

**HOPEWELL TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3-2013

**AN ORDINANCE ESTABLISHING REGULATIONS FOR
THE INSPECTION, MAINTENANCE, OPERATION, AND
REHABILITATION OF INDIVIDUAL AND
COMMUNITY ON-LOT SEWAGE DISPOSAL SYSTEMS
AND THE CREATION OF AN ON-LOT MANAGEMENT
PROGRAM FOR HOPEWELL TOWNSHIP, YORK
COUNTY, PENNSYLVANIA**

WHEREAS, Hopewell Township (Township) is a political subdivision, being a second class township; and,

WHEREAS, pursuant to the Clean Streams Law (35 P.S. § 691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (35 P.S. § 7501. *et seq.*), the Township has 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; and

WHEREAS, 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 has been evaluated for the Township; and

WHEREAS, in response to such evaluation, the Township has adopted an Act 537 Sewage Facilities Plan Update on May 3, 2012, with the same being approved by the Pennsylvania Department of Environmental Protection on August 22, 2012 (the "Plan"); and

WHEREAS, pursuant to the Plan, the Township must adopt an On-Lot Sewage Disposal System Maintenance Program Ordinance to provide for inspection, pumping, maintenance, and rehabilitation of private and public on-lot sewage systems, and to establish penalties and appeal procedures necessary for the proper administration of such management program; and

WHEREAS, the Township desires to adopt such ordinance; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted as follows:

SECTION 1: TITLE. This Ordinance shall be known as the "Hopewell Township On-Lot Sewage Disposal System Maintenance Program Ordinance" (the "Ordinance").

SECTION 2: PURPOSE. The purpose of this Ordinance is (i) 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); (ii) to provide for inspection, pumping, maintenance, and rehabilitation of private and public on-lot sewage systems; and (iii) to establish penalties and appeal procedures necessary for the proper administration of such a management program.

SECTION 3: DEFINITIONS. The following words and phrases, when used in this Ordinance, shall have the following meanings:

Act 537 – The Act of January 27, 1966, P.L. 1535, No. 537, as amended, 35 P.S. Section 750.1 *et. seq.*, known as the Pennsylvania Sewage Facilities Act.

Alternative System – A system for the disposal of domestic wastewaters not operating below ground level but located on or near the site of the building or buildings being served (e.g. composting toilets, gray water recycling systems, incinerating toilets, spray irrigation and black water recycling systems, etc.).

Authorized Agent – A certified sewage enforcement officer, code enforcement officer, professional engineer, plumbing inspector, municipal secretary, or any other qualified or licensed person who is delegated by the Township to carry out the provisions of this Ordinance within specified limits.

Board – The Hopewell Township Board of Supervisors, York County, Pennsylvania.

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 (2) or more lots, and the treatment and/or disposal of the sewage on one (1) or more lots or at any other site.

DEP or Department – The Department of Environmental Protection of the Commonwealth of Pennsylvania.

Detailed Hydrogeologic Evaluation – An evaluation required under Title 25 Chapter 71.62.(c).(4) of the Pennsylvania Code when a preliminary evaluation identifies a potential conflict between the proposed activity and the existing or future uses of groundwater in the area.

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. Additionally, any system not operating as designed, as determined by the Township SEO, should be considered as malfunctioning.

Nitrogen Removal Technologies – A pre-treatment technology that is approved by DEP to decrease the effluent nitrogen levels prior to groundwater discharge.

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 Hopewell Township Act 537 Plan, as amended.

On-Lot Sewage System – Any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal; including both individual sewage systems and community sewage systems.

On-Lot Management Program – A comprehensive set of legal and administrative requirements including this ordinance, the Act, the Clean Streams Law, and all regulations and requirements adopted by the Board to enforce and administer this ordinance.

Owner – Any person having an equitable or legal interest in real estate in Hopewell Township.

Person – Any individual, association, limited liability company, partnership, limited partnership, public or private corporation whether for profit or not-for-profit, trust, estate, or other legally recognized entity

Planning Module for Land Development – A revision to, or exception to the revision of, the Township Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with DEP regulations.

Preliminary Hydrogeologic Evaluation – An evaluation required under Title 25 Chapter 71.62.(c).(3) of the Pennsylvania Code to ensure that the concentration of nitrate-nitrogen leaving the property does not exceed 10 mg/L.

Pumper/Hauler – Any person licensed by the York County Solid Waste Authority (YCSWA) to perform the pumping and inspection of community or individual sewage systems and transports the septage cleaned from these systems.

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

Replacement Area – An area designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the DEP and all applicable Township ordinances for an individual on-lot sewage system.

Sanitary Sewage – Any normal water-carried household and toilet wastes from any property upon which there is erected a structure intended for continuous or periodic habitation.

Septage – Any human excrement, other domestic or restaurant waste, or other solid or liquid 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 – The York County Manifest 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 there under.

Sewage Facilities – Any method of sewage collection, conveyance, treatment, and disposal, which 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.

Township – Hopewell Township, York County, Pennsylvania.

SECTION 4: APPLICABILITY. From the effective date of this Ordinance, its provisions shall apply to every owner of a lot served by an on-lot sewage system within Hopewell Township and all persons or businesses servicing on-lot sewage systems (constructing, pumping, inspecting, or repairing on-lot sewage systems) within the Township.

SECTION 5: PERMIT REQUIREMENTS.

A. No person shall install, construct, or alter an individual sewage system (except installation of a riser without altering the diameter of the access point of the tank) without first obtaining a permit indicating that the site and the plans and specifications of such a system are in compliance with the provisions of Act 537 and the standards adopted pursuant to Act 537.

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 municipal SEO.

C. The Township may require applicants for sewage permits to notify the Township's certified 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 Township's certified SEO.

D. No building or occupancy permit shall be issued by the Township or its CEO for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Township's certified 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 Township's CEO and the structure's owner receive from the Township's SEO either a permit for alteration or a replacement of the existing sewage disposal system or written notification that such a permit will not be required. In accordance with Chapter 73 regulations, the certified SEO shall determine whether the proposed alteration or conversion of the structure will result in increase sewage flows.

F. No sewage permit may be issued unless proof is provided that the owner of record has owned the lot since May 15, 1972, or that Act 537 planning for that lot has been provided by the Township.

SECTION 6: MAINTENANCE.

A. The Sewage Management District will be split into equal fourths, each containing approximately one-fourth (1/4) of the total number of properties served by on-lot sewage systems. The Township shall provide a notification letter in January of the year in which a property owner is required to have their on-lot sewage system pumped and inspected. That property owner will be required to have their on-lot sewage system pumped and inspected before August 31st of the year of the notification letter. The Township shall follow a schedule whereby a fourth 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 (4) 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 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 showing that his tank has been pumped within the past one (1) year. Property owners providing such written documentation satisfactory to the Township can request a postponement of their initial required pumping until the end of a four (4) year period.

B. The Pumper/Hauler must provide a fully completed Septic System Report to the Township within thirty (30) days of the date of pumping. The Pumper/Hauler shall mail or hand-deliver the Septic System Report to the Township municipal building at P.O. Box 429, 3336 Bridgeview Road, Stewartstown, PA 17363.

C. Commencing from the date of pumping as prescribed in Subparagraph A above, removal of septage or other solids from treatment tanks shall be performed every four (4) 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.

D. The required pumping frequency may increase at the discretion of the SEO for the following reasons:

1. If the tank is undersized;
2. If solids buildup in the tank is above average;
3. If the hydraulic load on the system increases significantly above average;
4. If a garbage grinder is used in the building; or
5. If the system malfunctions or for other good cause not shown (as determined by the SEO, and approved by the Board of Supervisors).

E. Treatment tanks to be pumped more frequently than the required four (4) years must have a Septic System Report prepared and provided to the Township within 30 days of each pumping occurrence.

F. 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.

G. Holding tanks shall be pumped out at intervals that prevent the overflow, leakage, back up, and other malfunctions characteristic of an overloaded system.

H. 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 divert surface water and downspouts away from the absorption area and other on-lot sewage system components.

I. Tanks shall only be pumped from/through a minimum 24-inch inside diameter manhole riser located over the largest tank port. Tanks shall not be pumped from/through the observations port.

J. If the tank manhole/access port is not within one (1) foot of finished grade, the property owner shall be required to have the manhole/access port raised to within one (1) foot below finished grade before the tank is pumped upon receipt of proper permitting.

K. Any person owning a building served by a cesspool shall make provisions to provide access to the cesspool for maintenance as required by Section 5 Subparagraph C above. Alternatively, the owner may coordinate a physical inspection by the Township SEO every four (4) years. The owner will bear the cost of the inspection and the analysis of any sample(s).

L. 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 to the Township within six (6) months of the effective date of this ordinance. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals exceed those required for septic tanks.

M. The Township may require additional maintenance activity as needed including, but not necessarily limited to:

1. Cleaning and unclogging of piping;
2. Servicing and repair of mechanical equipment;
3. Leveling of distribution boxes, tanks, and lines;
4. Removal of obstructing roots or trees;
5. The diversion of surface water away from the disposal area; or
6. Other acceptable means to the SEO and DEP.

N. On-lot sewage systems shall only be pumped by a Pumper/Hauler that is licensed by the YCSWA to perform pumping and inspection of community or individual sewage systems.

SECTION 7: INSPECTIONS.

A. An inspection shall be conducted whenever an on-lot sewage system is pumped in accordance with this Ordinance. It shall be the property owner's responsibility to schedule the inspection with a licensed Pumper/Hauler for the same time as the system is pumped.

B. The person completing the inspection shall prepare a written report on the inspection findings using the Septic System Report form and shall mail or hand-deliver the Report to the Township Building at P.O. Box 429, 3336 Bridgeview Road, Stewartstown, PA 17363, within 30-days of system inspection.

C. Any on-lot sewage system may be inspected by the Township's SEO at any reasonable time as of the effective date of this Ordinance.

D. 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).

SECTION 8: OPERATION. Only normal Sanitary Sewage 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 non-domestic 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 or ground water, including water from roof or cellar drains, springs, basement sump pumps and french drains;

SECTION 9: REPLACEMENT AREAS.

A. After the effective date of this Ordinance, a Replacement Area for an individual on-lot sewage system shall be required for all lots to be created which are not serviced or to be serviced by a community sewage system.

B. The Replacement Area provided shall comply with Act 537 and with all regulations issued by the DEP or as incorporated into this Ordinance concerning individual on-lot sewage systems, including isolation distances, and with the terms of this Ordinance and any other applicable Township ordinances.

C. Each Applicant who shall submit a plan for the subdivision or development of land as defined by the Township's Subdivision and Land Development Ordinance or the adoption or a revision, exception to revision, or supplement to the Official Plan shall demonstrate to the satisfaction of the SEO that a suitable area exists on the lot or on each lot to be created for an initial individual on-lot sewage system and for the Replacement Area. The SEO shall perform or observe all tests required for the location of an individual 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 SEO shall not constitute compliance with the requirements of this Section.

D. The location of the initial individual on-lot sewage system and the Replacement Area as confirmed by the SEO shall be identified on the plot plans and diagrams submitted as part of the permit application.

E. If the application has been submitted as a part of an application for subdivision or land development approval or as part of a request that the Township approve a Planning Module for Land Development or amend its Official Plan, or a request for an exception to the revision of the Official Plan, the location of each initial individual on-lot sewage system and each Replacement Area shall be noted upon the plans. If the application is for 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., for each lot created as part of the subdivision or land development shall contain language reflecting this limitation.

F. Any revisions to a permit or plan affecting a Replacement Area which has previously has been approved pursuant to the provisions of this Ordinance shall be reviewed for approval by the Board or its authorized representative.

G. The Replacement Area noted upon the Subdivision or Land Development Plan and recorded with the York 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.

H. This provision shall be enforced by the Township unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the SEO that an alternate Replacement Area which complies with all applicable regulations of the DEP, this ordinance and all other applicable Township 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. The newly designated Replacement Area shall thereafter be considered the Replacement Area for the purposes of this Ordinance.

I. At all times the burden to present credible evidence and the burden of persuasion shall be upon the Applicant for an exception from the terms of this Ordinance. In no case shall any lot be exempted from the requirements of Section IV of this Ordinance.

SECTION 10: SYSTEM REHABILITATION. The Township's SEO shall have the authority to require the repair of any malfunction by the methods provided below. In lieu of, or in combination with, the methods described below, 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.

- A. Cleaning, repair or replacement of components of the existing system;
- B. Adding capacity or otherwise altering or replacing the existing systems treatment tank;
- 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.

SECTION 11: NITROGEN REMOVAL TECHNOLOGIES.

A. A Preliminary Hydrogeologic Evaluation will be required for all new subdivision or land development proposing use of on-lot wastewater systems within a quarter mile of a well with nitrate-nitrogen levels exceeding 5.0 mg/L, in accordance with Title 25 Chapter 71.62.(c) of Pennsylvania Code. When the results from a Preliminary Hydrogeological Evaluation identify a potential conflict with the proposed activity and existing or potential future uses of groundwater in the area, a Detailed Hydrogeologic Evaluation may be required in accordance with Title 25 Chapter 71.62.(c).(4) of Pennsylvania Code.

B. Use of Nitrogen Removal Technologies with On-Lot Sewage Systems is an acceptable method to reduce the amount of nitrate-nitrogen discharged to groundwater. The Nitrogen Removal Technology proposed for use must have received DEP approval for use in Pennsylvania.

C. The Township will require that any On-Lot Sewage System equipped with Nitrogen Removal Technologies be operated and maintained through a maintenance agreement between the property owner and an individual, firm or corporation demonstrated as experienced in the operation and maintenance of sewage treatment systems. The maintenance agreement must be established and designate responsibilities between the property owner and the individual, firm or corporation for operating and maintaining the system. A copy of the executed maintenance agreement must be provided to the Township before the Township approves the use of a proposed Nitrogen Removal Technology. The property owner and the maintenance provider are responsible for notifying the Township within thirty (30) days of a change in the maintenance agreement, including termination of the agreement. A valid maintenance agreement must be kept in service for the life of the Nitrogen Removal Technology.

D. Nitrogen Removal Technology components must be maintained in accordance with the manufacturer's specifications approved by the DEP and shall include a minimum annual inspection of the components. The owner of the On-Lot Sewage System equipped with Nitrogen

Removal Technologies must provide a copy of the inspection report to the Township within thirty (30) days of receipt of the inspection report.

SECTION 12: 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 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.

SECTION 13: DISPOSAL OF SEPTAGE.

A. All septage originating within the Township shall be disposed of at sites or facilities approved by DEP.

B. Septage pumper/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).

SECTION 14: ADMINISTRATION.

A. The Township shall employ or contract with qualified individuals to carry out the provisions of this ordinance.

B. 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, unless such information is not a public record determined by the Right-To-Know Law or by other federal, state or local statutes, ordinances, or regulations. A fee for copying may be charged.

C. The Township Supervisors shall establish all administrative procedures necessary to properly carry out the provisions of this ordinance.

D. The Supervisors may establish a fee schedule, and subsequently collect fees, to cover the cost to the Township of administering this program.

SECTION 15: 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)

SECTION 16: PENALTIES.

A. Any person who shall violate or fail to comply with any provision of this Ordinance 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 more than

One Thousand (\$1,000) Dollars, plus all court costs and attorney fees for prosecution, and in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Ordinance continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

B. The discharge by the Township of its obligations as set forth in this Ordinance shall create no liability upon the Township, its officials, employees or agents.

C. All reports, inspections, appraisals, certifications or records required or produced by the Township, its officials, employees or agents, as required by this Ordinance, 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.

SECTION 17: REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 18: 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.

SECTION 19: EFFECTIVE DATE. The implementation of this Ordinance and the provisions contained herein will be effective January 1, 2014.

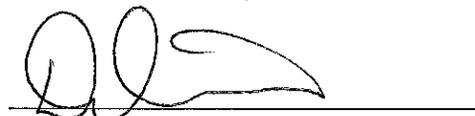
ORDAINED AND ENACTED this 2nd day of May, 2013.

ATTEST:

HOPEWELL TOWNSHIP
BOARD OF SUPERVISORS


Patricia R. Schaub, Secretary


Aaron R. Manifold, Chairman


David T. Wisnom, Supervisor

(SEAL)


Shannon D. Wolf, Supervisor