

WATTS TOWNSHIP ON-LOT SEWAGE MANAGEMENT PROGRAM ORDINANCE

**AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT
OF ONLOT SUBSURFACE SEWAGE DISPOSAL FACILITIES
THE TOWNSHIP OF WATTS, PERRYCOUNTY, PA**

Ordinance 22-02

The Board of Supervisors of the Township of Watts, in the County of Perry and the Commonwealth of Pennsylvania, hereby ordains:

Section I. Short Title: Introduction; Purpose

- A. This ordinance shall be known and may be cited as “Watts Township On-Lot Sewage Management Program Ordinance”.
- B. In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, 35 P.S. §§691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §750.1 *et seq.* known as Act 537), it is the power and the duty of Watts Township to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Watts Township 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, inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

Section II. Definitions

- A. “Authorized Agent” shall mean the sewage enforcement officer (SEO), Township Engineer, plumbing inspector, or any other qualified or licensed person who is authorized to function within specified limits as an agent of Watts Township to administer or enforce the provisions of this ordinance.
- B. “Board” shall mean the Board of Supervisors, Watts Township, Perry County, Pennsylvania.
- C. “Community Sewage System” shall mean any system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.
- D. “Department” shall mean the Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).
- E. “Individual Sewage System” shall mean a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.

- F. “Malfunction” shall mean a condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.
- G. “Official Sewage Facilities Plan” shall mean a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.
- H. “On-lot Sewage Disposal System” (abbreviation “OLDS”) shall mean any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewage systems.
- I. “Person” shall mean 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 any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.
- J. “Rehabilitation” shall mean work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.
- K. “Sewage” shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as “The Clean Streams Law”, as amended.
- L. “Sewage Enforcement Officer” (abbreviation “SEO”) shall mean a person certified by DEP who is employed by the Township. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated there under and this or any other ordinance adopted by the Township.
- M. “Sewage Management District” shall mean any area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board as an area for which a Sewage Management program is to be implemented. For the purposes of this Ordinance, the Sewage Management District consists of all properties in the Township which utilize an On-Lot Sewage Disposal System.
- N. “Sewage Management Program” shall mean a comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated there under and such other requirements adopted by the Board to effectively enforce and administer this ordinance.

- O. “Subdivision” shall mean the division or re-division of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided there from.
- P. “Township” shall mean the Township of Watts, Perry County, Pennsylvania.
- Q. 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 properties in the Township identified in the Official Sewage Facilities Plan as a sewage management district. Within such as area or areas, the provisions of this ordinance shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems. The above requirements do not apply to property owners who have been granted a “10” acre exemption, with the exception of the pump out cycle requirement.

Section IV. Permit Requirements

- A. No person shall install, construct or alter an individual sewage system or community sewage system or construct or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit from the sewage enforcement officer which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law (35 P.S. §§691.1-691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 *et seq.*) and the regulations adopted pursuant to those Acts.
- B. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by the sewage enforcement officer. If 72 hours have elapsed, excepting Sundays and Holidays, since the sewage enforcement office issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the sewage enforcement officer.
- C. Applicants for sewage permits shall be required to notify the sewage enforcement officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Facilities Act may be scheduled and performed by the sewage enforcement officer.
- D. No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the sewage enforcement officer. No building permit shall be issued until a valid sewage permit has been obtained from the sewage enforcement and no occupancy permit shall be issued until the final inspection of the septic system has been completed by the sewage enforcement officer.
- E. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure’s owner receives a

permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from the sewage enforcement officer that such a permit will not be required. The sewage enforcement officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

- F. Sewage permits may be issued only by the sewage enforcement officer employed by the Township. DEP shall be notified as to the identity of each sewage enforcement officer employed by Township.

Section V. Inspections

- A. Any on-lot sewage disposal system may be inspected by the sewage enforcement officer or other authorized agent at any reasonable time and with at least 5 business days prior notice having been given to the property owner(s) as of the effective date of this ordinance.
- B. Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and after requesting and receiving permission from the property owner(s) of record, 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.
- C. The sewage enforcement officer or authorized agent having reasonable cause and permission from the property owner(s) shall have the right to enter upon land for the purposes of inspections described in this section.
- D. An inspection shall be conducted by a Watts Township-licensed pumper/hauler or authorized agent when each on-lot sewage disposal system is pumped as described in Section VII, Subsection A, for the purpose of determining the type and functional status of each sewage disposal system in the sewage management district. A written report, the SEPTAGE MANIFEST & OLDS INSPECTION REPORT, shall be furnished to the owner of each property inspected and a copy of said report shall be sent to Watts Township by the property owner and by the pumper/hauler within 60 days and thereafter maintained in the Township records.
- E. A schedule of routine inspections shall be established to assure the proper functioning of the sewage systems in the sewage management district. Inspection as described in Section V Subsection D, of each on-lot sewage disposal system shall be done every three (3) years on the occasion of the scheduled septic tank pump-out.
- F. The sewage enforcement officer or authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning; the sewage enforcement officer or authorized agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of DEP including, but not limited to, those outlined in Chapter 73 of Title 25 of Pennsylvania Code or, is not technically or financially feasible in the opinion of the sewage enforcement officer or authorized agent and a representative of DEP; then action by the property owner to mitigate the malfunction shall be required.
- G. If there arises a geographic area where numerous on-lot sewage disposal systems are malfunctioning, a resolution of these area wide problems may necessitate detailed planning and a revision to the portion of the Sewage Facilities Plan pertaining to areas affected by such

malfunctions. If a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action shall be compelled whenever a malfunction, as determined by Township officials and/or DEP, represents a serious public health or environmental threat.

Section VI. Operation

- A. Only normal domestic wastewater including kitchen, bathroom, and laundry and well-water softener backwash (if used) shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system.
1. Industrial waste.
 2. Automobile oil and other non-domestic oil.
 3. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
 4. Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains.
- B. Any existing malfunctioning on-lot sewage disposal system may also be required to install water conservation devices and fixtures in compliance with the Pennsylvania Uniform Construction Code to lessen the hydraulic load on such malfunctioning system only after all reasonable prescribed attempts to repair the malfunctioning on lot sewage system failed to bring that system into compliance.

Section VII. Maintenance

- A. All on-lot sewage disposal systems shall be inspected and pumped out by a licensed pumper/hauler selected by the property owner from the Watts Township list of approved pumper/haulers at least once every three (3) years or whenever an inspection by the sewage enforcement officer reveals that the septic tank(s) is/are filled with solids and scum totaling in excess of one-third of the liquid depth of the tank(s).

The licensed pumper/hauler shall fully complete and submit the SEPTAGE MANIFEST AND OLDS INSPECTION REPORT directly to the Township within sixty (60) days of completion of the inspection and pumping of the on-lot sewage disposal system. A copy of this SEPTAGE MANIFEST AND OLDS INSPECTION REPORT shall also be given to the property owner for his/her records.

1. The 3-year period begins for new on-lot sewage disposal systems on the date when the on-lot sewage disposal system is approved for use by the sewage enforcement officer.
2. Existing on-lot sewage disposal systems shall begin their 3-year pumping schedule as follows:

- a. Watts Township properties having GIS # 1 through 222 shall be pumped within the first year of the effective date of this Ordinance upon receipt of a notification letter from the Township.
 - b. Watts Township properties having GIS # 223 through 444 shall be pumped during the second year following the effective date of this Ordinance upon receipt of a notification letter from the Township.
 - c. Watts Township properties having GIS # 445 through 666 shall be pumped during the third year following the effective date of this Ordinance upon receipt of a notification letter from the Township.
 - d. Newly constructed on lot septic systems and existing on lot septic systems having been either built or pumped within 365 days of the passage of this Ordinance may request their septic pump out schedule be moved 3 years ahead.
- B. The required pumping frequency may be increased at the discretion of the sewage enforcement officer or an authorized agent if solids buildup in the tank is above 1/3 or if the system malfunctions or for other good cause shown.
- C. All on-lot sewage disposal systems shall be pumped and inspected during the first three year cycle, no exceptions.
- D. Thereafter a person's next required septic tank pumping may be exempted provided:
1. that an inspection and sounding of the septic tank reveals that sludge and scum total in less than of one-third of the liquid depth of the tank and that a need for more frequent pumping frequencies is not warranted,
 2. completion of the EXEMPTION FROM CURRENT PUMPING CYCLE form is completed and signed by the licensed pumper/hauler and the property owner and submitted to the Township, and
 3. the performance of the OLDS inspection and completion of the applicable portions of the SEPTAGE MANIFEST & OLDS INSPECTION REPORT form shall still be required as detailed in VII.B.
 4. Upon submission of an application and for good cause, the pumping requirement for septic tanks may be reduced where the owner can demonstrate to the Township that the system can operate properly without the need for pump-out for a period longer herein required above (Section VII.A), but in no case shall such period extend beyond six (6) years. Such a request may be made at any time and shall be in writing with all supporting documents attached. The Township in making its determination shall take into account the information submitted, the sewage permit issued by the SEO upon installation or rehabilitation of the system and supporting documentation, reports of inspection and maintenance of the system and other relevant information including but not limited to an on-site inspection. Applicant shall bear the cost of the inspection. Should a malfunction occur at any time thereafter, the SEO or authorized agent, shall order immediate pump out and resumption of the standard 3 year pump out cycle and any other corrective actions necessary to prevent sewage from entering the surrounding soil or waters of the Commonwealth

- E. The licensed pumper/hauler shall state in the SEPTAGE MANIFEST & OLDS INSPECTION REPORT that the septic tank baffles have been inspected and whether or not they are found to be in good working order. Any person whose septic tank baffles is determined during the inspection to require repair or replacement shall first contact the sewage enforcement officer for approval of the necessary repair.
- F. 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 with a qualified service company shall be submitted to the Township within 60 days of receipt of a notification letter from the Township.

Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.

- 1. Any person owning a building served by a PaDEP-permitted small flows treatment system with a surface discharge 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 with a qualified service company shall be submitted to the Township within 60 days of receipt of a notification letter from the Township. In no case may the service or pumping intervals for aerobic treatment tanks or small flows treatment systems exceed those required for septic tanks.
- G. Additional maintenance activity may be required as needed including, but not necessarily limited to, cleaning and unclogging in piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

Section VIII. System Rehabilitation

- A. No person shall operate or maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to an on-lot sewage disposal system. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground, into the ground water or into the waters of the Commonwealth unless a permit for such discharge has been obtained from DEP.
- B. A written notice of violation shall be issued by the Township to any person who is the owner of any property which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging sewage without a permit.
- C. Within seven (7) days of notification by the Township that a malfunction has been identified, the property owner shall contact the sewage enforcement officer to commence correction of the malfunction.
- D. The sewage enforcement officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal areas, replacing the existing disposal area, replacing a gravity distribution system

with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site.

- E. In lieu of the remedies described in Subsection D above, the sewage enforcement officer may suggest the installation of water conservation equipment and the institution of water conservation practices in the structures served. Water using devices and appliances in the structure may be suggested to be retrofitted with water saving appurtenances or they may be suggested to be replaced by water conserving devices.
- F. In the event that the rehabilitation measures in Subsections A through E are not feasible or effective, the property owner may apply for a permit to install an individual spray irrigation treatment system or to DEP for a single residence treatment and discharge system. Upon receipt of said permit the property owner shall complete construction of the system within a reasonable time frame as approved by the SEO unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.
- G. Should none of the remedies described in this Section be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner shall not be absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

Section IX. Enforcement

Upon written notice from the sewage enforcement officer that an imminent health hazard exists due to failure of property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this ordinance, the sewage enforcement officer or authorized agent shall take legal action as required by law.

Section X. Disposal of Septage

- A. All septage originating within the sewage management district 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 the Department. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and Department - approved farm lands.
- B. Pumper/haulers of septage operating within the sewage management district 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. Pumper/haulers shall provide the volume or weight of septage disposed and the location of septage disposal of each load of septage on the SEPTAGE MANIFEST & OLDS INSPECTION REPORT form described in Section VII. Subsection A.

Section XI. Abandonment of an On-Lot Sewage Disposal System

- A. Should a property owner elect to abandon an existing on-lot sewage disposal system, the property owner shall complete and file with the Township an EXEMPTION FROM CURRENT PUMPING CYCLE form, indicating that reason for requesting an exemption from the required septic tank pumping and inspection.

- B. Upon Township approval of the exemption request, the property owner shall have the septic tank pumped completely empty by a licensed pumper/hauler and then the tank shall be completely filled with stone or dirt. The tank cover may be removed or crushed/demolished and used as part of the tank filling work. Proof of destruction of tank shall be submitted by the property owner; Example: photograph acceptable.
- C. Upon receipt of proof of destruction of the tank the Township shall remove this particular property from the list of properties in the Township requiring mandatory 3 year pumping. Thereafter, occupation of any building or structure on the property is prohibited. Demolition or removal of the building or structure shall be the property owner's responsibility.
- D. Should a property containing a properly abandoned on-lot sewage disposal system be proposed for re-activation, compliance with the provisions of Section IV shall be required.

Section XII. Administration

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this ordinance.
- B. The Township shall employ qualified individuals to carry out the provisions of this ordinance. Those qualified individuals shall include the sewage enforcement officer(s) and may include an administrator and such other persons as may be necessary. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this ordinance.
- C. All permits, records, reports, files and other written materials relating to the installation, operation, maintenance, malfunction and malfunction repair, septage disposal and other pertinent records of on-lot sewage disposal systems in the sewage management district shall become the property of, and be maintained by, the Township. Existing and future records shall be available for public inspection during regular business hours at the official office of the Township. All records pertaining to sewage permits, and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of the Department.
- D. The Township board shall establish all administrative procedures necessary to properly carry out the provisions of this ordinance.
- E. The Township board may establish a fee schedule, and authorize the collection of fees, to cover the cost to the Township of administering this program. The fee schedule shall be established by resolution.

Section XIII. Appeals

- A. Appeals from final decisions of the Township or any of its authorized agents under this ordinance shall be made to the Board of Supervisors in writing within 30 days from the date of written notification of the decision in question.
- B. The appellant shall be entitled to a hearing before the Board of Supervisors at its next regularly scheduled meeting, if a written appeal is received at least 14 days prior to that meeting. If the appeal is received within 14 days of the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting. The Board of Supervisors shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown

by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.

C. A decision shall be rendered in writing within 60 days of the date of the hearing.

Section XIV. Penalties

Any person failing to comply with any provision of this ordinance shall be subject to a fine of not less than Five-Hundred dollars (\$500) and costs, and not more than Five Thousand dollars (\$5,000) and costs. Each day of noncompliance shall constitute a separate offense. Any enforcement shall be taken before a District Justice.

Section XV. Repealer

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

Section XVI. 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 there from.

Duly Enacted and Ordained this 6 day of April, 2022 by the Board of Supervisors of the Township of Watts, Perry County, Pennsylvania, in lawful session duly assembled.

Township of Watts, Perry County, Pennsylvania

ATTEST:

Nancy Canquoto
Secretary

BY: Paul J. ...
Chairman of the Board of Supervisors