

ORDINANCE NO. 177

AN ORDINANCE OF THE TOWNSHIP OF LONGSWAMP
ESTABLISHING REQUIREMENTS AND PROCEDURES
FOR INDIVIDUAL AND COMMUNITY ONSITE SEWAGE
SYSTEMS IN THE TOWNSHIP OF LONGSWAMP, BERKS
COUNTY, PENNSYLVANIA;
ESTABLISHING RESPONSIBILITIES, DUTIES,
PENALTIES AND APPEAL PROCEDURES NECESSARY
FOR THE PROPER ADMINISTRATION OF THE
ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED by the Township of Longswamp and
it is hereby Ordained as follows:

SECTION 1. PURPOSE

Septic tanks, subsurface waste disposal systems, may be used as a means of sanitary waste disposal in areas of Longswamp Township providing they comply with all provisions of Chapters 71, 72 and 73 of the Rules and Regulations promulgated by Pennsylvania Department of Environmental Resources and subsequent amendments thereof, and the provisions of this Ordinance. The aforementioned systems are an adequate and beneficial system of domestic waste disposal, if properly installed, operated and maintained. However, they may constitute a problem in the Township for several reasons, including: (1) Poor site evaluation, (2) Inadequate design, (3) Poor construction, (4) Hydraulic overloading, and (5) Lack of maintenance, which may result in the following: (1) Ground and surface water pollution, (2) Foul odors, (3) Well contamination, (4) Nuisance problems, and (5) Hazards to public health. This ordinance establishes the authority to regulate the installation, inspection, maintenance, operation, rehabilitation, and replacement of existing and future (all) subsurface waste disposal systems.

SECTION 2. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

(a) "Alteration" means the repair, modification, or replacement of any component of a subsurface waste disposal system.

(b) "Authority" means Township of Longswamp of Berks County.

(c) "Authorized Agent" means a licensed Sewage Enforcement Officer, professional engineer, or sanitarian, plumbing inspector, soils scientist, or any other qualified or licensed person who is delegated to function within specified limits as the agent of the Township of Longswamp to carry out the provisions of this ordinance.

(d) "Township" means the Township of Longswamp.

(e) "Community Subsurface Sewage System" means any below ground wastewater disposal system, including sand mound, which accommodates sewage generated from more than one residence or dwelling.

(f) "Department" means the Pennsylvania Department of Environmental Resources.

(g) "Holding Tank" means a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include, but are not limited to, the following:

- (1) "Chemical Toilet" which is a toilet using chemicals that discharge to the holding tank.
- (2) "Retention Tank" which is holding tank where sewage is conveyed to it by a water carrying system.
- (3) "Vault Pit Privy" which is a holding tank designed to receive sewage where water under pressure is not available.

(h) "Individual Subsurface Waste Disposal System" means a system for the disposal of domestic wastewaters operating below ground level and located on or near the site of the building or buildings being served by the system. (e.g. septic tank or aerobic unit with discharge effluent flowing to drainage field, or sand mound.)

(i) "Person" means any individual, partnership, company, corporation, or other group or entity.

(j) "Sewage" means any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings, related facilities or animals and any noxious or deleterious substance 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.

Industrial wastes, non-domestic oils and petroleum products, toxic and hazardous substances, are not considered sewage and shall not be discharged into a subsurface disposal system, community system, or public sewer. The Township, or its engineer, shall make the final determination when a wastewater will be classified as not typical sewage.

(k) "Sewage Enforcement Officer" means a person authorized by the Pennsylvania Department of Environmental Resources as per "Chapter 71, Administration of Sewage Facilities Program" of "Title 25, Rules and Regulations"; to perform percolation tests, site and soil evaluations, and issue Sewage Permits for on-lot systems.

(l) "Sewage Permit" means proof or evidence that the proposed subsurface waste disposal system for a realty improvement is in compliance with "Chapter 73, Standards for Sewage Disposal Facilities" of "Title 25, Rules and Regulations", Department of Environmental Resources and/or any supplements or revisions thereto.

(m) "Subdivision" means any legal division of land.

(n) "Wastewater" refers to sewage.

(o) All other definitions or words and terms used in this ordinance shall have the same meanings as set forth in "Chapter 73, Standards for Sewage Disposal Facilities" of "Title 25, Rules and Regulations, Department of Environmental Resources" and/or any supplements or revisions thereto.

SECTION 3. INSTALLATION OF SYSTEMS

Sewage Permits shall comply with all provisions of "Chapters 72 and 73, Standards for Sewage Disposal Facilities" of "Title 25, Rules and Regulations", and/or any supplements or revisions thereto, and comply with this ordinance. Sewage permits shall be obtained from the Township appointed Sewage Enforcement Officer prior to conducting any alteration, construction or repair to any sewage system within the Township regardless of lot size or configuration. The Township shall retain final authority for the conditions and issuance of Sewage Permits.

The Code Enforcement Officer or authorized person of the Township shall not issue a building permit, certification of occupancy for a building structure to be served by an individual or community subsurface sewage system prior to receiving a sewage permit for that sewage system as provided for and in accordance with the Pennsylvania Sewage Facilities Act (P.L. 1537 as amended) and pursuant to rules and regulations and/or the provisions of this ordinance.

All sand mound sewage systems, community sewage systems, and oversize sewage systems shall require that sufficient area be set aside to provide for a replacement absorption area, should the original absorption area fail, maintaining all of the appropriate isolation distance established by Chapter 73 and the provisions of this ordinance.

All sewage systems shall provide at a minimum the following, in addition to the standard items required by Pennsylvania Department of Environmental Resources, Chapter 73:

(a) Cleanouts at end of laterals with removal plug for all p r e s s u r i z e d distribution.

(b) Piping from treatment tank to absorption area be minimum thickness of Sch 40 plastic.

(c) A distribution box approved by the Sewage Enforcement Officer shall be employed in all gravity feed distribution systems.

(d) All gravity feed systems shall have at least one cleanout in seepage bed piping, to identify location and check ponding, installed with water tight cap above final grade.

SECTION 4. APPLICABILITY

The owner of any building serviced by a subsurface waste disposal system shall be subject to all the requirements contained herein.

Owner is defined to include a natural person, corporation, partnership, or any approved subdivision. If the owner does not live in said building, she/he remains responsible for complying with this ordinance. Responsibility for compliance may be transferred to the lessee or resident of the building by an agreement between the owner and lessee or resident. The Township will not recognize said agreement until notified in writing. If the lessee or resident shall move out of the building, responsibility for compliance shall revert back to the owner even though a valid agreement with the lessee or resident continues to exist.

Upon transfer of responsibility for compliance, the owner shall provide the lessee or resident with a copy of all information concerning prior installation, operation, and maintenance of the subsurface waste disposal system.

Upon transfer of responsibility for compliance in accordance with the above requirements, all references to "owner" in this ordinance shall hereinafter refer to the lessee or resident of the building.

The owner of any building serviced by a subsurface waste disposal system within the Township shall become subject to all of the requirements contained herein, upon the occurrence of one of the following events:

(a) Receipt of a Sewage Permit from the Sewage Enforcement Officer/Township for the installation or rehabilitation of a subsurface waste disposal system and/or alternative system. (See Section 3);

(b) Transfer of ownership of the building;

(c) Malfunctioning of the subsurface waste disposal system and/or alternative system (See Sections 7); and

(d) In the case of an existing building or system, upon the passage of this ordinance.

SECTION 5. SMALL COMMUNITY SYSTEMS

A small community system is any subsurface water disposal system and/or alternative system which services two or more buildings on different sites.

Privately owned small community systems are subject to the same requirements of this ordinance as individual subsurface waste disposal systems and/or alternative systems. In addition, the following shall be applicable to small community systems:

(a) A list of the names and addresses of all participants in the small community system shall be provided to the Township.

(b) Participants shall be equally liable for expenses incurred by the Township or its authorized agent on the shared component of the community system unless they have decided among themselves to assume unequal burdens of responsibility for the system, in which case the Township shall assess expenses incurred accordingly;

(c) Expenses incurred on the individual property of participants by the Township or its authorized agent shall be assessed against the individual participant.

Participants in a small community system shall be assessed directly for expenses incurred by the Township or its authorized agent unless an organization exists that manages the system, in which case the Township may deal solely with that organization.

SECTION 6. CONSTRUCTION OBSERVATION

All subsurface disposal systems shall have construction observations by the Township Sewage Enforcement Officer during performance of the various task as follows:

I. Sand Mounds

- A. Chisel Plow
- B. Sand Placement
- C. Stone and Pipe Placement with all pumps complete
- D. Final Grade and Berm

II. Other Systems

Prior to cover - all parts or as specifically indicated on Permit Application.

Construction Observation requests should be received by the Township Sewage Enforcement Officer two working days prior to requiring same. All sewage systems shall require inspection regardless of time of inspection request.

A subsurface waste disposal system and/or alternative system is malfunctioning when it causes pollution of ground or surface waters, contamination of private or public drinking water supplies, nuisance problems, or a hazard to the public health. Indications of a malfunctioning system include, but are not limited to, foul odors, lush grass growing over the system, back-up of wastewater into the attached building, soggy ground over the system, surfacing sewage effluent flowing over the ground and occurring at any time of the year.

A copy of the construction observation report shall be furnished to the owner and shall contain: the date of observation, name and address of system owner, contractor's name, date and time of request, date and time of observation and all conditions observed.

SECTION 7. REHABILITATION OF MALFUNCTIONING SYSTEMS

Any subsurface waste disposal system and/or alternative system or component thereof which is found to be malfunctioning and causing pollution of ground or surface waters, contamination of private or public drinking water supply, a nuisance or a hazard to the public health, shall be repaired, modified, or replaced, pursuant to the order of the Township Sewage Enforcement Officer to correct the condition caused by the malfunction. Rehabilitation shall be performed in accordance with "Chapter 73, Standards for Sewage Disposal Facilities" of Title 25, Rules and Regulations, Department of Environmental Resources. The Sewage Enforcement Officer shall inspect rehabilitation and certify their compliance with state and local standards.

The Township shall retain final authority for the conditions and issuance of Sewage Permits.

The Township Sewage Enforcement Officer shall have the authority to order the repair of any existing subsurface waste disposal system and/or alternative system, including, but not limited to, the installation of a new conventional drainage field, the construction of elevated sand mounds to replace an existing disposal field, the addition of dosing tanks and distribution boxes to the system, the replacement of any component of the system, and the replacement of an existing septic system with a completely different system such as a holding tank, an aerobic system or waterless toilet. The Township shall also have the authority to require two or more buildings serviced by malfunctioning septic tanks and subsurface drainage fields to hook up to a small community system.

Rehabilitation of a subsurface waste disposal system and/or alternative system ordered by the Township Sewage Enforcement Officer shall commence construction within thirty (30) days of issuance of said order and shall be completed within sixty (60) days unless seasonal conditions mandate a longer period, in which case the Township Sewage Enforcement Officer shall set the extended completion date. If construction is not commenced or completed within the allotted time period, the Township Sewage Enforcement Officer shall file the proper legal proceedings as provided in Section 11.

The owner of a subsurface waste disposal system and/or alternative system shall not undertake any independent repair, modification, or replacement of the system without prior notice to and approval of the Township Sewage Enforcement Officer. Upon completion the Sewage Enforcement Officer shall inspect the rehabilitated system and certify its compliance with state and local standards prior to its use.

The Township may apply for federal and state grants, if available, to be used for the rehabilitation of subsurface waste disposal systems and/or alternative systems.

SECTION 8. RIGHT OF ENTRY; EASEMENT

Employees and authorized agents/personnel of the Township shall, upon presentation of proper credentials and identification, be permitted to enter upon all properties for the purpose of inspection, observation, sampling, maintenance, and rehabilitation of subsurface waste disposal systems or other alternative systems in accordance with the provisions of this ordinance.

The right to enter shall include the right to excavate any part of the property to inspect, maintain, or alter any component of the subsurface waste disposal system and/or alternative system, or to sample soil, water or septage. Upon completion of the activity requiring excavation, the Sewage Enforcement Officer shall return the land to its former condition as soon as possible.

Any real property on which a subsurface waste disposal system is presently under construction or is to be constructed in the future, shall not be conveyed by the developer without the inclusion of an easement in the deed granting to the Township the right to enter upon the property for purposes of inspection, observation, sampling, maintenance, and rehabilitation of the system and any other activities necessary to effectuate the provisions of this ordinance. A copy of the deed which is filed in the County Recorder of Deeds office shall be obtained and sent to the Township by the tax collector of "Developer" shall be defined as any person, partnership, or corporation which erects or contracts to erect a building on property owned by it with the intent to sell the building to some other party upon its full or partial completion, or upon the conveyance of property on which a building is to be built, said building to be serviced by a subsurface waste disposal system and/or alternative system.

SECTION 9. DISPOSAL OF SEPTAGE

All septage generated from domestic sewage shall be disposed at sites or facilities approved by Pennsylvania Department of Environmental Resources and operated in accordance with state regulations. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and on approved farmlands.

The Township may provide for the disposal of septage at a site or facility owned and operated by it or through a contractual agreement with a municipal utilities authority, sewage authority, or private party. Any contractual agreement or site or facility owned and operated by the Township may restrict the acceptance of septage not collected within the Township. If such restriction exists, the septage waste hauler must certify to the disposal site or facility operator upon delivery of septage, that the entire contents of the truck comes from systems located within the Township. If the truck contains the septage from outside of the Township, the disposal site or facility operator may refuse to accept the entire truckload.

All septage waste haulers doing business in the Township must possess a copy of the permit issued by the Pennsylvania Department of Environmental Resources authorizing the disposal of septage or waste sludge, and must notify the Township that they are operating in the Township.

Any septage waste hauler who violated any local or state laws, conditions of its state permit, or regulations of Longswamp Township or disposal site or facility, including, but not limited to, disposal of septage at non-approved disposal sites or facilities, disposal of septage from outside the Township at sites or facilities, disposal of septage from outside the Township at sites or facilities that only accept septage from within the Township, or failure to clean up after disposing of its septage, may be prohibited from operating in the Township. Such action may be appealed by the aggrieved party through the administrative appeal process detailed in Section 10.

SECTION 10. LAND DEVELOPMENT/SUBDIVISION TESTING - ONSITE TESTING REQUIREMENTS

All lots shall be required to have a six (6) hole satisfactory percolation test and at least two (2) deep probe analyses per lot as determined by the Township Sewage Enforcement Officer prior to being considered for Subdivision or Land Development approval. All newly proposed Subdivision or Land Development lots, which only qualify for an elevated sandmound sewage system, shall be required to be retested for a second alternate disposal site and shall only be considered for approval providing a primary and alternate disposal site are completely tested and accepted in compliance with all the provisions of Chapter 73-PA DER Rules and Regulations. This second site shall include two additional probes and a percolation test. The final approved plan shall reserve both the primary and alternate disposal sites in order that the same are not disturbed during the construction process. All Subdivision/Land Development projects which propose over ten (10) residential lots or densities greater than 2 EDU's or 800 gallons per acre shall require a preliminary background nitrate study in order to evaluate conditions onsite and within one quarter mile of said site. Providing background nitrate concentrations test any site to be greater than 5 parts per million prior to development, a detailed hydrogeological study shall be required according to the provisions of Component Planning Module III and further specified by PA DER requirements. The study shall evaluate the effect of the proposed sewage disposal on the water supply within the site and downstream of the same, and should said study show that the plume of any sewage system shall intercept with the waters of the Commonwealth as defined in PA DER regulations causing a concentration greater than 10 milligrams per liter the site shall be denied and/or the sewage flow be reduced proportionately to eliminate a pollution condition.

SECTION 11. APPEALS

Appeals from decisions of Township Sewage Enforcement Officer shall be made to the Township Secretary in writing within thirty (30) days from the date of the decision issued in writing by the Township Sewage Enforcement Officer.

The appellant shall be entitled to a hearing before the Township Supervisors at its next regularly scheduled meeting if made at least fourteen (14) days prior to the meeting. If made within fourteen (14) days of the next meeting, the appeal shall be heard at a special meeting. The Township Supervisors shall thereafter reverse, modify, or affirm the aforesaid decision. The hearing may be postponed for good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided it is submitted with the written notice of appeal.

A decision shall be rendered within thirty (30) days of the date of hearing. If a decision is not rendered within thirty (30) days, the relief sought by the appellant shall be deemed granted.

SECTION 12. PENALTIES

(a) Any subsurface waste disposal system and/or alternative system owner found to be violating the following provisions of this ordinance shall be served by the Township Sewage Enforcement Officer with written notice stating the nature of the violation and the penalties prescribed in subsection (b), and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall violate any provision of this ordinance or who shall violate the provisions of the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535, as amended) shall be liable for the payment of a fine and penalty in an amount not exceeding One Thousand Dollars (\$1,000) or in default of such payment and upon judgment or summary conviction to the Township Lock-up for a period not exceeding five (5) days or to the County Jail, or workhouse for a period not exceeding thirty (30) days. Each day a violation continues shall constitute a separate offense.

(c) Any septage waste hauler who violates any of the provisions of this ordinance or regulations of the Township, the conditions of its state permit, or of any state or local law governing its operations, shall, upon conviction thereof, be suspended from operating within this Township for a period of not less than six (6) months nor more than two (2) years for each violation, to be determined by the Township.

SECTION 13

A violation of this ordinance shall constitute a nuisance and shall be abated in the manner provided by law.

SECTION 14

The Board of Supervisors of Longswamp Township may by resolution adopt and amend from time to time a schedule of fees to be paid to Longswamp Township for administration and enforcement of this ordinance.

SECTION 15

All sewer systems in Longswamp Township shall be subject to this ordinance, other Longswamp Township ordinances and State Statutes and regulations, all of which will be construed so that in case of inconsistencies, the more stringent provision shall apply.

SECTION 16 REPEALED

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

SECTION 17 SEVERABILITY

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

Duly Enacted and Ordained this 4 day of NOVEMBER, 1993 by the BOARD of the SUPERVISORS of the Township of Longswamp, Berks County, Pennsylvania, in lawful session duly assembled.

LONGSWAMP TOWNSHIP
BOARD OF SUPERVISORS

Merwin M. Bahr

David C. [Signature]

Russell W. [Signature]

[Signature]
11/7/93