

PART 6

ON-LOT MANAGEMENT PROGRAM

§18-601. Title.

As mandated by the Clean Streams Law (35 P.S. §§ 691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (35 P.S. § 7501 et seq.), municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Fairview Township has evaluated the need to implement an On-Lot Management Program to effectively prevent potential water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

(Ord. 2010-3, 6/28/2010)

§18-602. Purpose.

1. To bring and keep the municipality within the requirements of the Clean Streams Law (Act of 1937, P.L. 1987, No. 394) and the Pennsylvania Sewage Facilities Act (Act of 1966 P.L. 1535, No. 537, as amended, known as "Act 537").
2. To provide for inspection, pumping, maintenance, and rehabilitation of private and public on-lot sewage systems.
3. To establish penalties and appeal procedures necessary for the proper administration of such a management program.

(Ord. 2010-3, 6/28/2010)

§18-603. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

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

AUTHORIZED AGENT — a certified sewage enforcement officer, code enforcement officer, professional engineer, plumbing inspector, Township Manager, or any other qualified or licensed person who is delegated by the Township to carry out the provisions of this Part within specified limits.

BOARD — the Fairview Township Board of Supervisors, York County, Pennsylvania.

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

CODE ENFORCEMENT OFFICER (CEO) — an authorized agent of the Township to administer and enforce other ordinances in the Township.

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

DEP or DEPARTMENT — the Department of Environmental Protection of the Commonwealth of Pennsylvania.

INDIVIDUAL SEWAGE SYSTEM — a system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of the Commonwealth of Pennsylvania.

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

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

MUNICIPALITY — the Township of Fairview, York County, Pennsylvania.

OFFICIAL ACT 537 SEWAGE FACILITIES PLAN — a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Township and approved by the Pennsylvania Department of Environmental Protection, as described in and required by the Pennsylvania Sewage Facilities Act. Hereinafter called the "Plan" it shall mean the Fairview Township Act 537 Plan, as amended.

ON-LOT MANAGEMENT PROGRAM — a comprehensive set of legal and administrative requirements including this Part, the Act, the Clean Streams Law, and all regulations and requirements adopted by the Board to enforce and administer this Part.

ON-LOT SEWAGE SYSTEM — any system for disposal of sewage involving pre-treatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal, including both individual sewage systems and community sewage systems.

OWNER — any person having an equitable or legal interest in real estate in Fairview Township.

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

PUMPING CERTIFICATION — a properly executed York County Solid Waste and Refuse Authority Sludge/Septage Manifest.

QUALIFIED PUMPER/HAULER — a person or organization licensed by the York County Solid Waste Authority to conduct septage pumping and hauling within York County.

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

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

SEPTIC SYSTEM REPORT — a Township form to be completed by the pumper/hauler for each individual tank and forwarded to the Township after each inspection and/or pumping.

SEPTIC TANK — a watertight tank that provides for the treatment of sanitary sewage prior to its discharge to an absorption area.

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

SEWAGE ENFORCEMENT OFFICER (SEO) — an agent of the Township, DEP certified, to issue and review permit applications and conduct such investigations and inspections as are necessary to implement Act 537 and the rules and regulations promulgated thereunder.

SEWAGE FACILITIES — any method of sewage collection, conveyance, treatment, and disposal that will prevent the discharge of untreated or inadequately treated sewage into the waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage.

SEWAGE MANAGEMENT DISTRICT — any area or areas of the Township designated in the 537 Plan adopted by the Board as an area where sewage management is to be implemented.

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TOWNSHIP — the Township of Fairview, York County, Pennsylvania.

(Ord. 2010-3, 6/28/2010)

§18-604. Applicability.

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

(Ord. 2010-3, 6/28/2010)

§18-605. Maintenance.

1. The Township shall notify all owners of property served by an on-lot sewage system that their system must be pumped and inspected by the end of the calendar year in which the letter is received. The Township shall follow a schedule whereby a quarter of all of the owners of properties within the Township served by on-lot sewage systems are notified annually of the pumping and inspection requirement, such that all owners are notified at least once every four years. Any person owning a building served by an on-lot sewage system within the Sewage Management District, which contains a treatment tank, shall have the tank pumped by a qualified pumper/hauler. The property owner must have his system pumped within the time period specified in the Township's notification letter, unless he can provide the Township with a receipt, or other written evidence satisfactory to the Township, showing that his tank has been pumped within one year prior to the date of the Township's letter.
2. Property owners within the Sewage Management District must return a fully completed Septic System Report, completed by the qualified pumper/hauler, to the Township within 30 days of the date of pumping. The property owner shall mail or hand-deliver the Septic System Report to the Township municipal building at 599 Lewisberry Road, New Cumberland, PA 17070.
3. Commencing from the date of pumping as prescribed in Subsection 1 above, removal of septage or other solids from treatment tanks shall be performed every four years or whenever an inspection program reveals the treatment tanks are filled with solids in excess of 1/3 of liquid depth of the tank or filled with scum in excess of 1/3 the liquid depth of the tank.
4. The required pumping frequency may increase at the determination of the SEO for the following reasons:
 - A. If the tank is undersized;

- B. If solids buildup in the tank is above average;
 - C. If the hydraulic load on the system increases significantly above average;
 - D. If a garbage grinder is used in the building; or
 - E. If the system malfunctions or for other good cause "not shown" or "not listed above" (as determined by the SEO).
5. Treatment tanks to be pumped more frequently than the required four years must have a Septic System Report prepared and provided to the Township within 30 days of each pumping occurrence.
 6. The Township may allow a treatment tank to be pumped less than once every four years if it is demonstrated to the satisfaction of the Township that the system will operate to its maximum efficiency with less frequent pumping. In no case shall the period extend beyond eight years. Such a request may be made after the initial pumping and inspection. Requests must be in writing with all supporting documents attached. The Township, in making its determination, shall take into account the information submitted by the applicant, the sewage permit issued by the Township SEO upon installation or rehabilitation of the system and supporting documentation, reports of inspection and maintenance of the system including documentation that the sludge depth and/or scum layer is less than 1/3 of the tank capacity as determined by a pumper/hauler, and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection, surface or subsurface, and soil or wastes sampling conducted for the purposes of evaluating the request. The applicant shall receive a decision within 30 days of accumulation of all necessary information by the Township.
 7. Tanks shall be deemed to be pumped when all organic solids are removed and the total average liquid depth remaining in the tank is less than one inch.
 8. Holding tanks shall be pumped out at intervals that prevent the overflow, leakage, backup, and other malfunctions characteristic of an overloaded system.
 9. The owner of a property upon which an on-lot sewage system is constructed shall maintain the area around such system so as to provide convenient access for inspection, maintenance, and pumping and to divert surface water and downspouts away from the absorption area and other on-lot sewage system components.
 10. Tanks shall only be pumped from/through the manhole/access port (i.e., the largest tank opening). Tanks shall not be pumped from/through the observations port.
 11. Any person owning a building served by an alternate system or on-lot sewage system that contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted

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to the Township in response to the initial notification in accordance with §18-605.1. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals exceed those required for septic tanks.

12. The Township may require additional maintenance activity as needed, including, but not necessarily limited to:
 - A. Cleaning and unclogging of piping;
 - B. Servicing and repair of mechanical equipment;
 - C. Leveling of distribution boxes, tanks, and lines;
 - D. Removal of obstructing roots or trees;
 - E. The diversion of surface water away from the disposal area; or
 - F. Other acceptable means to the SEO and DEP.

(Ord. 2010-3, 6/28/2010)

§18-606. Inspections.

1. An inspection shall be conducted whenever an on-lot sewage system is pumped in accordance with this Part. It shall be the property owner's responsibility to schedule the inspection with a qualified pumper/hauler for the same time as the system is pumped.
2. The person completing the inspection shall prepare a written report on the inspection findings using the Fairview Township Septic System Report form and immediately provide the completed form to the property owner.
3. An authorized agent of the Township shall inspect systems known to be or alleged to be malfunctioning. Should said inspection reveal that the system is indeed malfunctioning; the Township's authorized agent shall take action to require the correction of the malfunction.
4. Any on-lot sewage system may be inspected by the Township's SEO at any reasonable time as of the effective date of this Part.
5. 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 system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure. The owner will bear the cost of the inspection and the analysis of any sample(s).

(Ord. 2010-3, 6/28/2010)

§18-607. Operation.

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

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

(Ord. 2010-3, 6/28/2010)

§18-608. Ground Markers.

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

(Ord. 2010-3, 6/28/2010)

§18-609. System Rehabilitation.

- 1. The Township's SEO shall have the authority to require the repair of any malfunction by the following methods:
 - A. Cleaning, repair or replacement of components of the existing system;
 - B. Adding capacity or otherwise altering or replacing the existing systems treatment tank;

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- C. Expanding the existing disposal area;
 - D. Replacing the existing disposal area;
 - E. Replacing a gravity distribution system with a pressurized system;
 - F. Replacing the system with a holding tank; and
 - G. Other alternatives as appropriate for the specific site or building.
2. In lieu of, or in combination with, the remedies described above, the SEO may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water-using devices and appliances in the structure may be required to be retrofitted with water-saving appurtenances. Wastewater regeneration in the structure may also be reduced by requiring changes in water usage patterns in the structure served.

(Ord. 2010-3, 6/28/2010)

§18-610. Liens.

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

(Ord. 2010-3, 6/28/2010)

§18-611. Disposal of Septage.

- 1. All septage originating within the Township shall be disposed of at sites or facilities approved by DEP.
- 2. Only pumpers/haulers licensed to operate within York County shall be utilized.
- 3. Septage pumpers/haulers operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101 - 6018.1003).

§18-612. Administration.

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

2. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage systems in the Township shall become the property of the Township. Existing and future records shall be available for public inspection during required business hours at the Township office. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the municipality's on-lot management program shall be made available, upon request. A fee for copying may be charged.
3. The Township Supervisors shall establish all administrative procedures necessary to properly carry out the provisions of this Part.
4. The Supervisors may establish a fee schedule, and subsequently collect fees, to cover the cost to the Township of administering this program.

(Ord. 2010-3, 6/28/2010)

§18-613. Appeals.

Any person aggrieved with the actions of the Sewage Enforcement Officer or any other authorized agent of the Township may file an appeal in accordance with Act 537 (see 35 P.S. §750.16).

(Ord. 2010-3, 6/28/2010)

§ 18-614. Penalties.

1. Any person who shall violate or fail to comply with any provision of this Part shall, upon conviction thereof by a summary proceeding action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$100, nor more than \$1,000, plus all court costs, or imprisonment, all pursuant to the purposes and mandate of Act No. 172 of 1996, as amended. Each day's continuance of a violation of this Part shall constitute a separate offense.
2. The discharge by the Township of its obligations as set forth in this Part shall create no liability upon the Township, its officials, employees or agents.
3. All reports, inspections, appraisals, certifications or records required or produced by the Township, its officials, employees or agents, as required by this Part, shall be for the use and benefit of the Township only and shall not be accepted, utilized or relied upon by any other person or party by way of certification or otherwise.

(Ord. 2010-3, 6/28/2010)

