

TOWNSHIP OF WASHINGTON
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 274

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON ESTABLISHING REGULATIONS CONCERNING THE INSTALLATION, INSPECTION, AND ONGOING MAINTENANCE OF ON-LOT SEWAGE DISPOSAL SYSTEMS FOR COMMERCIAL USES IN SEWAGE MANAGEMENT AREA 7 AND HIGH VOLUME USES PRODUCING 600 GALLONS OR MORE FLOW PER DAY WHICH ARE LOCATED WITHIN THE TOWNSHIP; TO REQUIRE THE REGISTRATION OF SEPTAGE PUMPER/HAULERS; TO PERMIT INTERVENTION IN SITUATIONS WHICH MAY CONSTITUTE A PUBLIC NUISANCE OR HAZARD TO THE PUBLIC HEALTH; TO ESTABLISH PROCEDURES, PENALTIES AND APPEAL RIGHTS NECESSARY FOR THE PROPER ADMINISTRATION OF THIS SEWAGE MANAGEMENT PROGRAM.

Section 1: Short Title; Introduction; Purpose

A. This Ordinance shall be known as and may be cited as the "Washington Township On-Lot Sewage Disposal System Management 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 duty of Washington 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 Washington Township, Northampton County, Pennsylvania 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 by Commercial and high volume uses producing more than 600 gallons per day sewage flows.

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; to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

Section 2: Definitions.

A. Definitions

Absorption Area Easement – A portion of a lot, tract, or parcel that encompasses the primary and reserve absorption areas and which shall be delineated and preserved. The primary and reserve absorption areas need not be contiguous.

Act – The Pennsylvania Sewage Facilities Act, of January 24, 1966, P.L. (1965) 1535, No.537, as amended, 35 P.S. Section 701 et. seq.

Board – The Board of Supervisors of Washington Township, Northampton County, Pennsylvania.

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

Industrial Waste – A liquid, gaseous, radioactive, solid or other substance, which is not sewage, resulting from manufacturing or industry or other plant or works and mine drainage, silt, coal mine solids, rock, debris, dirt and clay from coal mines, coal collieries, breakers or other coal processing operations. The term includes substances whether or not generally characterized as waste.

Malfunction – The condition which occurs when an on-lot sewage 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 a year.

Official Sewage Facilities Plan – A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Washington Township and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.

On-Lot Sewage Disposal System (OLDS) – 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.

Owner – Any person having legal title to land within Washington Township.

Person – Any individual, association, partnership, public or private corporation whether for profit or non-profit, trust, firm, estate, or other legally recognized entity. Whenever the term "person" is used in conjunction with any clause providing for then imposition of a fine or imprisonment or the ordering of the action to comply with the terms of this Ordinance, the term "person" shall include the members of an association, partnership or firm or other legal entity.

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

Pumper/Hauler – Any person who engages in cleaning on-lot sewage disposal systems and transports the Septage removed from those systems.

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

Reserve Absorption Area – A location designated as the future location of an OLDS that shall be installed should the OLDS installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the Department and all applicable Township Ordinances for an OLDS. Both primary and reserve absorption areas must pass percolation and probe tests.

Retaining Tank – A water tight receptacle that receives and retains sewage and is designed and constructed to facilitate disposal of the sewage at another site. The term includes, but is not limited to the following:

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

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

Privy – A device to receive sewage, where water under pressure is not available.

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

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

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

Septage – The residual scum, sludge and other materials pumped from septic or aerobic treatment tanks and the systems they serve.

Sewage – Any substance that contains any waste products or excrement or other discharge from the bodies of human beings 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 or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as “The Clean Streams Law”, as amended.

Sewage Enforcement Officer (SEO) – A person certified by the DEP, who is employed/appointed by the Board of Supervisors. 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 thereunder and this or any other ordinance adopted by the Township.

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 the Commonwealth, or otherwise provide for the safe treatment and disposal of sewage or other waste.

Sewage Management District – Any area or areas of Washington Township designated in the Township's Official Sewage Facilities Plan adopted by the Board of Supervisors as an area for which a Sewage Management program is to be implemented.

Sewage Management Program – A comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board of Supervisors to effectively enforce and administer this Ordinance.

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

Soil Absorption System – A component of an individual or community sewage disposal system where liquid from a treatment tank seeps into the soil; it consists of and aggregate-filled area containing piping for the distribution of liquid and the soil or sand/soil combination located beneath the aggregate. The SEO permitted systems, except retention tank systems, are soil absorption systems.

Subdivision – The division or re-subdivision 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 therefrom.

Township – Township of Washington, Northampton County, Pennsylvania.

Treatment Tank – A watertight tank designed to retain sewage long enough for the satisfactory bacterial decomposition of the solids to take place. The term includes the following:

Septic Tank – A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.

Aerobic Sewage Treatment Tank – A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to discharge to an absorption area.

B. Any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and Regulations promulgated thereto.

Section 3. Applicability

From the effective date of this Ordinance, its provisions shall apply to Commercial uses in Sewage Management Area 7 identified in the Official Sewage Facilities Plan and to all high volume systems within the Township. The provisions of this Ordinance shall apply to all persons owning any commercial/institutional uses in Sewage Management Area 7

and high volume uses which produce a flow of 600 gallons or more per day and to all persons installing or rehabilitating on-lot sewage disposal systems for commercial/institutional uses in Sewage Management District Area 7 and high volume uses which produce a flow of 600 gallons or more per day.

Section 4. Permit Requirements.

- A. All on-lot sewage disposal systems, regardless of the size of the lot, tract, or parcel on which they are proposed to be constructed, must obtain a permit from the sewage enforcement officer (SEO) which permit shall indicate that the site, plans and specifications of such system are in compliance with the provisions of the Clean Streams Law (35 P.S. § 691.1 et. seq.) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 et. seq.) and the regulations adopted pursuant to those Acts. No person shall install, construct or award a contract for construction, or alter, repair or connect to an on-lot sewage disposal system or construct, or request bid proposals for construction, or install or occupy any building or structure for which an on-lot sewage disposal system is to be installed without first obtaining said permit.
- B. In the event that a Sewer Permit is issued by the SEO, it is specifically required that the on-lot sewage disposal system constructed upon the premises noted on the permit shall not be covered nor operation of said sewage system permitted, until said system has been inspected and approved by the SEO. The applicant may cover the installation upon receipt of written approval by the SEO, or in the absence of written approval or disapproval, at the expiration of seventy-two hours, excepting Sundays and Holidays, after the system has been inspected by the SEO unless permission has been specifically refused by the SEO.
- C. Applicants for sewer permits are required to notify the 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 the Sewage Facilities act may be scheduled and performed by the SEO.
- D. No building or zoning permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the SEO.
- E. No building or zoning permit shall be issued and no work shall begin on any addition, alteration or conversion of any existing structure, if said addition, alteration or conversion will result in the increase of sewage flows from the structure, until the Township's Zoning Officer and the structure's owner receive from the SEO either a permit for alteration, rehabilitation or replacement of the existing sewage disposal system.
- F. No occupancy certificate/permit shall be issued by the Township, its Zoning Officer or building official for the occupancy of any new building, addition, alteration or the change of use of any building, addition or alteration until the SEO has informed the Township or said official that the existing or newly constructed system is complete, operating and has had final inspection.

- G. No contractor may proceed to install, construct, rehabilitate or alter a system without verifying that the property owner has complied with this section of the Ordinance.
- H. No on-lot system shall be altered, extended, augmented, modified or repaired without the issuance of a repair permit by the SEO.
- I. No on-lot system shall be used or loaded in a manner which is inconsistent with the permit that was issued to authorize that system's installation.
- J. Permit applications for on-lot sewage disposal systems, which include electronically, mechanically, hydraulically or pneumatically operated or controlled devices shall be accompanied by the respective manufacturer's recommended maintenance schedule and product specifications.
- K. Only the SEO employed by the Township may issue sewage permits. DEP shall be notified as to the identity of each sewage enforcement officer employed by Washington Township.

Section 5. System Inspections.

- A. The SEO may inspect any on-lot sewage disposal system at any reasonable time after the effective date of this Ordinance, with the permission of the Owner or occupant of the property. In the event that access to inspect the property is denied, the Township shall proceed according to law to obtain a search warrant and conduct the inspection. If a search warrant is obtained and a malfunction is discovered or confirmed as a result of that inspection, all costs incurred by Washington Township in obtaining the search warrant, including but not limited to all legal fees and expenses, shall be borne by the Owner, be payable on demand and shall be lien able as a municipal claim against the property to the extent allowed by law.
- B. On-lot sewage disposal inspections can include a physical tour of the property, the taking of samples from surface waters, wells, other ground water sources, and the sampling of the contents of the on-lot sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served by said system to ascertain the path and ultimate destination of wastewater generated in the structure. In the event an Owner or occupant shall refuse permission for any type of inspection which the SEO believes to be necessary to make an adequate determination as to whether the on-lot sewage disposal system is functioning properly and/or the extent of any malfunction, the SEO shall note that fact in written reports issued by the SEO.
- C. Each Owner of a commercial on-lot septic system in Area 7 or a high volume on-lot septic system within the Township, at the Owner's cost and expense, shall arrange for and have the SEO of Washington Township conduct an initial inspection within one year of the adoption of this Ordinance for the purpose of determining the type and functional status of each on-site sewage disposal system. The SEO shall prepare a written report of the results of the inspection, a copy which shall be furnished to the Owner of the property inspected and a copy of which shall be provided to Washington Township to be maintained in the Township's records. The ultimate responsibility for

insuring that Washington Township has received a copy of such report shall be upon the Owner.

- D. After the initial inspection referred to in Section 5.C. above, each Owner, at the Owner's cost and expense, shall arrange for, and have performed, routine inspections by the SEO at a minimum of once every three years for that Owner's property, to assure the on-lot sewage disposal system continues to function properly. The SEO shall prepare a written report of the results of the inspection, a copy which shall be furnished to the Owner of the property inspected and a copy of which shall be provided to Washington Township to be maintained in the Township's records. The ultimate responsibility for insuring that Washington Township has received a copy of such report shall be upon the Owner.
- E. In the event an inspection reveals that an on-lot sewage disposal system is malfunctioning, Washington Township and the Owner shall proceed in accordance with the provisions of Section 9 System Rehabilitation.
- F. If at any time there is 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 on-site 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 will be required whenever a malfunction, as determined by Washington Township Officials and/or the Department, represents a serious public health or environmental threat.

Section 6. System Operation.

- A. Only normal domestic wastes 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; and
 - 4. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps, and french drains.

Section 7. System Maintenance

- A. Every absorption area shall have the final cover limited to shallow-rooted matter (such as grass) and be maintained accordingly.

- B. Each person owning a commercial/institutional building served by an on-lot disposal system in the Sewage Management Area 7 or any High Volume System within the Township shall have the septic tank pumped by a qualified pumper/hauler within one year of the effective date of this Ordinance. Thereafter that person shall have the tank pumped at least once every three years or whenever an inspection reveals that the septic tank is filled with solids or with scum in excess of 1/3 of the capacity of the liquid depth of the tank. Receipts from the pumper/hauler shall be submitted to the Township within the prescribed six month and three year periods.
- C. The required pumping frequency may be increased at the discretion of the SEO if the septic tank is undersized, if solids buildup, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown. If any person can prove that such person's septic tank had been pumped within three years of the six month anniversary of the effective date of this Ordinance, then that person's initial required pumping may be delayed to conform to the general three-year frequency requirement except where an inspection reveals a need for more frequent pumping is necessary.
- D. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement, from the pumper/hauler or from another qualified individual acceptable to the Township, that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact the sewage enforcement officer for approval of the necessary repair.
- E. Any person owning a property served by an on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within six 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 for aerobic treatment tanks exceed three years.
- F. Additional maintenance activity may be required as needed including, but not necessarily limited to, cleaning and unclogging of 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.
- G. When an on-lot sewage disposal system's treatment tank(s) is/are pumped out, all dosing tanks, lift tanks and other tanks associated with the system shall also be pumped out.
- H. Retaining tanks shall be pumped out at such intervals as will prevent overflow, leakage, backup, other malfunction, or a public health hazard or nuisance, but no less frequently than what is recommended by the manufacturer.
- I. Upon completion of each required pumping, the pumper/hauler shall:

1. Complete a Pumping Report, (provided by the Township);
 2. Deliver the original Pumping Report to the lot owner;
 3. Deliver a copy of the Pumping Report to the Township by the 10th business day of the month following inspection and/or pumping; and
- J. The first time an on-lot sewage disposal system's tank(s) is/are pumped, the Pumping Report shall include the following minimum information which shall be developed, discovered or otherwise obtained as the result of a system inspection conducted according to the then current Inspection Protocol of the Township.
1. Date of pumping,
 2. Tank Capacity
 3. Tank Material.
 4. Name and address of the owner of the system and lot.
 5. Property address where the tank and system is located, if different from Owner's address.
 6. Description and diagram of the location of the:
 - a) Treatment tank
 - b) Risers (if available)
 - c) Access hatches, pump tanks, filters, D-Box, absorption areas, etc. within distances relative to two fixed landmarks. (if available)
 7. Presence and condition of baffles in ALL tanks and ALL compartments.
 8. Permit number and date existing system was installed (if know, month and year)
 9. List of previous maintenance performed (if available)
 10. Indications of system malfunction observed.
 11. Amount (gallons) of Septage, sludge, or other material removed.
 12. DEP Permit number and site name for destination of the Septage.
 13. Pumper/Hauler truck operator's signature and date.
 14. Pumper/Hauler business owner signature and date.
- K. Tank pumping shall be performed in accordance with these minimum standards unless an equipment manufacturer specifies other standards and shall include an Inspection and Pumping Report, on forms provided by the Township, regarding the presence of any or all of the following:
1. The main tank access (largest opening) shall be used to pump all tanks.
 2. Inspection ports shall not be used for pumping.
 3. Septage shall be removed to a depth no greater than one (1") inch to the bottom of the tank; if necessary, back flushing shall be employed to achieve this standard.
 4. Defective tank components (lids, baffles, dividers, etc.)
 5. Water level above outlet pipe elevation.

6. Back-flow from the absorption area following pump out.
 7. Inflow from the building(s) served to verify connection to the building(s).
 8. Presence of surface drainage, ponding or other signs of malfunction in the vicinity of the absorption area.
 9. At the time of the first inspection/pumping, the system owner must have all risers installed and raised to grade of the land if not already pre-existing.
- L. Any person owning a building served by an aerobic treatment tank or an on-lot sewage disposal system, which includes any electrically, mechanically, hydraulically, or pneumatically operated or controlled device, shall follow the maintenance recommendations of the equipment's manufacturer.
1. If not on file with the Township, a copy of the manufacturer's recommendations and owner's manual shall accompany the Pumper's Report the first time the system is pumped after the effective date of this Ordinance.
 2. Owners of systems with components requiring periodic maintenance shall submit receipts as proof that maintenance/service was performed at the intervals called for and in a manner consistent with the various components' manufacturer.
 3. In no event shall the service or pumping intervals extend beyond three years unless relief is granted by the SEO.
 4. At the time of the first inspection/pumping, the system owner must have all risers installed and raised to grade of the land if not already pre-existing.
- M. The SEO may require additional maintenance activities including, but not limited to, cleaning or unclogging of pipes, servicing or repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, cutting of weeds and other plant growth, and diversion of surface water away from soil absorption areas.
- N. In addition to the forgoing, grease traps shall be inspected a minimum of once every six (6) months and pumped out a minimum of once each year. Grease shall be pumped out, hauled and disposed of in accordance with the same requirements as Septage. The grease trap baffles and structural integrity shall be checked each time the trap is pumped out. A written statement from the Pumper/Hauler stating that the grease trap is in good working order shall be provided to the Township; otherwise the Township shall be promptly notified in writing of any deficiencies found.
- O. In the event Washington Township shall not have received a copy of the required written inspection/pumping reports for any property by the expiration of the inspection/pumping period applicable to the property, Washington Township shall provide written notification of that fact by United States registered or certified mail to the Owner at the address of the Owner, as set forth in the Northampton County real

estate tax assessment records, and request the Owner to provide a copy of the required written reports to Washington Township within thirty (30) days of the date of such notice. Failure of the Owner to provide a copy of the required written reports to Washington Township within thirty (30) days of the date of the notice shall constitute a violation of this Ordinance.

Section 8. Abating Health Hazards.

- A. In the event of a suspected or reported malfunction of any on-lot sewage disposal system, the SEO shall attempt to contact the Owner and/or occupant of the property to obtain permission to enter upon the property during reasonable hours for the purpose of further inspection to attempt to determine whether a malfunction does in fact exist and the extent of the same. In the event that access to inspect the property is denied, the Township shall proceed according to law to obtain a search warrant and conduct the inspection. If a search warrant is obtained and a malfunction is discovered or confirmed as a result of that inspection, all costs incurred by Washington Township in obtaining the search warrant, including but not limited to all legal fees and expenses, shall be borne by the Owner, be payable upon demand and shall be lien able as a municipal claim against the property to the extent allowed by law.
- B. If the property appears to be vacant, written notice shall be given by the SEO, by registered or certified and ordinary United States mail to the address of the Owner as set forth in the Northampton County real estate tax assessment records, and by posting a copy of the same at the entrance to the structure or other place where it is likely to be seen by the Owner or occupant, informing such Owner or occupant that Washington Township desires to access the property to inspect the same for possible on-lot sewage disposal system malfunction, and advising the Owner or occupant that if no objection to such desired access to the property is received by the SEO who sent the notice within ten (10) days of the date of the notice, it will be presumed that the SEO has permission to enter in and upon such property for making such inspection. If the Owner or occupant does notify the SEO who sent the notice within ten (10) days of the date of the notice, or at the time of the desired inspection, that they will not permit access to the property, the Township shall proceed according to law to obtain a search warrant to conduct the inspection. If a search warrant is obtained and a malfunction is discovered or confirmed as a result of that inspection, all costs incurred by Washington Township in obtaining the search warrant, including but not limited to all legal fees and expenses, shall be borne by the Owner, be payable upon demand and shall be lien able as a municipal claim against the property to the extent allowed by law.
- C. If an inspection reveals that an on-lot sewage disposal system is malfunctioning, or if a malfunction can be observed from an off-property location without an on-property inspection being conducted, the Township shall follow the procedures set forth in Section 9 System Rehabilitation of this Ordinance.
- D. In the event that an Owner fails to fully perform the Owner's responsibilities as set forth in Section 9 System Rehabilitation of this Ordinance after being provided with notice from the Township as provided herein, upon written report from the SEO that an imminent health hazard exists due to failure of a property owner to properly operate,

maintain, repair or replace an on-lot sewage disposal system as required by the provisions of this Ordinance, the Board of Supervisors shall have the authority to perform or contract to have performed, any repairs or replacements as may be directed by the SEO or the DEP to abate the health hazard.

- E. All costs, fees, and expenses of any such repairs or replacements, including but not limited to, the costs for actual repairs, repair permits and site investigations in support of the permit, as well as all other costs, fees and expenses, including but not limited to legal fees, related to any enforcement or collection efforts on the part of the Township, shall be borne and paid by the Owner upon demand, and the Township may take whatever action is necessary to recover those costs, fees and expenses in accordance with law, including entering a lien against the property.
- F. In addition to the foregoing, but not in limitation thereof, the Township may also seek injunctive relief to prevent continued use of the property serviced by a malfunctioning on-lot sewage disposal system, as well as pursue any and all other rights and remedies as provided by this Ordinance or which may be otherwise available to the Township at law or in equity.

Section 9. System Rehabilitation.

A. The Township shall require corrective action whenever any system within Sewage Management Area 7 or any high volume system within the Township is identified as having a malfunction.

1. The Township shall issue a written notice of violation to any person who is the owner of a property in the Township on which is found a malfunctioning on-lot sewage disposal system, or on which raw or partially treated sewage is being discharged without a permit.
2. Within fourteen (14) days of notification by the Township that a malfunction has been identified, the owner shall make application to the Township for a repair permit to abate the malfunction.
3. Within ninety (90) days of the original notification by the Township, construction of the permitted repair or replacement shall commence unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended commencement date.
4. Within one hundred twenty (120) days of the original notification by the Township, the repair or replacement shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.

B. The Township shall require, or may take, immediate corrective action whenever a malfunction represents a public health hazard or environmental threat.

C. The SEO shall require the repair of malfunctions by any of the following methods, either individually or in combination, which are consistent with DEP's policies regarding Best Technical Guidance (BTG).

1. Cleaning
2. Repair and/or replacement of components of the existing system
3. Adding capacity or otherwise altering or replacing the system's treatment tank
4. Expanding or replacing the existing absorption area
5. Replacing a gravity distribution system with a pressurized system
6. Replacing the system with a holding tank
7. The installation or replacement of existing water consuming devices, fixtures or equipment with water conserving devices, fixtures or equipment and/or the institution of water conservation practices noted by the SEO and submitted to the Township.
8. Limiting or eliminating the use of laundry facilities noted by the SEO and submitted to the Township
9. Other alternatives as appropriate for the specific site to lessen or mitigate the malfunction to the greatest extent possible.

D. 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 the Pennsylvania Code; or, is not technically or financially feasible in the opinion of the SEO and a representative of DEP; then partial correction of the malfunction is required by the Owner in a manner satisfactory to the SEO and the DEP.

E. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing on-lot system, the owner may be required to apply for a permit to install a single treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within thirty (30) days.

Section 10. Primary and Replacement Absorption Areas.

A. A replacement absorption area shall be required for all proposed new lots, which are to be serviced by a soil absorption system.

B. A replacement absorption area shall be required for all new land development as of the effective date of this Ordinance, which are intended to be served by an on-lot soil absorption system, but for which a permit to install an on-lot sewage disposal system has not been issued.

- C. If the property with respect to which an on-lot sewage disposal permit was issued, does not have a designated replacement absorption area as of the effective date of this Ordinance, and the lot owner applies for an addition or alteration to the existing building or lot which does not require an expansion, alteration or modification to the existing on-lot sewage disposal system, a replacement absorption area is not required to be provided.
- D. Allowance of open land for the replacement absorption area, without performance of appropriate soil probes and percolation testing to verify suitability of the land for a replacement absorption area, shall not constitute compliance with the requirements of this Section.
- E. The location of the primary and replacement absorption areas shall be delineated and identified as an absorption area on the plot plans, and maps or diagrams submitted as part of the permit application, and subdivision or land development plan.
Both the primary and replacement absorption areas must pass probe and percolation tests witnessed by the Township SEO.
- F. A basic description, including a metes and bounds boundary description, of every absorption area shall be included and recorded as part of the deed for each lot created as part of a subdivision or land development, and shall contain language reflecting the following:
1. No improvements, whether permanent or temporary, shall be constructed upon or within any absorption area.
 2. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in any absorption area.
 3. During any construction or other activities, the absorption area shall be adequately marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating upon the surface of any absorption area.
 4. The final cover or improvement to every absorption area shall be limited to shallow-rooted plant matter (such as grass).
- G. Alteration or Termination of an Absorption Area
1. A lot owner who desires to alter or terminate an absorption area must first establish, through a site evaluation by the SEO and with soil probe results and percolation tests, that a substitute area suitable for the installation of an on-lot sewage disposal system exists. If the SEO concurs that the proposed substitute area is suitable for the installation of an on-lot sewage disposal system the lot owner shall submit an amendment to the sewage permit application/sewer permit on file with the Township with the information and in the format then required by the Township for new on-lot sewage permit applications, together with the appropriate fee as established by resolution by the Board of Supervisors.

2. In the event there is a recorded plan which depicts the replacement absorption area that is being terminated, the lot owner shall submit to the Township a revised plan of the lot which depicts the reserve absorption area being terminated, the substitute reserve absorption area and any existing absorption area, which plan shall meet the requirements of, and be reviewed and approved in accordance with, the requirements of the Township Subdivision and Land Development Ordinance. The plan shall also comply with requirements of Section 10.F.
- H. Within 90 days of the approval of the plan required by Section 10.G.2., if applicable, the lot owner shall record the same in the Northampton County Recorder of Deeds office. Failure to do so shall result in said approval automatically becoming null and void.
- I. The lot owner shall provide a copy of the recorded plan, pursuant to Section 10.H., to the Township, and until receipt of the same, no sewage or other required permits shall be issued which would permit land development in accordance with the change to the absorption area.

Section 11. Individual Spray Irrigation Systems.

- A. All applications for on-lot sewage disposal systems which propose to use an Individual Spray Irrigation System as the treatment method shall be accompanied by one of the following:
1. An operation and maintenance agreement in form and substance satisfactory to the Township between the lot owner and individual, firm, corporation or other legal entity, which is experienced in the operation and maintenance of individual spray irrigation systems; or
 2. An operation and maintenance agreement in form and substance satisfactory to the Township between the landowner and an association, trust or other legal entity, which is structured to provide, and which accepts the responsibility for, the proper operation and maintenance of the Individual Spray Irrigation System.
- B. Applications for Individual Spray Irrigation Systems shall be accompanied by a financial guarantee in the form of an irrevocable letter of credit from a Federally or Commonwealth chartered lending institution authorized to do business in the Commonwealth of Pennsylvania; a lending or escrow account in such a lending institution; or other financial security acceptable to the Board of Supervisors as follows:
1. From the date the permit application is submitted to the SEO or Township and continuing for a period ending two years after the completed system installation is approved by the SEO, the amount of the financial guarantee shall be equal to the contract price for the installation of the Individual Spray Irrigation System and all piping, tankage, and other related system components.

2. Beginning two years after the date the completed system's installation is approved by the SEO and continuing for the system's design life, the financial guarantee shall be reduced to an amount not less than ten (10%) percent of the actual construction costs for the installation of the Individual Spray Irrigation System and all piping, tankage, and other related system components.
- C. The financial guarantee shall assure that the Township has access to sufficient funds to operate, maintain, repair, or replace any component of the Individual Spray Irrigation System in the event the owner:
1. Fails to maintain the system or any of the system's components according to the manufacturer's specifications, or,
 2. Fails to service, clean, inspect, and/or pump the treatment tank(s) according to other applicable standards of this Ordinance, or,
 3. Fails to conduct testing and monitoring at least annually or more frequently if required by DEP regulation and report the results of any laboratory analysis to the Township, or,
 4. Voids, cancels, or terminates and fails to replace in a manner approved by the Township the agreement required by Subsection A. of this Section.
- D. The Township shall have the right to draw upon said financial guarantee and apply the funds to the repair, operation, or maintenance of the system when:
1. The system is not maintained according to standards of this Ordinance, applicable DEP regulations, or the Manufacturer's specifications, or,
 2. The treatment tank(s) is/are not serviced, cleaned, inspected and/or pumped according to the applicable standards of this Ordinance, or,
 3. The testing and monitoring are not conducted according to the standards of this Ordinance, or,
 4. The agreement required by Subsection A of this Section is voided, canceled, or terminated and is not replaced in a manner approved by the Township.
- E. If at any time the Township draws on the financial guarantee, the Owner shall, upon ten (10) days written notice, provide the Township with such additional financial guarantees as are necessary to restore the amount of the financial guarantee to the amount then required pursuant to Section 6.B above.

Section 12. Pumper/Hauler Business Registration.

All pumper/hauler businesses operating within Washington Township shall annually, by the last business day of December:

1. Register with and pay the required fee to the Township and comply with all reporting requirements established herein;
2. Operate in a manner consistent with the provisions set forth by the Township;
3. Provide a current fee schedule for all services required under this Ordinance;
4. Provide documentation that all Septage pumped from properties within Washington Township boundaries will be delivered to a DEP approved site or facility.

Section 13 Disposal of Septage.

- A. All Septage shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S., subsection 6018.101 et seq.) and other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities shall include the following: sewage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.
- B. Pumper/Haulers of Septage operating within the Township shall operate in a manner consistent with the provisions set forth by the Township and all other applicable laws.

Section 14. Administration.

- A. The Township shall fully utilize those powers it possesses through enabling statutes, regulations and ordinances to effectuate the purposes of this Ordinance.
- B. The Township shall employ qualified individuals to carry out the provisions of this Ordinance. Those employees shall include a sewage enforcement officer (SEO) 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 and malfunction of on-lot sewage disposal systems in the Township 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 municipal office of the Township. All records pertaining to sewage permits, building permits, occupancy permits, and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of the DEP.
- D. The Board of Supervisors shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.
- E. The Board of Supervisors may by resolution establish and revise forms and fee schedules, and authorize the collection of fees to cover the costs of the Township, in administering this Ordinance.

Section 15. Appeals, Hearings and Requests for Relief.

- A. Appeals from the determination of the SEO under this Ordinance, shall be filed with the Board of Supervisors. Such appeals shall be in writing, signed by the Appellant, addressed to the Board of Supervisors at the Township's Business Office, 1021 Washington Blvd, Bangor, PA 18013, and must be filed within thirty (30) days of the date of the determination being appealed.
- B. The Board of Supervisors shall conduct hearings and make decisions pursuant to the Act of December 2, 1968 (P.L. 1133, No.353), known as the "Local Agency Law", and in accordance with the following requirements:
1. Written notice shall be given to the Appellant and the Sewage Enforcement Officer whose determination is being appealed and such other persons as the Township may designate, to any person who has made timely request for the same and to such other persons as the Board of Supervisors shall determine. Written Notice shall be given at such time and in such manner as shall be prescribed by rules of the Board of Supervisors, but shall be given not less than fifteen (15) days prior to said hearing.
 2. The Township may prescribe reasonable fees with respect to hearings, which may include Notice and Advertising costs and necessary administrative overhead connected with the hearing.
 3. The hearing shall be held within sixty (60) days after the date the appeal is properly filed with the Board of Supervisors, unless the Appellant has agreed, in writing, to an extension of time.
 4. The hearing shall be conducted by a quorum of the Board of Supervisors.
 5. The decision of the Board of Supervisors shall be made in writing within forty-five (45) days after the conclusion of the last hearing, unless the Appellant has agreed, in writing, to an extension of time, and shall be communicated to the Appellant, the SEO and any other parties who have entered their written appearance and requested a copy of the decision, at the address provided by them, either by personal delivery or by United States First Class Mail, postage prepaid.
 6. The Chairman or acting Chairman of the Board of Supervisors or presiding officer shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 7. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence. Reasonable examination and cross-examination shall be permitted.
 8. Formal Rules of Evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

9. The Board of Supervisors may, but is not required to, make a stenographic record of the proceedings. In the event a stenographic record of the proceedings is not provided by the Board of Supervisors, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other person desiring a copy of the same, shall pay the cost imposed by the stenographer for the copy directly to the stenographer.
10. The Board of Supervisors shall not communicate directly or indirectly with any party or any party's representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memorandum, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or any party's representative unless all parties are given an opportunity to be present.

C. Relief from Replacement Absorption Area Requirement

1. If any unimproved lot held in single and separate ownership, which is in existence upon the effective date of this Ordinance, does not contain suitable land for both Primary and Replacement Absorption Areas, the Owner may apply to the SEO for relief from the requirement for a Replacement Absorption Area.
2. At a minimum, Owners seeking relief shall present documentation or other evidence to the SEO demonstrating;
 - a) That the lot was held in single and separate ownership on the effective date of this Ordinance and continues to be so held;
 - b) The size of the lot;
 - c) The locations and results of soil evaluations and tests conducted on the lot which establish that the soil conditions on the lot are of an extent and/or nature that only a Primary Absorption Area can exist on the lot;
 - d) Any other information which the Owner believes supports the Owner's request.

Within twenty-one (21) days after complete receipt of the foregoing by the SEO, the SEO after conducting such site inspections as are deemed reasonably necessary by the SEO to enable a determination to be made, shall render a written determination to the Owner granting or denying the request. Failure of the SEO to render a written determination within said twenty-one (21) day period shall be deemed to be a denial of the request.

D. No lot shall be completely exempt from the requirements of Section 7 of this Ordinance regarding initial system inspection and/or periodic tank pumping.

1. The required pump-out frequency for treatment tanks may be altered by the Township. The SEO may reduce (shorten) the interval between pump-outs to assure proper operation of the system based on:
 - a) Loading rates which are greater than described in the permit for the system; or,
 - b) For other good cause.
2. The SEO may lengthen the required pump-out interval upon application where the owner can demonstrate that the system can operate properly without the need for pump-out for a period longer than three years, provided that supporting documents conclusively verify:
 - a) Reduced system loading; or,
 - b) Accumulation of sludge, scum or other residual materials to a level of less than one third the liquid capacity of the tank; or,
 - c) For aerobic tanks, the manufacturer's recommendations that indicate a greater interval is appropriate;
 - d) The SEO performed a site evaluation indicating that no apparent malfunction exists on the property;
 - e) The system is consistent with the permit that was issued for the property.
3. Any altered pumping frequency shall automatically end when the factors upon which the altered requirements are predicated are removed or are no longer applicable.

Section 16. Violations / Penalties / Suspensions.

- A. This Ordinance shall be enforced by action brought before a District Magistrate in the same manner provided for the enforcement of summary offences under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of any provisions of this Ordinance shall, upon conviction in a summary proceeding, pay a fine of not less than Five Hundred (\$500.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars per violation, plus all court costs and reasonable attorney's fees incurred by Washington Township in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offences. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Each section of this Ordinance that is violated shall also constitute a separate violation. Further, the appropriate officers or agents of Washington Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid to Washington Township for its general use.

- B. Any pumper/hauler who has been convicted on two (2) occasions of violations of this Ordinance, or with respect to which final determination has been made by DEP or a Court of competent jurisdiction that there has been a violation of the conditions of the pumper/hauler's DEP permit relating to the handling, treatment, or disposition of septage materials, or of any State law or other Township ordinance governing the operations of the pumper/hauler, shall be barred from operating within Washington Township for a period of not less than six (6) months nor more than two (2) years, as determined by the Board of Supervisors.
- C. The foregoing rights and remedies are in addition to any other rights and/or remedies available to the Township in equity or at law, including but not limited to, assessment of civil penalties as described in the Pennsylvania Sewage Facilities Act.

Section 17. Liens.

- A. The Township, upon written notice from the SEO pursuant to Section 8.D. of this Ordinance that an imminent health hazard exists due to failure of a property owner to maintain, repair, or replace an on-lot sewage disposal system as provided under the terms of this Ordinance, shall have the authority to perform, or contract to have performed, the work to correct or abate the malfunction, and the Owner shall be charged for the work performed and, if necessary, a lien shall be entered thereof against the property in accordance with law.

Section 18. Severability.

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

Section 19. Repealer.

All other ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only and no further.

Section 20. Effective Date

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED by the Supervisors of the Township of Washington,
County of Northampton and Commonwealth of Pennsylvania, into an Ordinance this

9th day of FEBRUARY, 2011.

ATTEST:

By: Gail Putvinski
Gail Putvinski, Secretary

Approved and certified

this 9th day of FEBRUARY, 2011

ATTEST:

By: Gail Putvinski
Gail Putvinski, Secretary

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS

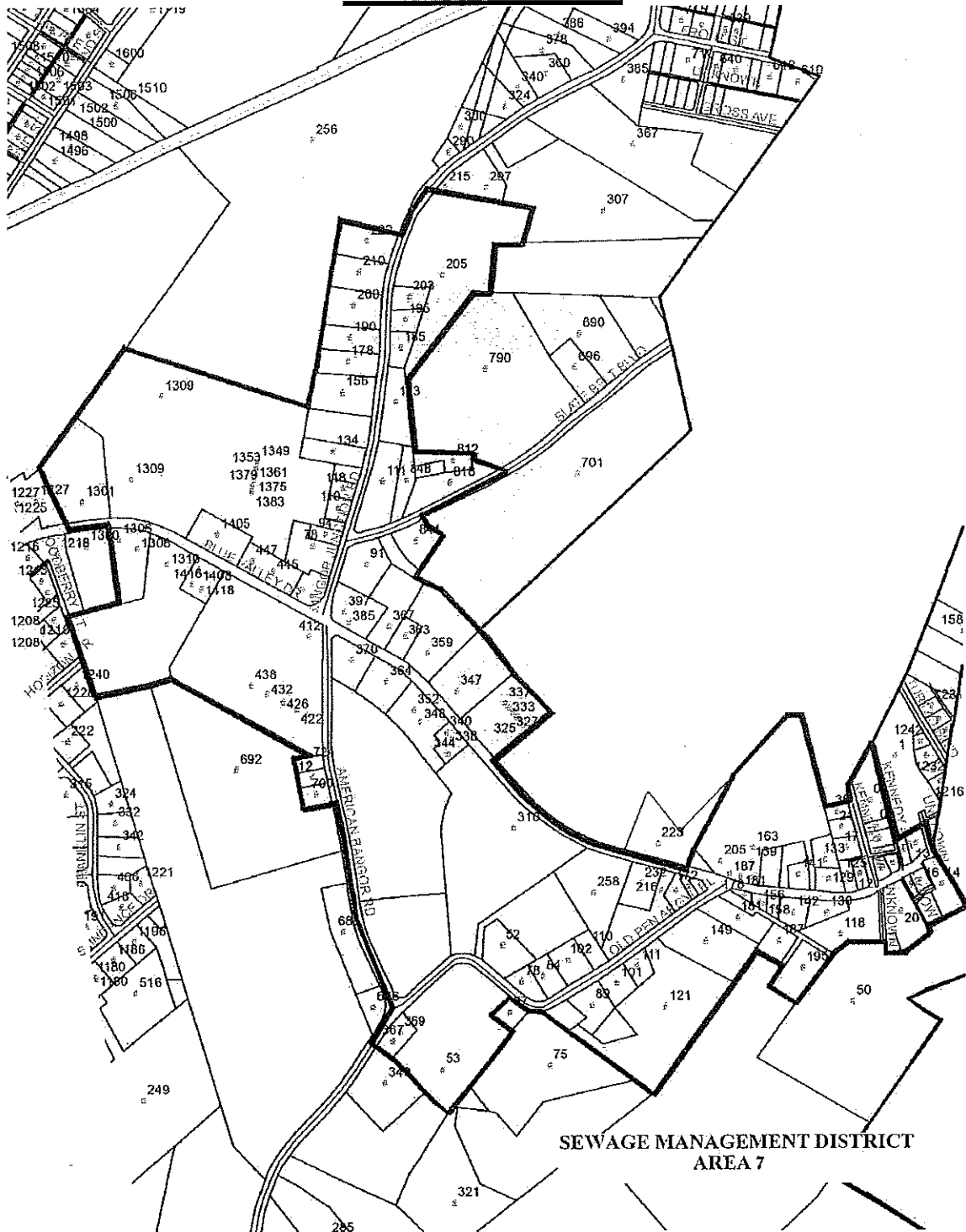
By: _____
David Renaldo, Chairman - ABSENT

By: David Hess
David Hess

By: Daniel Crafa
Daniel Crafa

David Renaldo, Chairman

EXHIBIT A



WASHINGTON TOWNSHIP

1021 Washington Blvd ~ Bangor, PA 18013

Phone 610-588-1524

Fax 610-588-0245

*Application for registration to pump septage within Washington Township,
Northampton County, Pennsylvania.*

Date: _____

FEE: \$25

Company Name: _____

Company Address: _____

Phone: _____

Fax: _____

PA Septage Hauler License # _____

Brief Description of Experience: _____

Disposal Site(s):

Insured By: _____

(Attach a copy of Certificate of Insurance)

Names of Qualified Operator(s):

☐ Applicant's Fee Schedule Attached

Application is hereby made for registration to pump/haul septage within Washington Township, Northampton County, Pennsylvania.

I agree to comply with all rules regulations and requirements of the Washington Township Sewage Disposal Management Ordinance.

Pumper/Hauler Signature

Print/Type Name

WASHINGTON TOWNSHIP

1021 Washington Blvd ~ Bangor, PA 18013

Phone 610-588-1524

Fax 610-588-0245

PUMPER/HAULER REGISTRATION

Registration Number: _____

PA Septage Hauler License # _____

Date Issued: _____

Expiration Date: _____

Issued To: _____

Township Official Signature

WASHINGTON TOWNSHIP

1021 Washington Blvd ~ Bangor, PA 18013

Phone 610-588-1524

Fax 610-588-0245

SEWAGE PUMPING REPORT

Owner: _____

Address: _____ Phone _____

Property Address of Tank(s): _____

Tank: ☐ Septic ☐ Dosing ☐ Holding ☐ Aerobic ☐ Other _____

Capacity _____ gallons

Material: ☐ Concrete ☐ Metal ☐ Plastic

Components: (Lids, baffles, dividers, etc.) ☐ Satisfactory ☐ Unsatisfactory

Risers to Grade: ☐ Yes ☐ No

Back flow from field after pumping: ☐ Yes ☐ No

Inflow from Building noted: ☐ Yes ☐ No

Observation of System malfunction: ☐ Yes ☐ No

If yes what type of malfunction:

Surface Discharge ☐ Lush Grass ☐ Ponding ☐ Other ☐ (describe)

REPAIR REQUIRED ☐ Yes ☐ No

Pumping Date _____

List of Previous maintenance performed (if available): _____

Destination of Septage: Site Name: _____

DEP Permit# _____

PA Septage Hauler License # _____

Township Pumper/Hauler Registration # _____

Expiration Date: _____

Pumper Signature: _____

Date: _____

WASHINGTON TOWNSHIP

1021 Washington Blvd ~ Bangor, PA 18013

Phone 610-588-1524

Fax 610-588-0245

SEWAGE INSPECTION REPORT

Owner: _____

Address: _____ Phone _____

Property Address of System: _____

Number of System Users in the Building: _____ or Number of Occupants _____

Date Tank last pumped _____: Septic ___ Dosing ___ Holding ___ Aerobic ___

___ Copy of MFG. Specs? ___ Copy of Service Agreement? Next Service Date _____

Tank Capacity _____ gallons Tank Material: Concrete ___ Metal ___ Plastic ___

Tank Components: (Lids, baffles, dividers, etc.) Satisfactory ___ Unsatisfactory ___

Risers to Grade: ___ Yes ___ No Inflow from Building noted: ___ Yes ___ No

Observation of System malfunction: ___ Yes ___ No

If yes what type of malfunction:

REPAIR REQUIRED: ___ Yes ___ No

Inspection Date _____

List of Previous maintenance performed (if available): _____

Locate tank(s), riser(s), access hatch(es), pump tank(s), filter(s), D-Box, absorption area, etc.: *(Draw Diagram on Back showing at least 2 fixed points for identified items)*

Sewer Permit # _____ and Date _____ (if available)

___ OWNER / OCCUPANT REFUSED ACCESS FOR INSPECTION

Date _____ Time: ___:___ a.m. / p.m.

Inspector _____
(Print Name)

Inspector's Signature: _____ Date: _____

FEE SCHEDULE:

Sewage Disposal System Management Ordinance Fee Schedule

Section 12. 1. - Pumper/Hauler must register with and pay the required fee to the Township and comply with all reporting requirements established herein;

Application fee Pumper/Hauler **\$ 25**

Section 14. E. - The Board of Supervisors may by resolution establish and revise forms and fee schedules, and authorize the collection of fees to cover the costs of the Township, in administering this Ordinance.

Initial Inspection fee **\$ 100**

Section 15.B.2. - The Township may prescribe reasonable fees with respect to hearings, which may include Notice and Advertising costs and necessary administrative overhead connected with the hearing.

Hearing fee **\$1000**

The applicant shall be responsible for any costs or expenses authorized by this Ordinance, which exceed the initial fee(s) collected and will be billed accordingly.