. Establish the operation status of each system, such as:
- a. Is the system functioning as designed?
  - b. Does the system need minor repairs and/or modifications?
    - i. Riser replacement
    - ii. Baffle replacement
    - iii. Cleanout replacement
    - iv. And all other repairs and modifications that are not included in a malfunction repair.
  - c. Is the system malfunctioning?
    - i. Back-up of sewage into a structure.
    - ii. Untreated or partially treated sewage discharging onto the ground surface.
    - iii. Untreated or partially treated sewage discharging into waters of the Commonwealth.
      - 1. Fecal coliform contamination of well water that can be directly attributed to a sewage facility
      - 2. Fecal coliform contamination of surface waters of the Commonwealth that can be directly attributed to a sewage facility.
  - d. Is there a potential for the system to malfunction?
    - i. Bright green grass, spongy soil on the drainfield, especially during dry weather.
    - ii. A strong odor around the septic tank and drainfield.
    - iii. Dripping into septic tanks during no flow events.
    - iv. Frequent high-water alarm occurrences.
    - v. Fecal coliform contamination of well water.
    - vi. Nitrate contamination of well water.

- G. Provide for one or more reminder notifications to property owners who have not complied with pumping and inspection requirements in a timely manner. These reminders can often bring about voluntary compliance, and so preclude the need for legal enforcement action.
- H. Provide continuing education to the public and other stakeholders. The Department recommends the following:
  - a. Regular mailings that provide details and deadlines about the management program requirements. The municipality may include or reference, through a web address, DEP Fact Sheets and EPA SepticSmart publications.
  - b. Provide educational information to property owners when they move in. The municipality will need to have a system in place that will notify the appropriate management program staff when a property changes ownership.

## **VI. ANNUAL REPORTING TO DEP**

Annual reporting is a regulatory requirement as per Chapter 72.42 (a)(10). The Department has determined that there are minimum elements necessary in an annual report that will verify the local agency is meeting its obligations under the SMP, regulations and the Act. These elements are contained in the Departments form and form instructions (3850-FM-BCW0002). (**See Appendix F – Annual Report**). This report should be submitted by 1 March of the following year. Example, for the calendar year of 2020, the local agency will submit its annual report by 1 March of 2021.

## **VII. TIMELINE FOR DEVELOPMENT AND IMPLEMENTATION OF AN SMP**

The Department recognizes the amount of time and effort for a local agency to develop and implement a SMP. From the finalization date of this document the Department has determined 5 years to be enough time for a local agency to develop and implement an SMP. The Department will review requests for extensions on a case by case basis. The Department has determined that the following circumstances are eligible for an extension request.

1. Extended Department review resulting in the delay of the update revision approval.
2. Lack of funding due to the municipality being in bankruptcy approved under Chapter 9 of the Bankruptcy Code
3. Lack of funding due to the municipality being officially financially distressed under The Financially Distressed Municipalities Act, commonly known as Act 47.

Municipalities with previously approved SMP's may need to update their SMP's to meet the minimum requirements in this technical guidance document. For those municipalities who need to update their SMP's they should follow the guidelines outlined in this technical guidance document.

## APPENDIX A:

### Recommended Elements for a Sewage Facilities Inventory Database

- a. Tax parcels with sewage facilities.
- b. GPS coordinates of all components for each sewage facility.
- c. Ownership
- d. Type of facility
  - i. Individual on-lot sewage systems
  - ii. Individual sewerage systems
  - iii. Community on-lot sewage systems
  - iv. Community sewerage systems
  - v. SFTF's
- e. Type of technology
  - i. Conventional on-lot sewage systems as described in Chapter 73. Each technology should be inventoried separately, i.e., elevated sand mound, in-ground trench, etc.
  - ii. Alternate on-lot sewage systems as described in Department guidance documents. Each technology should be inventoried separately.
  - iii. Experimental on-lot sewage systems as described in local agency permits.
  - iv. SFTF's as described in Department permits.
  - v. Community sewerage systems, public and privately owned.
- f. Planning approval date
- g. Permit approval date
- h. Interim and final inspection dates
- i. Pumping record dates
- j. O&M inspection record dates

## APPENDIX B:

### MODEL ON-LOT SEWAGE MANAGEMENT PROGRAM ORDINANCE

AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT  
OF ON-LOT SUBSURFACE SEWAGE DISPOSAL FACILITIES  
THE [TOWNSHIP OR BOROUGH] OF \_\_\_\_\_, \_\_\_\_\_ COUNTY, PA

The [Board or Council] of the [Township or Borough] of \_\_\_\_\_  
\_\_\_\_\_, in the County of \_\_\_\_\_  
and the Commonwealth of Pennsylvania, hereby ordains:

#### Section I. Short Title: Introduction; Purpose

- A. This ordinance shall be known and may be cited as “An ordinance providing for a Sewage Management Program for \_\_\_\_\_  
[Township or Borough].”
- B. As mandated by the 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 \_\_\_\_\_ [Township or Borough] 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 \_\_\_\_\_ [Township or Borough] indicates that it is 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, permitting, inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit the municipality to intervene 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

Act 247 – The Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. Section 10101 *et seq.* known as the Pennsylvania Municipalities Planning Code.

Act 537 – The Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. ‘750.1 *et seq.* known as the Pennsylvania Sewage Facilities Act.

Authorized Agent - A sewage enforcement officer, code enforcement officer, professional engineer, plumbing inspector, municipal secretary, or any other qualified or licensed person who is authorized by the municipality to function within specified limits as an agent of the municipality to administer or enforce the provisions of this ordinance.

Board - The Board of Supervisors, \_\_\_\_\_ Township, \_\_\_\_\_ County, Pennsylvania.

Borough – The Borough of \_\_\_\_\_, \_\_\_\_\_ County, Pennsylvania.

Building Code Official (BCO) - A construction code official who has been certified by the Department of Labor and Industry to administer and enforce the codes and regulations under The Act 45 of 1999.

Capital Reserve Fund - An interest-bearing revolving fund, established by the municipality with monies contributed by each Community On-lot Sewage System developer/user, for the purpose of financing major equipment and facility repair, maintenance, replacement or upgrade. A separate capital reserve fund shall be established for each Community On-lot Sewage System.

Council - The Council of the Borough of \_\_\_\_\_, \_\_\_\_\_ County, Pennsylvania.

Department - The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

Developer – Any person, partnership, or corporation which erects or contracts to erect a building on property it owns, whether with the intent to sell the building to some other party upon its full or partial completion, or upon conveyance of property on which the building is to be built, or with the intent to continue ownership of the property.

Equivalent Dwelling Unit (EDU) - shall for the purpose of determining the number of lots in a subdivision or land development, that part of a multiple family dwelling, commercial, industrial or institutional establishment with sewage flows equal to four hundred gallons per day.

Improved Property - Any property within the municipality upon which there is erected an improvement intended for continuous or periodic habitation, occupancy or use by human beings and from which improvement sewage shall or may be discharged by any means.

Land Development - A land development as identified in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. Section 10101 et seq.

Lot - A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided. Whenever a lot is used for a multiple family dwelling or for commercial, institutional, or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single family residential lots as determined by estimated sewage flows.

Malfunction - 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 supplies. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year. Indications of potential malfunctioning systems include, but are not limited to, foul odors, lush grass growing over the system, and soggy ground over the system.

Municipality - A city, town, township, borough or home rule municipality other than a county.

Official Sewage Facilities Plan - A comprehensive plan for the provision of adequate sewage systems, adopted by the [Board or Council] and approved by DEP pursuant to the Pennsylvania Sewage Facilities Act and applicable DEP regulations.

Owner - Any person, corporation, partnership, etc. holding deed/title to lands within the municipality.

Person - Any individual, 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 another legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever the term "person" is used in connection with any clause providing for the imposition of a fine or penalty or the ordering of action to comply with the terms of this ordinance, 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 whether for profit or not for profit.

Planning Module for Land Development - A revision to, or exception to the revision of, the municipal Official Sewage Facilities Plan submitted in connection with the request for approval of a subdivision or land development in accordance with DEP regulations. (Under certain circumstances, it may be appropriate to file a request for a planning exemption with DEP.)

Pumper/Hauler - Any person, company, partnership or corporation, approved by DEP, which engages in cleaning community or individual sewage systems and transports the septage cleaned from these systems.

Pumper's Report/Receipt - The form provided to the owner(s) by the pumper/hauler when said pumper/hauler pumps or cleans a sewage system and shows such information as the date, name of owner(s), gallons pumped and the fee due.

Pumper's Septage Manifest - The form provided by the municipality which must be completed for each sewage system pumped within the municipality, which copies of said form must be given to the system's owner(s) and submitted to the municipality.

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

Replacement (Reserve) Area - An area designated as the future location of an individual or community on-lot sewage system that shall be installed should the initial individual or community on-lot sewage system installed or to be installed fails or otherwise becomes inoperable and which shall meet all the regulations of DEP and all applicable municipal ordinances for an individual or community on-lot sewage system, and shall be protected from encroachment by an easement recorded on the final plan as filed with the \_\_\_\_\_ County Recorder of Deeds.

Retaining Tank - A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site or is otherwise designed for its intended use. The term includes, but is not limited to, the following:

Chemical Toilet – A permanent or portable non-flushing toilet using chemical treatment in the retaining tank for odor control.

Holding Tank – A tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.

Privy – A watertight tank designed to receive sewage where water under pressure or piped water or wastewater are not available.

Incinerating Toilet – A device capable of reducing waste materials to ashes.

Composting Toilet – A device for holding and processing human and organic kitchen waste, employing the process of biological degradation through the action of micro-organisms to produce a stable, humus-like material.

Recycling Toilet – A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

Septage - The residual scum, sludge and other material pumped from treatment or retaining tanks.

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 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. Sewage shall include “gray water,” which is further defined as discharge from any shower, tub, sink, washing machine or other facility used for bathing or washing, including dishwasher and water softener discharge. This definition specifically excludes wastewater of industrial origin.

Sewage Enforcement Office (SEO) - A person certified by the State Board for Certification of Sewage Enforcement Officers who is employed by the [Township or Borough]. Such person is authorized to conduct investigations and inspections, perform site and soil evaluations, percolation tests, 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 or Borough].

Sewage Facilities - A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste.

Community Sewage System – A sewage facility, whether publicly or privately owned, for the collection of sewage from two (2) or more lots, or two (2) or more equivalent dwelling units, and the treatment and/or disposal, or both, of the sewage on one (1) or more lots or at any other site.

Community On-lot Sewage System – A system of piping, tanks or other facilities serving two or more lots and collecting, treating and disposing of sewage into a soil absorption area or retaining tank located on one or more of the lots or at another site.

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 the waters of this Commonwealth or by means of conveyance to another site for final disposal.

Individual On-lot 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 this Commonwealth or by means of conveyance to another site for final disposal.

Sewage Management District - Any area or areas of the [Township or Borough] designated in the Official Sewage Facilities Plan adopted by the [Board or Council] as an area for which a Sewage Management program is to be implemented.

Sewage Management Program – 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 the [Board or Council] to effectively enforce and administer this ordinance.

Single and Separate Ownership - The ownership of a lot by one (1) or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

Subdivision - The division or redivision of a lot, tract, or other parcel of land into two (2) 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.

Township - The township of \_\_\_\_\_, \_\_\_\_\_ County, Pennsylvania.

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.

### Section III. Applicability

- A. From the effective date of this ordinance, its provisions shall apply to all persons owning any property serviced by an on-lot sewage system, individual or community, and to all persons installing or rehabilitating on-lot sewage systems, individual or community.

### Section IV. Permit Requirements

- A. Regardless of lot size, no person shall install, construct or request bid proposals for construction, or alter an individual on-lot sewage system or community on-lot sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual on-lot sewage system or community on-lot sewage system is to be installed without first obtaining a permit from the municipality's certified SEO indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act (hereinafter called "Act 537" or "Act") and the regulations adopted pursuant to that Acts.
- B. No system or structure designed to provide individual or community on-lot sewage disposal shall be covered from view until approval to cover the same has been given by the municipality's certified SEO. If seventy-two (72) hours have elapsed, excepting Sundays and holidays, since the SEO 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 SEO.
- C. The municipality may require applicants for sewage permits to notify the municipality's SEO 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 Act 537 may be scheduled and performed by the municipality's SEO at the cost of the applicant.

- D. No building or occupancy permit shall be issued by the municipality or its Building Code Officer (BCO) for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the municipality's SEO.
- 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 the municipality's BCO and the structure's owner receives from the municipality's SEO either a permit for modification or replacement of the existing on-lot sewage disposal system or written notification that such a permit will not be required. In accordance with Chapter 73 regulations, the SEO shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.
- F. Sewage permits may be issued only by an SEO employed by the municipality for that express purpose. DEP shall be notified by the municipality as to the identity of their currently employed primary and alternate SEOs.
- G. No sewage permit may be issued unless proof is provided the lot is a lot of record created before May 15, 1972, or that Act 537 planning for that lot has been provided by the municipality and approved by DEP.
- H. No final Act 247 approval of a subdivision or land development plan may be made and no recording of deeds for newly created lots completed until formal Act 537 planning approval by DEP is received.

#### Section V. Replacement Areas

##### 1. Requirements

A. Any supplements, revisions, or exceptions to revisions to the municipality's Official Sewage Facilities Plan which are prepared pursuant to the applicable regulations of DEP for subdivision or development of land within the municipality shall provide for the testing, identification and reservation of an area of each lot or developed property suitable for the installation of a replacement on-lot sewage system or spray field. This requirement is in addition to the testing, identification, and reservation of an area for the primary on-lot sewage disposal system.

B. No permit shall be issued for any proposed new on-lot sewage system on any newly created or subdivided property in the municipality unless and until a replacement absorption area or spray field is tested, identified and reserved.

C. After the effective date of this ordinance, a replacement area for an individual or community on-lot sewage disposal system shall be required for all lots or lots to be created which are not serviced or to be serviced by a public sewerage system or for which a valid permit for installation of an individual or community on-lot sewage system has not been issued. Lots existing prior to the effective date of this ordinance shall be exempt from the requirements of this section.

D. The replacement area provided shall comply with the Act and with all regulations issued by DEP as incorporated into this ordinance concerning individual on-lot and community on-lot sewage systems, and with the terms of this ordinance and any other applicable municipal ordinances.

##### 2. Identification of Replacement Area

- A. Each applicant who shall submit a plan for the subdivision or development of land or who shall apply for a permit for the installation of an individual on-lot or community on-lot sewage system, or who shall request approval of a Planning Module for land development or the adoption of a supplement, revision, or exception to revision to the Official Sewage Facilities Plan shall demonstrate to the satisfaction of the municipality's SEO that a suitable area exists on the lot or on each lot to be created for a primary and reserved replacement area for an on-lot sewage absorption area. The municipality's SEO shall perform or observe all tests required for the location of an individual on-lot or community on-lot sewage system to confirm the suitability of the replacement area. Allowance of open land for the replacement area without testing performed or observed by the municipality's SEO shall not constitute compliance with the requirements of this section.
- B. The location of the primary on-lot sewage system and the replacement area as confirmed by the municipality's SEO shall be identified on the plot plans and diagrams submitted as part of the permit application.
- C. If the application has been submitted as part of an application for subdivision or land development approval or as part of a request that the municipality approve a Planning Module for land development or amend its Official Sewage Facilities Plan, or a request for an exception to the revision of the Official Sewage Facilities Plan, the location of each initial individual on-lot or community on-lot sewage system and each replacement area shall be noted upon the plot plans. If the application is for the subdivision or land development approval, a note constituting a permanent easement shall be added to the plans stating that no improvements shall be constructed upon the replacement area, and the deed to be recorded for each lot created as part of the subdivision or land development shall contain language reflecting this limitation.
- D. Any revisions to a permit or plan affecting a replacement area which previously has been approved pursuant to the provisions of this ordinance shall be reviewed for approval by the municipal [Board or Council] or its authorized representative.

3. Construction Restrictions

- A. The easement for the replacement area noted upon the plan and recorded with the \_\_\_\_\_ County Recorder of Deeds shall state that no permanent or temporary improvements of any character, other than shallow rooted plant matter, shall be constructed upon the replacement area.
- B. If a person desires to construct such improvements on the designated replacement area, such person shall demonstrate to the satisfaction of the municipality's SEO that an alternate replacement area, which complies with all applicable regulations of DEP, this ordinance, and all other applicable municipal ordinances, exists upon the lot. If such an alternate replacement area shall be identified, the alternate replacement area may be considered to be the replacement area required by this ordinance and shall be designated as the replacement area.

Section VI. Inspections

- A. Any on-lot sewage disposal system may be inspected by the municipality's SEO or other SEO contracted by the municipality at any reasonable time as of the effective date of this ordinance, but in no case shall an

inspection of every on-lot sewage disposal system be conducted less frequently than once every three (3) years.

- B. The 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 wastewater generated in the structure. A copy of the inspection report shall be furnished to the owner(s) and current resident, which shall include at least all of the following information: date of inspection; name and address of system owner; address where system is located if different than address of owner; description and diagram of the location of the system, including the location of access hatches and risers; size of tank(s); indication of any system malfunction observed; results of any and all soils and water tests, as required; and any remedial action required.
- C. The municipality's SEO or other SEO contracted by the municipality shall have the right to enter upon land for the purposes of inspections described herein. In the event access to inspect the property is denied, the following steps shall be taken:
1. The matter will be officially referred to the [Board or Council] of the municipality for action.
  2. The [Board or Council] may schedule a review at the next scheduled meeting of the [Board or Council] or, if the situation threatens the health or safety of the residents of the municipality, the [Board or Council] may commence an immediate procedure to obtain a search warrant from the District Justice.
  3. Upon receipt of a search warrant to inspect the property, the municipality's SEO or other SEO contracted by the municipality, shall be accompanied by a law enforcement officer and the inspection shall be completed in accordance with this subsection.
- D. An initial inspection shall be conducted by the municipality's SEO or other SEO contracted by the municipality within one (1) year of the effective date of this ordinance for the purpose of determining the type and functional status of each on-lot sewage disposal system in the municipality. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the municipal records for the life of the system.
- E. A routine inspection of each on-lot sewage system in the municipality will be scheduled every three (3) years to assure the proper functioning of all systems in the municipality.
- F. The municipality's SEO or other SEO contracted by the municipality shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the municipality's SEO or other SEO contracted by the municipality shall take action to require the correction of 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 municipality's SEO or other SEO contracted by the municipality, and a representative of DEP; then action by the property owner to mitigate the malfunction shall be required.
- G. A permit shall be required by the municipality for modifications or connections to an existing individual or community on-lot sewage disposal system when the modification or connection requires the repair, replacement or enlargement of a treatment tank or retention tank, or the repair, replacement, disturbance,

modification or enlargement of a soil absorption area or spray field, or the soil within or under the soil absorption area or spray field. This also includes the building sewer and any other piping.

- H. There may arise geographic areas within the municipality where numerous on-lot sewage systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a municipally sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When a DEP authorized Official Sewage Facilities Plan Update Revision has been undertaken by the municipality, mandatory repair or replacement of individual malfunctioning on-lot sewage systems within the study area may be delayed, at the discretion of the municipality, pending the outcome of the Plan Update Revision process. However, the municipality may compel immediate corrective action whenever a malfunction, as determined by municipal officials and/or DEP, represents a serious public health or environmental threat.

#### Section VII. Operation

- A. Only normal domestic wastes shall be discharged into any individual or community 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; and
  4. Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and French drains.
- B. Owner(s) shall ensure that their on-lot sewage disposal system treatment tank does not contain any of the substances listed above under Section VII.A. If any of those substances are being put into their treatment tank, the owner(s) must contact the municipality's SEO and the pumper/hauler to inform them of such.

#### Section VIII. Maintenance

- A. Any person owning a building served by an individual or community on-lot sewage system shall have the septic tank pumped by a qualified pumper/hauler within the time frame specified by the municipality after the effective date of this ordinance. If any person can prove that their septic tank(s) had been pumped within three (3) years of the effective date of this ordinance, then the municipality may delay that person's initial required pumping to conform with the general pumping frequency requirement. Thereafter that person shall have the tank pumped at least once every three years or as follows:
1. Following the completion of the first pumping at a three (3) year interval, an option will be provided to allow the property owner to request a waiver from pumping if, because of tank size, household size, seasonal use, or other good cause, it is determined by the municipality's SEO that such pumping is not needed. In such cases, a waiver from pumping may be granted, at the discretion of the municipality's SEO, when an inspection of the tank by the municipality's SEO reveals that the solids or scum are less than one-third (1/3) the liquid depth of the tank.

2. The required pumping frequency may be increased, at the discretion of the municipality's SEO or other SEO contracted by the municipality if the septic tank is found to be undersized, if solids buildup in the tank is above average, if the hydraulic load on the system is significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown.
- B. Any person owning a building served by an on-lot sewage disposal system which utilizes any components or technologies deemed by DEP to require more detailed operation or maintenance requirements than provided for in this ordinance including, but not limited to, individual residential spray irrigation systems (IRSIS), alternate systems, or experimental systems shall be further subject to the maintenance responsibilities required by DEP for said system. These responsibilities shall, at the discretion of the municipality, be memorialized in individual operation and maintenance agreements or other similar acceptable arrangements for each such use, to which both the municipality and the property owner shall be party. The municipality may impose additional requirements as deemed necessary including, but not limited to, collection of an annual fee and additional financial security.
  - C. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement, from the pumper/hauler or from any other qualified individual acceptable to the [Township or Borough], that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact an SEO for a permit to make the necessary repair.
  - D. Any person owning a building 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 or Borough] within six months of the effective date of this ordinance. Thereafter, service receipts shall be submitted to the [Township or Borough] 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. The municipality may require additional maintenance activity as needed including, but not necessarily limited to, cleaning and unclogging of collection and conveyance piping, pressure lines and manholes, alarm and flow recorder devices; pumps; disinfection equipment and related safety items; servicing, maintenance and/or the repair of electrical, mechanical and chemical components of the sewage facilities; leveling of distribution boxes, tanks and lines; removal of obstructing roots or trees; and the diversion of surface water away from the disposal area, etc.
  - F. Any and all steel septic tanks found within \_\_\_\_\_ [Township or Borough] shall be removed and replaced with a DEP-approved septic tank of the appropriate size, as determined by the municipality's certified SEO, for the building it will serve. The replacement shall occur within the timeframe set by the SEO.
  - G. Each time a septic tank, aerobic sewage treatment tank, retaining tank or other subsurface waste disposal tank is pumped out, the municipality, its authorized agent, or a private septage pumper/hauler, whichever provides the service, shall provide to the owner of the on-lot sewage disposal system a signed pumper's report/receipt containing, at minimum, the following information:
    1. Date of pumping
    2. Name and address of system owner

3. Address of tank's location, if different from the owner's
  4. Amount of septage or other solid or semi-solid material removed
  5. Destination of septage (name of treatment facility)
- H. Upon completion of each required pumping, the pumper/hauler shall fill out and submit a pumper's septage manifest, copies of which shall be provided by the municipality or its authorized agent to all pumper/haulers operating within \_\_\_\_\_ [Township or Borough]. The pumper/hauler shall provide one (1) copy of the pumper's septage manifest to the owner and one (1) copy to the municipality or its authorized agent. Copies must be received by the municipality or its authorized agent within thirty (30) days of the date of pumping.
- I. Retaining tanks shall be pumped/maintained in accordance with Section IX. below.

#### Section IX. Retaining Tanks

The purpose of this section is to establish procedures for the use, operation and maintenance of existing and new retaining tanks which are designed to receive and retain sewage. For purposes of this section, a new holding tank or a new privy tank shall have a capacity of no less than 1,000 gallons or a volume equal to the quantity of waste generated in 3 days, whichever is greater.

A. Rights and privileges granted.

The [Board or Council] is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to affect the purpose herein. All such rules and regulations adopted by the [Board or Council] shall be in conformity with the provisions herein, all other ordinances of the municipality, and all applicable laws, rules and regulations of the Commonwealth of Pennsylvania.

B. Rates and charges.

The [Board or Council] shall have the right and power to fix, alter, charge, and collect fees, assessments and other charges as may be authorized by applicable law and as may be deemed necessary to implement the provisions of this section.

C. Rights and privileges.

1. Holding Tanks

- (a) The collection and transportation of all sewage from any property utilizing a holding tank shall be completed under the direction and control of the municipal SEO or other SEO contracted by the municipality, and the disposal thereof shall be made only at such sites as may be approved by DEP.

- (b) The municipal SEO or other SEO contracted by the municipality, shall be provided pumping receipts from permitted tanks and documentation of receipt from a Pennsylvania DEP-approved receiving station.
- (c) The municipal SEO or other SEO contracted by the municipality, will complete, and retain annual inspection reports for each permitted tank. A permitted tank may be inspected more frequently than once per year if deemed necessary by the [Board or Council].
- (d) The municipal SEO or other SEO contracted by the municipality, shall permit a holding tank only for properties whose primary use is either institutional or commercial, or properties where a holding tank shall be deemed necessary to abate a nuisance. In no event shall a holding tank be permitted by the municipal SEO or other SEO contracted by the municipality, as a permanent system of sewage disposal for residential purposes. Property owners shall comply with all applicable Pennsylvania State regulations for holding tank use and any conditions attached to the approval of use of a holding tank by the municipal SEO or other SEO contracted by the municipality.
- (e) Holding tanks will be permitted only with appropriate DEP approval. Holding tanks will not be permitted if the site can be served by a conventional or alternate system designed to function as an on-lot sewage system.
- (f) The municipality will require an escrow in an amount as established from time to time by resolution of the [Board or Council] to be maintained by the property owner with the municipality as security that the requirements for reporting of pumping and disposal of waste and maintenance of the holding tank are in compliance with this section and the holding tank permit.

## 2. Privy

- a) The property owner must show that site and soil suitability testing of the lot has been conducted by the municipality's certified SEO and that the site meets the 25 Pa. Code Chapter 73, Standards for Sewage Disposal Facilities requirements for the ultimate sewage disposal by an approved on-lot sewage disposal system if water under pressure or piped water or wastewater becomes available to the lot.
- b) At such time that water under pressure or piped water or wastewater becomes available, the property owner shall remove the privy and replace the privy with an approved on-lot sewage disposal system.
- c) The conditions of use described in Subsection 1 above, do not apply to a privy or chemical toilet intended to be used on an isolated lot of record in existence prior to May 15, 1972, which is one (1) acre or larger and is not served now and will not be served in the future by water under pressure, piped water or plumbing to move wastewater from the structure to the privy vault or to an unpermitted disposal system on that lot.
- d) Specific conditions for use of privies shall be incorporated into the permit application and permit for the proposed use of a privy on an individual basis.

- e) The municipal SEO or other SEO contracted by the municipality, shall have the right at any time to inspect the privy for proper operation, maintenance, and content disposal. However, according to this Sewage Management Program Ordinance, each privy in \_\_\_\_\_[Township or Borough] shall be inspected no less than every three (3) years.

### 3. Other Retaining Tanks

- a) All retaining tanks are individual sewage disposal systems and require permits. They shall only be used where the Department finds and gives written notice to the approving body that the requirements of Chapter 71 (relating to administration of sewage facilities planning program) have been met.
- b) Chemical toilets or other portable toilets – When proposed for use at temporary construction sites, facilities providing temporary recreational or sporting activities (such as a special event) or temporary seasonal facilities other than those intended for human habitation, chemical toilets or other portable toilets may be exempt from the on-lot permitting requirements of Chapter 72 (relating to the administration of sewage facilities permitting program) at the discretion of the [Board or Council] but improper installation or maintenance of these toilets shall constitute a nuisance under Section 14 of the Act (35 P. S. § 750.14) and be enforceable by the [Board or Council]. If multiple chemical toilets or other portable toilets are proposed for temporary use at construction sites, recreational activities or seasonal facilities, all units proposed for installation shall be included under one permit.
- c) Recycling toilets, incinerating toilets, or composting toilets – Recycling, incinerating and composting toilets shall bear the seal of the NSF indicating testing and approval by that agency under Standard No. 41. The device utilized shall meet the installation specifications of the manufacturer and shall be operated and maintained in a manner that will preclude any potential pollution or health hazards. When the installation of a recycling toilet, incinerating toilet or composting toilet is proposed for a new residence or establishment, an on-lot sewage system or other approved method of sewage disposal shall be provided for treatment of wash water or excess liquid from the unit, except as provided herein. When the installation of a recycling toilet, incinerating toilet, composting toilet or another type of water conservation device is proposed for an existing residence or facility and no modification of the on-lot sewage system is proposed, a permit is not required. When a composting toilet, or incinerating toilet is proposed for installations on a lot meeting the requirement of § 71.63 (relating to retaining tanks), it shall be deemed equivalent to and permitted as a privy. The device shall be operated and maintained in accordance with the manufacturer's specifications. Discharges of liquids from these units, except to on-lot sewage systems meeting the requirements herein or other methods of sewage disposal approved under this Ordinance or approved by DEP are prohibited.

### D. Duties and responsibilities of improved property owners.

- 1. Holding tanks. The owner of a property that utilizes a holding tank shall:
  - (a) Maintain the holding tank in conformance with this or any ordinance or resolution of the municipality, and the provisions of any applicable law, and the laws, rules and regulations of the Commonwealth of Pennsylvania; and shall further agree to provide the municipality, or its authorized agent, such documentation as may be deemed necessary or appropriate to provide

assurance of conformance. Said documentation may include, but shall not be limited to, permits, receipts, or correspondence from DEP, the pumper/hauler, and how the contents are being disposed in a manner approved by DEP.

- (b) Permit only the municipal SEO or other SEO contracted by the municipality, to inspect holding tanks annually; or in the event of deficiency or other circumstances, at any time as deemed necessary by the [Board or Council] or its authorized agent.
  - (c) Provide documentation to the municipal SEO or other SEO contracted by the municipality, that the pumper/hauler selected to collect, transport, and dispose of the contents therein, has disposed of the contents at a receiving station approved by DEP.
2. Privies. The owner of an improved property that utilizes a privy shall:
- (a) Maintain the privy in conformance with this or any ordinance or resolution of the municipality and the provisions of any applicable laws, rules, and regulations of the Commonwealth of Pennsylvania.
  - (b) Permit the municipal SEO or other SEO contracted by the municipality, to enter upon land to inspect the privy for proper operation, maintenance, and contents disposal.
  - (c) Provide documentation to the municipal SEO or other SEO contracted by the municipality, that the pumper/hauler selected to collect, transport, and dispose of the contents therein, has disposed of the contents at a receiving station approved by DEP.
  - (d) Abandon the privy consistent with applicable public health and environmental standards and obtain a permit for and install an approved on-lot sewage disposal system meeting the Chapter 73 standards in the event that water under pressure or piped water or wastewater becomes available to the property.
3. Other Retaining Tanks. The owner of an improved property that utilizes a retaining tank, other than a holding tank or privy, shall:
- (a) Maintain the retaining tank in conformance with this or any ordinance or resolution of the municipality and the provisions of any applicable laws, rules, and regulations of the Commonwealth of Pennsylvania.
  - (b) Permit the municipal SEO or other SEO contracted by the municipality, to enter upon land to inspect the retaining tank for proper operation, maintenance, and contents disposal.
  - (c) Provide documentation to the municipal SEO or other SEO contracted by the municipality, that if required, a pumper/hauler selected to collect, transport, and/or dispose of the contents therein, has disposed of the contents in a manner as approved by DEP.
  - (d) Abandon the retaining tank consistent with applicable public health and environmental standards. Obtain a permit for and install an approved on-lot sewage disposal system meeting the Chapter 73 standards in the event that water under pressure or piped water or wastewater becomes available to the property or as the conditions under which the retaining tank was permitted have changed.

E. Abatement of nuisances.

In addition to any other remedies provided in this ordinance, any violation of Section IX. of this ordinance shall constitute a nuisance and shall be abated by the municipality, or its authorized agent, either by seeking mitigation of the nuisance or appropriate relief from a court of competent jurisdiction. The owner of improved property shall be responsible for any cost to the municipality, or its authorized agent, relative to abatement of nuisances.

Section X. Community On-lot Sewage Systems

A. Purposes

1. The purpose of this section is to establish procedures for the design, installation, use and maintenance of community on-lot sewage systems for the collection, treatment, and disposal of sewage.
2. This section is intended to provide a method of sewage treatment and disposal under circumstances where the municipality does not have the capability to convey, treat, and/or dispose of sewage via the municipality or the municipality's authorized agent's publicly held conveyance, treatment, and/or disposal system, and where the construction, use, and maintenance that are or may be associated with individual on-lot sewage disposal systems pose or may present potential health risks.

B. Scope

1. As part of any subdivision or land development plan proposing the use of a community on-lot sewage system, compliance with these rules and regulations shall be a condition of approval.
2. Developments located outside the Act 537 \_\_\_\_\_ [name of municipal Official Sewage Facilities Plan] or any established municipal sewer service area that wish to utilize a community on-lot sewage system shall comply with the following:
  - (a) All community on-lot sewage systems shall be subject to the requirements set by the [Board or Council] which may include escrows, appointment of a responsible party, and periodic inspections. All requests for permits shall be reviewed by the Sewage Enforcement Officer and the [Board or Council] prior to permit issuance.
3. Community on-lot sewage systems are permitted in all zoning districts.

C. Rights and privileges granted

1. The [Board or Council] hereby authorizes and empowers the municipality's certified SEO/authorized agent to oversee within the municipality the design, installation, operation, and maintenance of community on-lot sewage systems. Permits for community on-lot sewage systems shall be issued by the municipality's SEO, other SEO contracted by the municipality, or DEP.
2. The [Board or Council] hereby authorizes and empowers its municipal SEO or other SEO contracted by the municipality to enter into or acquire escrow agreements, construction and performance bonds, and engineering services to ensure community on-lot sewage systems and

related collection systems are designed, constructed, operated and maintained in accordance with any applicable rules and regulations of the [Board or Council] and DEP.

D. Rules and regulations applicable to community on-lot sewage systems within \_\_\_\_\_ [Township or Borough]

1. All community on-lot sewage systems must be designed and constructed in accordance with the specifications of the [Board or Council] and all applicable laws, rules, and regulations of the Commonwealth of Pennsylvania.
2. The [Board or Council] is hereby authorized and empowered to adopt such rules and regulations concerning community on-lot sewage system which it may deem necessary from time to time to affect the purposes herein.
3. All such policies, regulations, and specifications of the [Board or Council] shall be in conformance with the provisions herein, all other ordinances of the municipality and all applicable laws, rules and regulations of the Commonwealth of Pennsylvania.
4. All community on-lot sewage systems must have two (2) absorption areas, designed according to site characteristics, each with a capacity sufficient to serve all equivalent dwelling units which can be connected to the system.
5. Community on-lot sewage systems must be designed to include an inspection portal on the septic tank which may be used by the SEO to monitor the depth of solids in the tank. The inspection port must always be above grade and accessible. In addition, each community on-lot system septic tank shall contain a riser which can be used for pumping purposes.
6. The owner of a community on-lot sewage system, new or preexisting, within \_\_\_\_\_ [Township or Borough] approved after the enactment of this ordinance shall be responsible for the maintenance of such system.

E. Imposition of rates and charges

The [Board or Council] shall have the right and power to fix, alter, charge, and collect rates, assessments and other charges at reasonable and uniform rates as authorized by applicable law.

F. Exclusivity of rights and privileges

The collection, treatment, and disposal of all sewage from any improved property utilizing a community on-lot sewage system shall be done solely by a DEP approved pumper/hauler and to a DEP permitted disposal plant.

G. Applicability

1. Any person who is the owner of any existing or proposed community on-lot sewage system serving as a means of sewage disposal within the municipality is subject to all requirements of this section and this ordinance.

2. The developer proposing a community on-lot sewage system shall be responsible for obtaining all required permits from the municipality, DEP, and/or any other agencies requiring permits for such an installation. The owner of any proposed community on-lot sewage system shall be responsible for its construction and startup in accordance with the requirements of this ordinance.
3. The property owner(s) shall be responsible for the cost of maintenance and repair of a community on-lot sewage system.
4. All community on-lot sewage system with an appropriate operations and maintenance agreement shall be inspected by the SEO at least annually. However, according to this ordinance, each community on-lot sewage system shall be inspected no less than every three (3) years.

#### Section XI. System Rehabilitation

- A. No person shall operate and maintain an individual or community 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 or tank. No on-lot 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 to discharge has been obtained from DEP.
- B. The municipal SEO or other SEO contracted by the municipality shall issue a written notice of violation to any person who is the owner of a property in the municipality which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging raw or partially treated sewage.
- C. Within seven (7) days of initial notification by the municipal SEO or other SEO contracted by the municipality that a malfunction has been identified, the property owner shall make application with the municipality's SEO or other SEO contracted by the municipality for a permit to repair or replace the malfunctioning system or system component. Within thirty (30) days of initial notification by the municipal SEO or other SEO contracted by the municipality construction of the permitted repair or replacement shall commence. Within sixty (60) days of the initial notification by the municipal SEO or other SEO contracted by the municipality the construction shall be completed and approved unless seasonal or unique conditions mandate a longer period, in which case the municipal SEO or other SEO contracted by the municipality shall set an extended completion date.
- D. The municipality's SEO or other SEO contracted by the municipality 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 specified site.
- E. In lieu of, or in combination with, the remedies described in Subsection D. above, the municipalities SEO or other SEO contracted by the municipality may require the installation of water conservation equipment and the institution of water conservation practices in structures served by an on-lot sewage system. 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 and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served.
- F. In the event that the rehabilitation measures in Subsections A. through E. above are not feasible or do not prove effective, the municipality may require the owner to apply for a permit to install an approved single

residence treatment and discharge system that is capable of being instituted on site. Upon receipt of said permit, the owner shall complete construction of the system within 30 days.

- G. Should none of the remedies described in this Section prove 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 municipality may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.

#### Section XII. Liens

The municipality, upon written notice from municipal SEO or other SEO contracted by the municipality that an imminent health hazard exists due to failure of a 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 SEO. The owner shall be charged for the work performed and, if necessary, a lien shall be entered, therefore, in accordance with law. Liens may also be levied when any owner(s) fail to remit penalty costs.

#### Section XIII. Disposal of Septage

- A. All septage originating within the municipality shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101 *et seq.*) 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 farmlands.
- B. All septage pumper/haulers operating within the municipality shall be approved by DEP. Pumper/haulers shall comply with all reporting requirements established by the municipality.
- C. All septage pumper/haulers operating within the municipality 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 all other applicable laws. Any septage pumper/hauler who violates any of the provisions of this ordinance or regulations of the municipality, the conditions of its State permit, or any State or local law governing its operation shall, upon conviction thereof, be sentenced to pay a fine not exceeding Five Thousand and 00/100 (\$5,000.00) Dollars and costs and, in default of the payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. If any pumper/hauler shall have been convicted on two (2) occasions of any violation of this ordinance, or for violating the conditions of its State permit, or of any State or local law governing its operation, the municipality shall have the power to suspend said pumper/hauler from operating within the municipality for a period of not less than six (6) months or more than two (2) years for each violation, as determined by the municipality. Each day the violation continues shall constitute a separate offense.

#### Section XIV. Administration

- A. The municipality shall fully utilize those powers it possesses through enabling statutes and ordinances to affect the purposes of this ordinance.
- B. The municipality shall employ qualified individuals to carry out the provisions of this ordinance. Those employees shall include an SEO and may include a building code official, secretary, administrator, and other persons as required. The municipality may also contract with 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 individual or community on-lot sewage disposal systems in the municipality shall become the property of the municipality. Existing and future records shall be available for public inspection as per \_\_\_\_\_[Township or Borough]'s Open Records Policy. All records pertaining to sewage permits, building permits, occupancy permits, and all other aspects of the municipality's sewage management program shall be made available, upon request, for inspection by representatives of DEP.
- D. The municipality shall establish a fee schedule to cover the cost of administering this program. Fees shall be collected by the municipality or its municipal SEO or other SEO contracted by the municipality.
- E. Owner(s) shall be notified in writing by the municipality of the need to arrange for an inspection of their on-lot sewage disposal system and/or the need to pump their septic tank(s). Notices shall be sent to the owner(s) of record by First Class Mail.
- F. Upon receipt of notification, the owner(s) shall have thirty (30) days to pay the fees, as established by Municipal Resolution, to the municipality or its authorized agent. Upon receipt of the fee for an inspection, the municipality or its authorized agent will contact the owner(s) to schedule the required inspection.
- G. A list of DEP-registered/licensed pumper/haulers shall be kept at the municipal building and will be provided to owner(s) at their request.
- H. The municipality shall establish all administrative procedures necessary to properly carry out the provisions of this ordinance.

#### Section XV. Appeals

- A. Appeals from final decisions of the municipality or any of its authorized agents under this Ordinance shall be made to the [Board or Council] in writing within thirty (30) days from the date of written notification of the decision in question.
- B. The appellant shall be entitled to a hearing before the [Board or Council] at its next regularly scheduled meeting, if a written appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the subsequent meeting. 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 municipality. 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 thirty (30) days of the date of the hearing. If a decision is not rendered within thirty (30) days, the relief sought by the appellant shall be deemed granted.

#### Section XVI. Penalties

Any person failing to comply with any provision of this Ordinance shall be subject to a fine of not less than Five Hundred and 00/100 (\$500.00) Dollars and costs, and not more than Five Thousand and 00/100 (\$5,000.00) Dollars and costs, or in default thereof shall be confined in the county jail for a period of not more than thirty (30) days for each offense. Each day of noncompliance shall constitute a separate offense.

#### Section XVII. Repealer

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

Section XVIII. Severability

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

Section XXIV. Effective Date

This Ordinance shall become effective five (5) days after its enactment by the [Board or Council] of \_\_\_\_\_[Township or Borough], \_\_\_\_\_County, Commonwealth of Pennsylvania.

Section XXV. Enactment

ENACTED AND ORDAINED into an ordinance this \_\_\_\_\_day of \_\_\_\_\_A.D., 20\_\_\_\_, by the \_\_\_\_\_[Supervisors or Council members] of the \_\_\_\_\_[Township or Borough] of the \_\_\_\_\_County in Lawful Session duly assembled.

\_\_\_\_\_[TOWNSHIP  
SUPERVISORS OR BOROUGH COUNCIL MEMBERS]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATION OF ADOPTION**

I hereby certify the foregoing to be an exact copy of an ordinance adopted by the  
\_\_\_\_\_ [Supervisors or Council members] \_\_\_\_\_ of the \_\_\_\_\_  
\_\_\_\_\_ [Township or Borough], \_\_\_\_\_ County, Pennsylvania, at  
a regular meeting of the [Board or Council] on \_\_\_\_\_.

PRE-DRAFT

**APPENDIX C:**

**MODEL  
PREEMPTION OF 10-ACRE PERMIT EXEMPTION ORDINANCE**

[TOWNSHIP OR BOROUGH] OF \_\_\_\_\_  
\_\_\_\_\_ COUNTY  
COMMONWEALTH OF PENNSYLVANIA  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE PROVIDING FOR THE PERMITTING OF ALL ON-LOT  
SEWAGE DISPOSAL SYSTEMS PROPOSED TO BE INSTALLED ON ALL  
LOTS IN \_\_\_\_\_ [TOWNSHIP OR BOROUGH], REGARDLESS OF LOT  
SIZE, AND PROVIDING PENALTIES AND ENFORCEMENT REMEDIES

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania adopted, and the Governor of said Commonwealth approved, under the date of January 24, 1966, P.L. 1535, No. 537 (35 P.S. §§750.1-750.20), known as the Pennsylvania Sewage Facilities Act, which Act has been subsequently amended and is referred to hereinafter as the “Act”:

WHEREAS, Section 4 of the Act of December 14, 1994 (P.L. 1250, No. 149) contains an amendment to Section 7(a) of the Act which provides that, except where a local agency or municipality requires a permit by ordinance, certain owners of lots 10 acres or larger are exempt from the requirements of the Act to obtain a permit for the installation of an on-lot sewage disposal system on such person’s lot:

WHEREAS, the [Township or Borough] of \_\_\_\_\_ is a municipality as defined in Section 2 of the Act.

WHEREAS, Section 7(a)(1) of the Act, as amended by the Act of December 14, 1994, authorizes the [Township or Borough] to enact an ordinance requiring a permit for the installation of all on-lot sewage disposal systems within the Township, including those proposed to be installed on lots 10 acres or larger, irrespective of whether any such lot 10 acres or larger otherwise qualifies for an exemption from the permitting requirements of the Act; and

WHEREAS, the [Township or Borough] of \_\_\_\_\_ desires that permits be required for the installation of on-lot sewage disposal systems on all lots 10 acres or larger which lots otherwise qualify for an exemption from the permitting requirements of the Act;

NOW, THEREFORE, BE IT ORDAINED by the [Supervisors or Council members] of \_\_\_\_\_ [Township or Borough], \_\_\_\_\_ County, Pennsylvania, as follows:

Section I. Short Title, Statutory Basis, Purpose

1. This ordinance shall be known as the “\_\_\_\_\_ [Township or Borough] On-lot Sewage Disposal System Permit Ordinance.”

2. This ordinance is adopted pursuant to Section 7(a)(1) of the Pennsylvania Sewage Facilities Act, as amended (35 P.S. §740.7(a)(1)).

3. The purpose of this Ordinance is to provide for the permitting of all on-lot sewage disposal systems within the [Township or Borough] in accordance with the standards and regulations of 25 Pa. Code Chapters 72 and 73, including those systems otherwise eligible for an exemption from the permitting requirements of the Act, as authorized by Section 7(a)(1) of the Act.

## Section II. Permit Requirements

1. From and after the effective date of this ordinance, all persons proposing to install an on-lot sewage disposal system on any lot within the [Township or Borough], including those persons proposing to install such a system on a lot 10 acres or larger and who are otherwise qualified for a permit exemption in accordance with the provisions of Section 7(a)(1) of the Act, shall apply to the [Township or Borough] for a permit for the installation of such system.

2. No person shall install or commence construction of any on-lot sewage disposal system for which a permit is required until such permit has been issued by a Sewage Enforcement Officer employed by or contracted to the [Township or Borough].

## Section III. Enforcement

1. Any person who violates any provision of this ordinance shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than Five Hundred (\$500.00) dollars and not more than Five Thousand (\$5,000.00) dollars and no cents, and in default of said fine and costs of, undergo imprisonment in the county prison for a period not in excess of 90 days.

2. In addition to the penalties for noncompliance set forth in subsection 1 above, it is further provided that all of the civil and equitable remedies set forth in Sections 12, 14 and 15 of the Act (35 P.S. §§750.12, 750.14 and 750.15), as amended, shall be applicable to violations of this ordinance.

## Section IV. Repealer

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

## Section V. Severability

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the [Township Board of Supervisors or Borough Council members] that this Ordinance would have been adopted has such constitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

## Section VI. Effective Date

This ordinance shall be effective immediately upon enactment [or such time as desired by Township or Borough].

ENACTED AND ORDAINED into an ordinance this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_, by the \_\_\_\_\_ [Supervisors or Council members] of the \_\_\_\_\_ [Township or Borough] of the \_\_\_\_\_ County in Lawful Session duly assembled.

\_\_\_\_\_  
[TOWNSHIP  
SUPERVISORS OR BOROUGH COUNCIL  
MEMBERS]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PRE-DRAFT

**CERTIFICATION OF ADOPTION**

I hereby certify the foregoing to be an exact copy of an ordinance adopted by the  
\_\_\_\_\_ [Supervisors or Council members] \_\_\_\_\_ of the \_\_\_\_\_  
\_\_\_\_\_ [Township or Borough], \_\_\_\_\_ County, Pennsylvania, at  
a regular meeting of the [Board or Council] on \_\_\_\_\_.

\_\_\_\_\_  
Secretary

PRE-DRAFT

## APPENDIX D:

### Minimum Operation and Maintenance Needs for Sewage Facilities Treatment Components When Used with Conventional On-lot Treatment Systems

#### Septic Tank

##### Maintenance by a service provider

Pump out of the septic tank every three years or whenever measurement reveals that the tank is filled with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of the liquid depth of the tank established under 25 Pa Code § 71.72(b)(2)(i).

##### Inspection by service provider

Measurement of the sludge and scum depth in the septic tank to determine if there is a need for an increase in frequency of pumping. If the municipal ordinance allows, and the inspection shows solids and scum depth of less than 1/3 of the liquid depth of the tank, pumping may be postponed as determined by the inspector.

Triennial inspection of the septic tank, inlet and outlet baffles, and solids retainer for structural integrity.

##### Inspection by the homeowner

Semiannual inspection of the riser(s) for structural integrity.

Semiannual inspection of the area surrounding the tank(s) for bright green grass, spongy soil, especially during dry weather, a strong odor, and the sound of dripping water into septic tanks during no flow events.

#### Aerobic Treatment Tank

##### Maintenance by a service provider

Pump out of the aerobic tank every three years or whenever measurement reveals that the tank is filled with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of the liquid depth of the tank established under 25 Pa Code § 71.72(b)(2)(i), or according to the manufacturer and NSF requirements, whichever is more frequent.

##### Inspection by a service provider

Annual measurement of the sludge and scum depth in the aerobic treatment tank.

Annual inspection of excess solids in the aerobic tank and inlet and outlet baffles for structural integrity or in accordance with manufacturer's and NSF requirements, whichever is more frequent.

##### Inspection by the property owner

Semiannual inspection of the riser(s) for structural integrity.

Semiannual inspection of the area surrounding the tank(s) for bright green grass, spongy soil, especially during dry weather, a strong odor, and the sound of dripping water into septic tanks during no flow events.

#### Distribution Box

##### Maintenance by a service provider

Leveling of the distribution box or adjustment of weirs as necessary to ensure equal distribution to each lateral.

##### Inspection by a service provider

Triennial inspection of the distribution box for structural integrity and to determine and accomplish the leveling or adjustments specification provided in Maintenance.

Inspection by the property owner

If applicable semiannual inspection of riser(s) and inspection port(s) for structural integrity. Semiannual inspection of the area surrounding the tank(s) for bright green grass, spongy soil, especially during dry weather, a strong odor, and the sound of dripping water into septic tanks during no flow events.

**Dosing Tanks and Lift Pump Tanks**

Maintenance by a service provider

Pump out of the dosing tank whenever the septic tank or aerobic treatment tank is pumped out.

Inspection by a service provider

Triennial inspection of the dosing tank and/or lift pump tank for structural integrity.

Inspection by the property owner

Semiannual inspection of riser(s) for structural integrity.

Semiannual inspection of the area surrounding the tank(s) for bright green grass, spongy soil, especially during dry weather, a strong odor, and the sound of dripping water into septic tanks during no flow events.

**Dosing Pumps, Siphons, and Lift Pumps**

Maintenance by a service provider

Annual testing of all operation level switches, and all alarms associated with the distribution system.

Inspection by a service provider

Annual inspection of all pumps, siphons, and electrical connections installed in the system.

**Seepage Bed**

Inspection by a service provider

Triennial inspection of the absorption area to ensure that there is no ponding of effluent over the absorption area or downgradient seepage.

Inspection by the property owner

Monthly inspection of the absorption area to ensure that there is no ponding of effluent over the absorption area or downgradient seepage. Inspection should also evaluate if proper vegetative cover is being maintained on the bed to prevent erosion and to prevent deep root invasion to the system.

**Standard Trenches**

Inspection by a service provider

Triennial inspection of the absorption area to ensure that there is no ponding of effluent over the absorption area or downgradient seepage.

Inspection by the property owner

Monthly inspection of the absorption area to ensure that there is no ponding of effluent over the absorption area or downgradient seepage. Inspection should also evaluate if proper vegetative cover is being maintained on the bed to prevent erosion and to prevent deep root invasion to the system.

**Elevated Sand Mound Bed**

Inspection by a service provider

Triennial inspection of the elevated sand mound bed to ensure that there is no ponding of effluent over the absorption area or downgradient seepage.

Inspection by the property owner

Monthly inspection of the elevated sand mound bed to ensure that there is no ponding of effluent over the absorption area or downgradient seepage. Inspection should also evaluate if proper vegetative cover is being maintained on the bed to prevent erosion and to prevent deep root invasion to the system.

**Elevated Sand Mound Trenches**

Inspection by a service provider

Triennial inspection of the sand mound trenches to ensure that there is no ponding of effluent over the absorption area or downgradient seepage.

Inspection by the property owner

Monthly inspection of the sand mound trenches to ensure that there is no ponding of effluent over the absorption area or downgradient seepage. Inspection should also evaluate if proper vegetative cover is being maintained on the bed to prevent erosion and to prevent deep root invasion to the system.

**Subsurface Sand Filter Bed**

Inspection by a service provider

Triennial inspection of the subsurface sand filter bed to ensure that there is no ponding of effluent over the absorption area or downgradient seepage.

Inspection by the property owner

Monthly inspection of the subsurface sand filter bed to ensure that there is no ponding of effluent over the absorption area or downgradient seepage. Inspection should also evaluate if proper vegetative cover is being maintained on the bed to prevent erosion and to prevent deep root invasion to the system.

**Subsurface Sand Filter Trenches**

Inspection by a service provider

Triennial inspection of the subsurface sand filter trenches to ensure that there is no ponding of effluent over the absorption area or downgradient seepage.

Inspection by the property owner

Monthly inspection of the subsurface sand filter trenches to ensure that there is no ponding of effluent over the absorption area or downgradient seepage. Inspection should also evaluate if proper vegetative cover is being maintained on the bed to prevent erosion and to prevent deep root invasion to the system.

**Holding Tank**

Maintenance by a service provider

Pump out of the holding tank immediately upon warning indication by the installed warning device that the tank is filled to within 75% of capacity.

Inspection by a service provider

Annual inspection of the holding tank for structural integrity.

## **Privy**

### Maintenance by a service provider

Triennial pump out of the privy vault.

### Inspection by a service provider

Triennial inspection of the privy vault for the following:

- a. That the vault is structural sound and watertight.
- b. That the roof-ventilation stack is screened to prevent insect's entry.
- c. That the exterior cleanout is assessable.
- d. That the superstructure is insect tight and well ventilated and fastened solidly to the vault.
- e. That the door is self-closing and provided with weather stripping to make it insect proof.
- f. That the seat and cover are in good repair and self-closing.
- g. That surface water cannot flood the vault.

## **Recycling Toilet, Incinerating Toilet, or Composting Toilet**

### Operation and Maintenance

Provision of an operation and maintenance manual by the designer or manufacturer to the permittee.

Operation and maintenance in accordance with the designer or manufacturer's specifications.

## APPENDIX E:

### Minimum Operation and Maintenance Needs for Individual Residential Spray Irrigation Systems (IRSIS)

#### Septic Tank

##### Maintenance by the service provider

Triennial, as established under PA Code § 71.73(b)(2)(i), pump out of the septic tank or whenever measurement reveals that the tank is filled with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of the liquid depth of the tank.

##### Inspection by the service provider

Bi-annual, as established under PA Code § 73.167 (1), inspection of the septic tank(s), dosing tank(s), lift pump inlet and outlet baffles, and solids retainer for structural integrity.

#### Aerobic Treatment Tank

##### Maintenance by the service provider

During inspections, based on the measurement of the sludge and scum depth, pump out of excess solids in the aerobic tank in accordance with manufacturer's and NSF requirements.

##### Inspection by the service provider

Bi-annual measurement of the sludge and scum depth in the aerobic treatment tank by the maintenance entity established under Chapter 72, Section 72.25(h).

#### Intermittent Free Access Sand Filter

##### Inspection by the service provider

Bi-annual inspection of the free access media filter for compliance with the following standards:

- a. Solids may not be accumulated on the surface of the media in the intermittent free access sand filter nor should 12 inches of effluent be ponded over the media. The high water alarm must be functional.
- b. The surface of the intermittent free access sand filter must be raked and porous, and any media removed must be replaced with sufficient media to maintain the depth at a minimum of 24 inches.
- c. The plumbing in the intermittent free access sand filter tank must be functional and free of leaks, and the splash plates must be in place.
- d. The filter tank and cover must be structurally sound and secured to inhibit unauthorized access. Any insulation must be in place and in good condition.
- e. The area around the outside of the filter tank must be free of ponded effluent and downgradient seepage.

#### Intermittent Buried Sand Filter

##### Inspection by the service provider

Bi-annual inspection of the buried intermittent media filter bed for ponded effluent and downgradient seepage.

##### Inspection by the property owner

Monthly inspection of the buried intermittent media filter bed for ponded effluent and downgradient seepage.

## **Chlorination**

### Operation and Maintenance by a service provider

Provision by the manufacturer of an operation and maintenance manual for the chlorinator to the permittee.

Refilling of the chlorine tablets as needed.

### Inspection by a service provider

Bi-annual inspection of the chlorinator to determine if it is operating within the manufacturers specifications and that bridging of chlorine tablets is not occurring.

### Sampling by service provider

Bi-annual sampling of the effluent after the chlorine contact tank to ensure that a chlorine residual is maintained at a concentration of at least 0.2 mg/L, but no more than 2.0 mg/L.

### Maintenance by the property owner

Monthly inspection of the chlorinator to verify bridging of the chlorine tablets is not occurring.

Refilling of the chlorine tablets as needed.

### Testing by the property owner

Monthly testing the effluent after the chlorine contact tank using over the counter testing strips or other Department approved test kits to ensure that a chlorine residual is maintained at a concentration of between 0.2 mg/L and 2.0 mg/L.

## **Dosing Tanks and Lift Pump Tanks**

### Maintenance by a service provider

Pump out of the dosing tank whenever the septic tank or aerobic treatment tank is pumped out.

### Inspection by a service provider

Bi-annual inspection of the dosing tank and/or lift pump tank for structural integrity.

## **Dosing Pumps, Siphons, and Lift Pumps**

### Maintenance by a service provider

Bi-annual testing of all operation level switches, and all alarms associated with the distribution system.

### Inspection by a service provider

Bi-annual inspection of all pumps, siphons, and electrical connections installed in the system.

## **Individual Residential Spray Irrigation System (IRSIS)**

### Operation and Maintenance (O&M) by a system designer

Provision by the system designer of an O&M manual, which may be supplemented with manufacturer's manuals and instructions, to the permittee that includes, as a minimum, the following required standards for O&M to be met by the permittee:

- a. The plumbing to the spray field shall be functional and free of leaks.
- b. The spray nozzles shall be functioning within the design specifications and the extent of the designed wetted perimeter and each nozzle.
- c. A laboratory shall test the discharge to the system for fecal coliforms, carbonaceous biochemical oxygen demand (CBOD), suspended solids and chlorine residual to

determine compliance with Chapter 72 (relating to the administration of sewage facilities permitting program).

- d. At least annually, a copy of the test results along with the most recent inspection of the system by the maintenance entity established under § 72.25(h) (relating to issuance of permits) shall be sent to the local agency.

Inspection by the service provider

Bi-annual inspection to assure:

- a. The plumbing to the spray field is functional and free of leaks.
- b. The spray nozzles are functioning within the design specifications and the extent of the designed wetted perimeter and each nozzle.

Annually provide the local agency a copy of all inspection and maintenance reports performed by the service provider and the permittee.

Sampling by the service provider

Annual sampling of the effluent discharged to the system from the dosing tank, analysis by a certified laboratory, and reporting of results to the local agency to determine compliance with Chapter 72 (relating to the administration of sewage facilities permitting program) for fecal coliforms, carbonaceous biochemical oxygen demand (CBOD), suspended solids and chlorine residual.

**Appendix F:**  
**Annual Report**  
**(Instructions and Form)**

PRE-DRAFT