

**CHAPTER 18**  
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**PART 1**  
**CONNECTIONS**

**A. Definitions.**

**§ 18-101. Definitions. [Ord. 2-1986, 8/1/1986, § 1.01]**

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part 1 shall be as follows:

**AUTHORITY** — Earl Sewer Authority, a Pennsylvania Municipality Authority.

**BUILDING SEWER** — That part of the main building or house drain or sewer line inside the walls of the building and extending through the wall and connecting to the service or house connection.

**IMPROVED PROPERTY** — Any property located within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

**INDUSTRIAL ESTABLISHMENT** — Any improved property located in this Township used wholly or in part for the manufacturing, processing, cleaning, laundering or assembly of any product, commodity or article, or any other improved property located in this Township from which wastes, in addition to or other than sanitary sewage are discharged.

**INDUSTRIAL WASTES** — Any and all wastes discharged from an industrial establishment, other than sanitary sewage.

**LATERAL** — That part of the sewer system extending from a sewer to the grinder pump or, if no such lateral shall be provided, then "Lateral" shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer.

**OWNER** — Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

**PERSON** — Any individual, partnership, company, association, society, corporation or other group or entity.

**SANITARY SEWAGE** — Normal water-carried household and toilet wastes from any improved property.

**SEWAGE COLLECTION SYSTEM** — All facilities, as of any particular time, for collecting, transporting, pumping and disposing of sanitary sewage and/or industrial wastes, owned, maintained and operated by or in behalf of the Authority.

**SEWER** — Any pipe or conduit constituting a part of the sewage collection system used or usable for sewage collection purposes.

**TOWNSHIP** — The Township of Earl, Lancaster County, Pennsylvania, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

## **B. Use of Public Sewers Required.**

### **§ 18-111. Owner to Connect. [Ord. 2-1986, 8/1/1986, § 2.01]**

Unless waived by the Authority for the reason of insufficient reserve treatment capacity, the owner of any improved property located in this Township and accessible to and whose principal building is within 150 feet from the sewage collection system, shall connect such improved property to the sewage collection system, in such manner as this Township and the Authority may require, within 60 days after notice to such owner from this Township and to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established by this Township or the Authority, from time to time.

### **§ 18-112. Limitations and Restrictions. [Ord. 2-1986, 8/1/1986, § 2.02]**

All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under § 18-111, or be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township or the Authority from time to time.

### **§ 18-113. Deposit of Waste Prohibited. [Ord. 2-1986, 8/1/1986, § 2.03]**

1. No person shall place or deposit or permit to be placed or deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of § 18-211.
2. No person shall discharge or permit to be discharge to any natural outlet within this Township any sanitary sewage or industrial wastes in violation of § 18-111, except where suitable treatment has been provided which is satisfactory to this Township.

**§ 18-114. Prohibited Receptacles. [Ord. 2-1986, 8/1/1986, § 2.04]**

1. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a sewer or which shall be required under § 18-111 to be connected to a sewer.
2. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall, at the discretion of this Township, be abandoned and shall, at the discretion of the Township, be cleansed and filled under the direction and supervision of this Township; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the owner of such improved property.

**§ 18-115. Prohibited Connections. [Ord. 2-1986, 8/1/1986, § 2.05]**

No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall, at any time, be connected with a sewer.

**§ 18-116. Notice to Connect. [Ord. 2-1986, 8/1/1986, § 2.06; as amended by Ord. 5-1995, 11/6/1995, § 1]**

The notice by the sewer authority to make a connection to a sewer, referred to in § 18-111, shall consist of a written or printed document requiring such connection in accordance with the provisions of this Part 1 and specifying that such connection shall be made 60 days from the date such notice is given. Such notice may be given at any time after a sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

**C. Building Sewers and Connections.****§ 18-121. Building Sewers. [Ord. 2-1986, 8/1/1986, § 3.01]**

Except as otherwise provided in this § 18-121, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of this Township and the Authority, in writing, shall be been secured.

**§ 18-122. Costs and Expenses. [Ord. 2-1986, 8/1/1986, § 3.02]**

All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save

harmless this Township and the authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.

**§ 18-123. Designated Place of Connection. [Ord. 2-1986, 8/1/1986, § 3.03]**

1. A building sewer shall be connected to a sewer at the place designated by the Authority and where the lateral is provided.
2. The invert of a building sewer at the point of connection shall be the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.

**§ 18-124. Failure to Connect. [Ord. 2-1986, 8/1/1986, § 3.04; as amended by Ord. 5-1995, 11/6/1995, § 2]**

If the owner of any improved property located in this Township and accessible to and whose principal building is within 150 feet from the sewage collection system, after 60 days notice from the sewer authority, in accordance with § 18-111, shall fail to connect such improved property, as required, the sewer authority may make such connection and may collect from such owner the costs and expenses thereof. In such cases, the sewer authority shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the improved property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such improved property to pay said bill, the sewer authority shall file a municipal lien for said construction within six months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

**D. Rules and Regulations Governing Building Sewers and Connections to Sewers.**

**§ 18-131. Individual Disposal System. [Ord. 2-1986, 8/1/1986, § 4.01]**

Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a building sewer.

**§ 18-132. Covering. [Ord. 2-1986, 8/1/1986, § 4.02]**

No building sewer shall be covered until it has been inspected and approved by this Township and the Authority. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.



**§ 18-133. Maintenance. [Ord. 2-1986, 8/1/1986, § 4.03]**

Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

**§ 18-134. Excavations. [Ord. 2-1986, 8/1/1986, § 4.04; as amended by Ord. 5-1995, 11/6/1995, § 3]**

Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the sewer authority.

**§ 18-135. Failure to Remedy Unsatisfactory Conditions. [Ord. 2-1986, 8/1/1986, § 4.05]**

If any person shall fail or refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within 60 days of receipt of such notice, this Township or the Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewage collection system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township and the Authority.

**§ 18-136. Additional Rules and Regulations. [Ord. 2-1986, 8/1/1986, § 4.06; as amended by Ord. 5-1995, 11/6/1995, § 4]**

The sewer authority may adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to the sewage system and its operation.

**E. Declaration of Purpose.****§ 18-141. Declaration of Purpose. [Ord. 2-1986, 8/1/1986, § 7.01]**

It is declared that enactment of this Part 1 is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.



**PART 2**  
**RATES, CHARGES AND REGULATIONS**

**§ 18-201. Definitions. [Ord. 1-1986, -/-/1986, § 1]**

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part 2 shall be as follows:

**AUTHORITY** — Earl Township Sewer Authority, a Pennsylvania Municipal Authority, acting by and through its Board or, in appropriate cases, acting by and through its authorized representatives.

**BILLING UNIT** — Each of the following: (A) "Commercial Establishment," (B) "Dwelling Unit," (C) "Industrial Establishment" and a "Miscellaneous Establishment."

**B.O.D. (BIOCHEMICAL OXYGEN DEMAND)** — The quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at 20° C. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association.

**BUILDING** — A structure built, erected and framed of component structural parts designed for the housing shelter enclosure or support of persons, animals or property of any kind. This definition shall include structures build on-site or any remote location or factory.

**BUILDING SEWER** — That part of the main building or house drain or sewer line inside the walls of the building and extending through the wall and connection to the service line or house connection.

**CELLAR DRAIN** — A protected and trapped drain for the purpose of carrying off sanitary sewage and industrial waste from the basement of a dwelling, factory, laboratory, workshop, or other building, but excluding any drainage resulting from rainwater, springs, wells or other ground or surface water.

**COMMERCIAL ESTABLISHMENT** — Any room, group of rooms, building or enclosure used or intended for use in the operation of one business enterprise for the sale and distribution of any product, commodity, article or service or used or intended for use for any social, amusement, religious, educational, charitable or public purpose and containing plumbing facilities for kitchen, toilet, or washing facilities.

**DWELLING UNIT** — Any room, group of rooms, house trailer, or apartment or other enclosure occupied or intended for occupancy as separate living

quarters by a family or other group of persons living together or by persons living alone.

**GARBAGE** — Solid wastes resulting from preparation, cooking, and dispensing of food and from handling, storage and sale of produce.

**GRINDER PUMP** — A submersible sewage pump with grinding capabilities set in a basin and connected to the sewer system by a service line.

**IMPROVED PROPERTY** — Any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

**INDUSTRIAL ESTABLISHMENT** — Any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of one business enterprise for manufacturing, fabricating, processing, cleaning, laundering or assembling any product, commodity or article from which any process waste, as distinct from sanitary sewage, shall be discharged.

**INDUSTRIAL WASTES** — Any solid, liquid or gaseous substance or waterborne wastes or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

**LATERAL SEWER or SERVICE CONNECTION** — That part of the sewage collection system extending from a street main to the grinder pump or if no such lateral shall be provided, then "Lateral Sewer" or "Service Connection" shall mean that portion of, or place in, a sewer which is provided for the connection of any service line.

**MISCELLANEOUS ESTABLISHMENT** — Any room, group of rooms, building or other enclosure which does not constitute a "Commercial Establishment," "Dwelling Unit," or an "Industrial Establishment."

**MULTIPLE UNIT** — Any improved property in which shall be located more than one billing unit.

**NATURAL OUTLET** — Any outlet into a watercourse, ditch, pond, lake or other body of surface or ground water.

**OWNER** — Any person vested with ownership, legal or equitable, sole or natural, or any improved property.

**PERSON** — Any individual, partnership, company, association, society, corporation, trust, governmental body, political subdivision, municipality, municipal authority or other group or entity.

pH — The logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution indicating the degree of acidity or alkalinity of a substance.

PLUMBING FIXTURE — Any receptacle intended to receive and discharge any liquid, water, or water-carried waste into a service line or house connection.

ppm — Parts per million by weight.

SANITARY FACILITIES — Toilets, sinks or other plumbing fixtures and related piping intended to receive and discharge sanitary sewage into a service line or house connection.

SANITARY SEWAGE — Normal water-carried household and toilet wastes from any improved property.

SERVICE AGREEMENT — The Agreement among New Holland Borough, New Holland Borough Authority, the Authority and the Township providing for the reception, transportation, treatment and disposal of sanitary sewage and industrial wastes from the sewage collection system together with any supplements and amendments from time to time made thereto.

SERVICE OR HOUSE CONNECTION — In regard to the low pressurized sewage system, means that part of the main house drain or sewer line extending from the outer building wall or foundation wall to the grinder pump.

SEWAGE COLLECTION SYSTEM — All facilities, as of any particular time, for collecting and transporting sanitary sewage and/or industrial wastes, acquired, constructed, owned by the Authority.

SEWAGE CONVEYANCE SYSTEM — All facilities, as of any particular time, for transporting sanitary sewage and/or industrial wastes owned by this Authority and leased to the Township.

SEWAGE DISPOSAL SYSTEM — All facilities, as of any particular time, for transporting, treating and disposing of sanitary sewage and/or industrial wastes, owned and operated by the Borough of New Holland or a Hew Holland Municipal Authority.

SEWER — Any pipe or conduit constituting a part of the sewage collection system used or usable for sewage collection purposes.

SOIL PIPE or WASTE PIPE — Any pipe receiving the discharge of one or more plumbing fixtures.

**STORM SEWER or STORM DRAIN** — A pipe or conduit which carries storm, surface water, drainage and certain industrial water discharged such as cooling and air-conditioning waters.

**STREET** — A public way including any highway, street, road, land, court, public square, alley or other passageway.

**SUSPENDED SOLIDS** — Suspended solids as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association.

**TOWNSHIP** — The Township of Earl, Lancaster County, Pennsylvania, a Pennsylvania Municipality, acted by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

**TOXIC SUBSTANCE** — Any poisonous substance, including but not limited to, arsenic, copper, cyanide, chromium, silver, cadmium, lead, nickel, mercury and zinc ions, any phenolic bodies or radioactive isotopes.

**UNDERGROUND GARBAGE** — Garbage that has not been shredded to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than 1/2 inch in any dimension.

**VENT PIPE** — Any pipe extended vertically from a sewer soil pipe or waste pipe to provide ventilation for the system of piping and to prevent siphonage and back pressure.

**WATER SYSTEM** — The facilities owned by any person, company or municipality used for the supply of water to any billing unit connected to the sewage collection system.

**§ 18-202. Sewer Rates and Other Charges. [Ord. 1-1986, -1/1986, § 2]**

1. The Authority shall establish sewer rates and other charges to be imposed upon property owners pursuant to this Part 2.
2. Sewer rates and other charges are imposed upon and shall be collected from the owner of each improved property which shall be connected with the sewage collection system, for use of the sewage collection system, whether such use shall be direct or indirect, which sewer rates and charges shall commence and shall be effective as of the date set by the Authority for the connection of said improved property to the sewage collection system, and shall be payable as provided herein.

**§ 18-203. Computation of Sewer Rates and Other Charges. [Ord. 1-1986, -/-/1986, § 3; as amended by Ord. 5-1995, 11/6/1995, § 5]**

1. Flat Rates for Dwelling Units, Commercial Establishments, Industrial Establishments and Miscellaneous Establishments: Sewer rates and charges for sanitary sewage discharged into the sewage collection system from any improved property constituting a dwelling unit, a commercial establishment, an industrial establishment or a miscellaneous establishment shall be on a flat rate basis for the following classification at the following rates per quarter-annum:

<b>Classification</b>	<b>Equivalent Dwelling Unit(s)</b>	<b>Rates Per Quarter Annum</b>
A. Each Dwelling Unit	1	
B. Rooming Houses		
(1) Per rental room unit	0.4	
(2) Minimum	1	
C. Commercial Establishments		
(1) Each motel or hotel		
(a) per unit or room whenever a restaurant or barroom is conducted in connection with a motel or hotel, a separate sewer rate and charge shall be imposed for such facilities in accordance with the Classification set forth under C(2) and C(3) below	0.2	
(b) Minimum	1	
(2) Each restaurant or other Commercial Establishment which dispenses food or nonalcoholic beverages for consumption on the premises:		
(a) per employee; or	0.1	
(b) per customer seat	0.08	
(c) minimum	1	
(3) Each barroom or other commercial Establishment which dispenses food and alcoholic beverages on the premises:		
(a) per employee; or	0.1	

<b>Classification</b>	<b>Equivalent Dwelling Unit(s)</b>	<b>Rates Per Quarter Annum</b>
(b) per customer seat	0.03	
(c) minimum	1	
(4) Each grocery store:		
(a) per employee	0.1	
(b) minimum	1	
(5) Each drug store or pharmacy:		
(a) per employee	0.1	
(b) minimum	1	
(5) Each retail store:		
(a) per employee	0.1	
(b) minimum	1	
(6) Each service station without washing facilities	1	
(7) Each beauty/hair styling salon:		
(a) per operator's chair	0.5	
(b) minimum	1	
(8) Each barber shop:		
(a) per operator's chair	0.3	
(b) minimum	1	
(9) Each financial institution (banks, etc.)	1	
(10) Each funeral home	1.5	
(11) Each professional office:		
(a) per employee	0.1	
(b) minimum	1	
(12) Recreational Campgrounds		
(a) per space	0.2	
(b) minimum	1	
(13) Each Commercial Establishment not separately classified:		
(a) per employee performing at premises; or	0.1	
(b) per customer seat	0.1	
(c) minimum	1	
D. Miscellaneous Establishments		
(1) Each municipal building	1	



<b>Classification</b>	<b>Equivalent Dwelling Unit(s)</b>	<b>Rates Per Quarter Annum</b>
(2) Each church	1	
(3) Each firehouse	1	
(4) East post office	1	
(5) Each public or private day school per pupil, based upon the daily average number of pupils enrolled on days when the school was in session during the immediately preceding full school term. Teachers and employees shall be classified and treated as pupils for purposes of this Part 2.	0.02	
(6) Each public or private resident school per pupil, based upon the daily average number of pupils enrolled on days when the school was in session during the immediately preceding full school term. Teachers and employees shall be classified and treated as pupils for purposes of this Part 2.	0.3	
<b>E. Each Industrial Establishment with no Industrial Waste:</b>		
(1) per employee	0.1	
(2) minimum	1	

This Authority reserves the right to require or allow any of the above Units or Establishments to pay sewer rentals or charges on the basis of metered rates. In such case, such Units or Establishments shall pay the same sewer rates and charges as are provided under Subsection 2 of this § 18-203. Employees working less than 20 hours per week shall be considered part-time and shall be allocated 0.05 EDU.

2. Metered Rates for Commercial Establishments, Industrial Establishments and Miscellaneous Establishments: Discharging Sanitary Sewage and Industrial Waste. Sewer rates and charges for sanitary sewage and industrial wastes discharged from any improved property constituting a Commercial Establishment, an Industrial Establishment, or Miscellaneous Establishment not enumerated in Subsection 1 of this § 18-203, including, but not limited to, laundromats, car washes, service stations with car washing facilities, bowling alleys, nursing homes, country and private clubs,

photofinishers, theaters, hospitals, swim clubs, dry cleaners and bakers, may be based upon:

A. Volume of water usage, adjusted, if appropriate, as provided in this Part 2, where the volume of water usage shall be metered in connection with the water system or otherwise, or

B. Actual metered volume of discharge, as permitted in this Part 2.

In either of the foregoing cases, such sewer rates and charges shall be computed in accordance with the following metered charge per quarter annum:

#### **Metered Rate Schedule**

0 to 18,000 gallon per quarter

All over 18,000 gallons per quarter

3. Nonmetered Rates for Certain Commercial, Industrial or Miscellaneous Establishments for Discharge of Sanitary Sewage and Industrial Waste. Sewer rates and charges for sanitary sewage and industrial wastes discharged from any improved property constituting a Commercial, Industrial, or Miscellaneous Establishment, when the volume of water usage shall not be metered in connection with the water system or otherwise, and when the actual volume of discharge shall not be metered as permitted in this Part 2, shall be computed in accordance with the Metered Rate Schedule provided herein and shall be based upon an estimate by the Township or the water consumption or said improved property constituting a Commercial, Industrial or Miscellaneous Establishment.
4. Multiple Users.
  - A. The owner of any structure with multiple units and one sewer connection will be billed on the basis of the accumulative sewer rentals or charges applicable to each billing unit as outlined under Subsection 1 of this § 18-203. In no case will the accumulative total be less than 1 EDU.
  - B. The Authority reserves the right to require or allow any owner of a structure with multiple units to pay sewer rentals or charges on the basis of metered rates as provided under Subsection 2 of this § 18-203.
5. Changes in the Flat Rate Classifications. If the use or classification of any improved property shall change during any quarter-annum period the sewer rate and charge shall be adjusted by the Authority by proration on a monthly basis to the nearest calendar month, with a credit or charge, as shall be appropriate under the circumstances, being made on the statement for the next succeeding quarter-annum period.

6. Additional Flat Rate Classifications and Modifications of Flat Rate Classifications. The Authority reserves the right, from time to time, to establish additional flat rate classifications and to establish quarter-annum rates therefor; and the Authority, further reserves the right, from time to time, to alter, modify, revise and/or amend flat-rate classifications and the quarter-annum rates applicable thereto.
7. Special Agreements. Notwithstanding any provision in this Part 2 to the contrary, the authority shall have the right, based upon good reasons and circumstances existing, to enter into special agreements with the owner of any improved property, which improved property shall constitute a Commercial, Miscellaneous or Industrial Establishment, with respect to terms and conditions upon which sanitary sewage and/or industrial wastes may be discharge into the sewage collection system and with respect to payments to be made in connection therewith. In such event, such service and payments with respect thereto shall be governed by terms and conditions of such special agreement.
8. Tapping Fees.
  - A. In establishing tapping fees for nonresidential customers, the sewer authority shall consider the classifications contained in § 18-203.1, the historic water consumption of the property as measured by water meters, and the water consumption of comparable establishments within the vicinity of Earl Township.
  - B. The tapping fee shall be based on the requirements of the Pennsylvania Municipalities Authorities Act, and the number of equivalent dwelling units shall initially be determined by the sewer authority based on one of the following methods: the computation pursuant to § 18-203.1; 125% of the highest average month of water consumption in the past year; or 125% of the highest average monthly water consumption in the past year of a comparable establishment in the vicinity of Earl Township. The selection of the method or combination of methods for this initial determination shall be in the discretion of the sewer authority.
  - C. An adjustment of the tapping fee shall be made after three years of historical water meter readings, and shall be equal to 110% of the highest average month during that three-year period. Any excess tapping fee shall be repaid to the customer at that time. Likewise, the property owner shall pay a supplemental tapping fee based on the 110% figure, if that property owner had paid for too few EDUs.
  - D. All nonresidential customers shall install a water meter to measure that property's consumption of water. The water meter shall be installed no later than the time the property is connected to the sewer system. The owner of the nonresidential property shall record, at a minimum, each month's water consumption.

**§ 18-204. Measuring Volume of Sanitary Sewage and Industrial Wastes for Commercial, Industrial and Miscellaneous Establishments When a Flat Fee is Not Applicable. [Ord. 1-1986, -/1986, § 4]**

1. Methods of Measuring Volume.

- A. Whenever the entire water supply of an improved property, or if applicable, a billing unit or billing units located therein, constituting a Commercial, Industrial or Miscellaneous Establishment, which shall be discharging sanitary sewage and/or industrial wastes into the sewage collection, is supplied by the water system, the volume of water furnished, as determined from meter readings of the water system, shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rates and charges, subject to adjustments, if appropriate, as provided in this Part 2. However, in no case will the rate be less than 1 EDU.
- B. Whenever an improved property or, if applicable, a billing unit or billing units located therein, constituting a Commercial, Industrial or Miscellaneous Establishment, which shall be discharging sanitary sewage and/or industrial wastes into the sewage collection system, shall have a source or sources of water supply in addition to or any other than the water system, the owner of such improved property shall provide a meter or meters on such additional or other source or sources of water supply. The total volume of water consumed, as determined from the meter readings of the water system and the meter readings of the meter or meters on such additional or other source or sources of water supply, or the meter readings of the meter or meters on such other source or sources of water supply, as appropriate, shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing the sewer rates and charges subject to adjustment, if appropriate, as provided in this Part 2.
- C. Whenever an improved property, or, if applicable, a billing unit or billing units located therein, constituting a commercial, industrial or miscellaneous establishment, shall use water from the water system and/or water from a source or sources of supply in addition to or other than the water system for cooling or unpolluted commercial or industrial process purposes, and all or part of the water so used shall not be discharged into the sewage collection system, the volume used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rates and charges may be adjusted by one of the following methods:
  - (1) By installing a meter or other measuring device on the connection to the sewage collection system. The readings from such meter or measuring device shall be used as the measure of

discharge of sanitary sewage and/or industrial wastes in computing sewer rates and charges.

- (2) By installing a meter or other measuring device to measure the volume not being discharged into the sewage collection system. The readings from such meter or measuring device shall be deducted from the total water meter readings and the remainder shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rates and charges.
- (3) If it is not practical, in the opinion of the Authority to install a meter or other measuring device to determine continuously the volume not discharged into the sewage collection system, the Authority shall determine in such manner and by such method as it may prescribe, the percentage of metered water which is being discharged into the sewage collection system. The quantity of water used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rates and charges shall be the percentage so determined of the quantity measured by the water meter or meters. Any dispute as to such estimated percentage shall be submitted to the Authority after notice of such estimate. The decision of the Authority with respect to the matter shall be final for the then current year.

- D. Whenever an Industrial Establishment shall discharge only industrial wastes into the sewage collection system, the volume of water used, measured as herein provided, shall be used as a measure of the quantity of industrial wastes so discharged.
- E. Whenever an Industrial Establishment shall discharge combined sanitary sewage and industrial wastes in the sewage collection system, the volume of water used, measured as herein provided, chargeable as industrial wastes, shall be the total volume of water used, less the volume of water determined to be sanitary sewage.

## 2. Measuring Devices.

- A. Meters or other measuring devices which shall not be available in connection with the water system, but which shall be required or permitted under provisions of this Part 2, shall be furnished and installed in accordance with specifications of the Authority by the owner of the improved property at his expense, shall be under the control of the Authority and may be tested, inspected or repaired by the Authority whenever necessary. The owner of the improved property upon which such meter or other measuring device shall be installed shall be responsible for its maintenance and safekeeping; and all repairs thereto shall be made at the expense of the owner, whether such repairs shall be made necessary by ordinary wear and

tear or other causes. Bills for such repairs, if made by the Authority, shall be due and payable immediately upon completion of such repairs and shall be collected in the same manner as quarterly bills for sewer rates and charges.

**§ 18-205. Time and Method of Payment. [Ord. 1-1986, -/1986, § 5; as amended by Ord. 5-1995, 11/6/1995, § 6]**

1. Sewer Rates and Charges.
  - A. Sewer rates and charges imposed by this Part 2 shall be payable quarterly, unless the sewer authority by motion determines that a particular customer whose use of sewer capacity is so significant that billing on a more frequent basis is appropriate.
  - B. When the sewer authority determines that a customer is to be billed more frequently than on a quarterly basis, that customer shall install an appropriate sewer or water meter and shall be billed on a metered basis. Sections 18-205.2 and 18-205.3 shall not apply to these customers, except that these customers shall be subject to the 10% late charge specified in § 18-205.2.
2. All bills with respect to billing units shall be rendered on the first day of the month following the three calendar months or part thereof in which sewer service was provided to the billing unit. Such bills are payable immediately upon receipt thereof. If not paid within 30 days from the date of such bill, there shall be added to the bill a penalty of 10%.
3. Whenever service to any improved property shall begin after the first day or shall terminate before the last day of any quarterly billing period, sewer rates or charges for such period shall be prorated equitably if appropriate for that portion of the quarterly billing period during which such improved property was served by the sewage collection system.
4. Every owner of an improved property which is connected to the sewage collection system initially shall provide the Township with and shall thereafter keep the Township advised of his correct address. Failure of any person to receive quarterly bills for sewer rates and charges shall not be considered an excuse for nonpayment nor shall such failure result in an extension of the period of time during which the net bills shall be payable.

**§ 18-206. Liens for Sewer Rates and Other Charges: Filing and Collection of Liens. [Ord. 1-1986, -/1986, § 6]**

Sewer rates and other charges imposed by this Part 2 shall be a lien on the improved property connected to and served by the sewage collection system or directed to be connected to the sewage collection system. Any sewer rates and other charges which are not paid within 45 days after the quarterly billing date applicable to the improved property shall be filed as a lien against the improved property

connected to and served by the sewage collection system or directed to be connected to the sewage collection system. Liens shall be filed and collected in the manner provided by law for the filing and collecting of municipal claims.

**§ 18-207. Conditions of Service. [Ord. 1-1986, -/1986, § 7]**

No connection, through which sanitary sewage or industrial waste does or may enter the sewage collection system, shall be constructed, altered, repaired or allowed to exist which does not comply with this Part 2.

**§ 18-208. Application for Service Issuance of Permit and Connection. [Ord. 1-1986, -/1986, § 8]**

1. No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any sewer without first making application for and obtaining a permit, in writing, from the Authority representative. The application shall be accompanied by such connection fee as may be required by the Authority from time to time.
2. Application to the Authority for a permit required hereunder shall be made by the owner of the improved property to be served, in such form as may be prescribed by the Authority. There shall be two classes of building sewer connection permits: (A) those pertaining to sanitary sewage discharge from any improved property; and (B) for service to establishments producing industrial wastes. The connection permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Authority. The specific requirements for industrial waste discharge permits are outlined under § 18-217 of this Part 2.
3. No connection to the sewage collection system shall be made except under the inspection of the Authority. The applicant for the building sewer connection permit shall notify the Authority when the building sewer is ready for inspection and connection to the sewage collection system. The connection shall be inspected by the Authority who shall be notified 24 hours before time for backfilling.
4. The application and its acceptance by the Authority shall constitute, from the date of acceptance by the Authority, a contract obligating the applicant to pay rates and charges established by the Authority from time to time and to comply with this Part 2. Sewer service shall be furnished only after the following:
  - A. The owner of the improved property to be served shall have installed, at his own cost and expense, the service line in accordance with this Part 2; and,
  - B. The Authority has inspected and observed testing of said service line and approve such facilities as complying with this Part 2.

5. Whenever improved property which is connected to the sewage collection system is vacated, the owner shall give prompt written notice to the authority.

**§ 18-209. Individual Service Lines and Connections. [Ord. 1-1986, -/-1986, § 9]**

1. Each improved property shall have its own individual service line. Each side of a double house having a solid vertical partition wall shall be considered a separate property requiring individual sewer connections. Double houses on one deeded lot may be served by a single service line. However, should one side of the house ever be subdivided and deeded separately, individual sewer connections shall be required.
2. Where premises in single ownership consist of more than one building, the Authority reserves the right to determine, under the circumstances of each case, whether each separate building must have its individual sewer connection or whether all buildings together may use a single connection.

**§ 18-210. Maintenance and Repair of Service Lines. [Ord. 1-1986, -/-1986, § 10]**

All service lines shall be maintained and repaired by the owner at the cost of the owner of the improved property. Such repairs shall be subject to the approval and inspection of the Authority. Before the property owner performs any repairs, he or she shall notify the Authority.

**§ 18-211. Access and Inspection. [Ord. 1-1986, -/-1986, § 11]**

This Authority shall have the right to access at reasonable times to any part of any improved property served by the sewage collection system for purposes of inspection, observation, maintenance, replacement, measurement, sampling and testing and for performance of other functions relating to service rendered by this Authority in connection with the sewage collection system and in order to enforce compliance with this Part 2.

**§ 18-212. Responsibility of Owners of Improved Property. [Ord. 1-1986, -/-1986, § 12]**

The owner of each improved property connected to the sewage collection system shall be responsible for all acts of tenants or other occupants of such improved property insofar as such acts shall be governed by provisions of this Part 2.

**§ 18-213. (Reserved) [Ord. 1-1986, -/-1986, § 13; as repealed by Ord. 5-1995, 11/6/1995, § 7]**

**§ 18-214. (Reserved) [Ord. 1-1986, -/-1986, § 14; as repealed by Ord. 5-1995, 11/6/1995, § 7]**



**§ 18-215. (Reserved) [Ord. 1-1986, -/1986, § 15; as amended by Ord. 1989-2, 6/5/1989; and as repealed by Ord. 5-1995, 11/6/1995, § 7]**

**§ 18-216. Standard of Quality. [Ord. 1-1986, -/1986, § 16]**

All construction reconstruction and alterations of Sewer Connections and appurtenances shall be performed in a competent, workmanlike manner in accordance with recognized standards of the plumbing trade and specifications currently on file with the Authority. The Authority in its sole discretion may stop or require reconstruction of, any work not conforming to these standards or specifications.

**§ 18-217. Industrial Waste Regulations. [Ord. 1-1986, -/1986, § 17; as amended by Ord. 1989-2, 6/5/1989; by Ord. 2-1994, 8/1/1994, § 1; and by Ord. 3-2001, 4/4/2001, §§ 1, 2]**

1. All sewage and authorized industrial waste may be discharged to the sewage collection system except those which are deemed harmful to the system or are specifically prohibited by this Section.
2. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sewer. Where such connections or discharges are discovered, the Authority shall direct the Owner to remove the connection and/or stop the discharge contributing the violation flows. In the event such connection is not removed and/or discharge stopped, the Authority shall cause it to be removed at the Owner's expense and may impose a fine of up to \$1,000 for each and every day that such violation exists after notice has been given.
3. No person shall discharge or cause or permit the discharge into the sewage collection system of any sewage, industrial waste or other matter or substance that violates any of the following standards unless a temporary exception has been granted in accordance with the provisions of this Part, or the industrial waste discharge permit provides as a special permit condition an exception to the standards in conjunction with a requirement that the permittee construct a pretreatment facility or institute changes in operation or maintenance procedures that will bring the industrial waste into compliance with the following standards within a period of time. Any sewage, industrial waste or other matter of substance that fails to comply with the following standards shall be prohibited:
  - A. Has a temperature higher than 150° F. or less than 32° F.
  - B. Contains no more than 100 mg/l of fats, oils and greases ("FOG");  
**[Amended by Ord. 2013-08, 9/3/2013]**
  - C. Contains any gasoline, benzene, naphtha, fuel oil, paint products, acid or other inflammable or explosive liquids, solids or gases;

- D. Contains unground garbage;
- E. Contains, but is not limited to, any ashes, cinders, sand, mud, straw, shavings, metals, glass, rags, feathers, tar, plastics, wood, whole blood, paunch, manure, bentonite, lye, building materials, rubber, hair, bones, leather, porcelain, china, ceramic wastes or other solid or viscous substance capable of causing obstruction or other interference with the operation of either the sewage collection system, sewage conveyance system or sewage disposal system;
- F. Has a pH, stabilized, lower than six or higher than nine or has any other corrosive or scale forming property capable of causing damage or hazard to structures, equipment, bacterial action or personnel engaged in either the sewage collection system, sewage conveyance system or sewage disposal system;
- G. Contains a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the sewage disposal system.
- H. Contains total solids greater than 2,000 ppm or of such character and quantity that unusual attention or expense is required to handle such materials in the sewage disposal system;
- I. Contains noxious or malodorous gas or substance which creates a public nuisance.
- J. Contains dye from any source that will not have an effluent the equivalent of that produced by alum coagulation and chlorination to remove suspended or colloidal matter and leach the dissolved dyes;
- K. Contains radioactive substance and/or isotopes of such half-life or concentration as may exceed limits in compliance with applicable State or Federal regulations;
- L. Has chlorine demand in excess of 12 mg/l at a detention time of 20 minutes;
- M. Is prohibited by any permit issued by the Commonwealth of Pennsylvania or the Environmental Protection Agency;
- N. Contains wastes which are not amenable to biological treatment or reduction in existing treatment facilities, specifically nonbiodegradable complex carbon compounds;
- O. Industrial waste having B.O.D. greater than 250 mg/l;

**[Amended by Ord. 2013-08, 9/3/2013]**

- P. Industrial waste having a content of suspended solids greater than 250 mg/l;

**[Amended by Ord. 2013-08, 9/3/2013]**

- Q. Industrial waste sludges having an average daily flow greater than 5% of the average daily sewage flow of either the sewage collection system or the sewage disposal system;

- R. Any substance which may cause the sewage disposal system's sludges or other residues to be unsuitable for composition, reclamation and reuse or disposal by land application for agricultural utilization in normal farming operations in accordance with sludge use or disposal criteria, guidelines, or regulations as are from time to time in effect and being applied and imposed upon the Borough of New Holland by the Pennsylvania Department of Environmental Resources and applicable to such land application of sludge or such other sludge management method being used by the Borough of New Holland.

- S. Any substance that contains in excess of the following concentrations:

**[Amended by Ord. 2013-08, 9/3/2013]**

Parameter	Maximum Concentration mg/l (Appropriate Composite Sample)	Maximum Instantaneous Concentration mg/l (Grab Sample)
Ammonia-Nitrogen, as N	25	50
Arsenic (As)	0.01	0.02
Barium	1.0	2.0
Beryllium (Be)	1.0	2.0
Biochemical Oxygen Demand (BOD)	250	500
Cadmium (Cd)	0.05	0.10
Chromium — Total (Cr)	1.4	2.8
Chromium — Hexavalent (Cr+6)	0.7	1.4
Color (Platinum Cobalt Standard)	75	150
Copper (Cu)	0.7	1.4
Cyanide	0.2	0.4
Fluoride	2.0	4.0
Iron (Fe)	3.0	6.0
Lead (Pb)	0.7	1.4

<b>Parameter</b>	<b>Maximum Concentration mg/l (Appropriate Composite Sample)</b>	<b>Maximum Instantaneous Concentration mg/l (Grab Sample)</b>
Mercury (Hg)	0.04	0.08
Nickel (Ni)	0.3	0.6
Phenols	0.7	1.4
Phosphorus (P)	10.0	20.0
Selenium (Se)	0.01	0.02
Silver (Ag)	0.05	0.10
Tin (Sn)	1.0	2.0
Total Suspended Solids	250	500
Zinc (Zn)	0.12	0.24

No person shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for such adequate treatment as is necessary to achieve compliance with the above set forth limitations. Mass limitations may be imposed on any person determined to be using dilution to meet said limitations.

- T. Any substance that will cause the sewage disposal system's effluent to violate the NPDES (National Pollution Discharge Elimination System) permit under which it operates or the water quality standards established for the pertinent stream or watershed.
- U. Upon promulgation of Federal Categorical Pretreatment Standards for a particular subcategory, the Federal Standards, if more stringent than the limitations imposed by this Part for sources in the subcategory shall supersede the limitations imposed by this Part in accordance with the schedule set forth in this Section.
- V. (Reserved)
- W. Prohibited Discharges. No user shall discharge or cause to be discharged, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the sewer system. These general prohibitions apply to all users whether or not the users are subject to categorical standards or any other pretreatment requirements. No user may discharge any of the following substances into the sewer system:
  - (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious

in any other way to the sewer system or successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. At no time shall the closed cup flashpoint of the wastewater be less than 140° F. 60° C. Prohibited materials include, but are not limited to, the following substances in concentrations which cause exceedance of the above standard: gasoline, kerosene, naphtha, benzene, ethers, alcohols, peroxides, chlorates, perchlorates, bromates and carbides.

- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the sewer system such as, but not limited to, grease, garbage with particles greater than 1/2 inch hair, hide or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud or glass grindings or polishing wastes.
- (3) Any wastewater having a pH less than six or higher than nine, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the sewer system.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other constituents of the wastewater, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the sewage treatment plant, or to exceed the limitation set forth in an applicable categorical standard.
- (5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other substances normally present in the sewer system are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewer system for maintenance and repair.
- (6) Any substance which results in the formation or release of toxic gases, vapors or fumes in a quantity that may cause acute worker health and safety problems.
- (7) Any petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in the amounts that will cause interference or pass through, but in no case exceeding 20 mg/L.

- (8) Fats, oils, greases or waxes of animal or vegetable origin in amounts which exceed 100 mg/L.
- (9) Any substance which may cause the sewage treatment plant's effluent or any other product of the sewage treatment plant, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged into the sewer system cause the sewage treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.
- (10) Any substance which will cause Earl Township to violate its agreement with New Holland Borough for provision of sewer service; or New Holland Borough to violate its NPDES and/or State Water Quality Management Permit or applicable receiving water quality standards.
- (11) Any wastewater with objectionable color which will pass through the sewage treatment plant, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (12) Any wastewater having a temperature which will inhibit biological activity in the sewage treatment plant resulting in interference, but in no case wastewater with a temperature at the discharge into the sewer system which exceeds 40° C. (104° F.).
- (13) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the sewage treatment plant or interfere with the operation of the sewer system.
- (14) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township, New Holland Borough or applicable State or National regulations.
- (15) Any trucked wastewater or pollutants or hauled waste except those discharged at points designated by the Township.
- (16) Any wastewater which is incompatible with treatment processes in use at the sewage treatment plant so as to cause or contribute to interference or pass through.

- (17) Any wastewater containing any compounds or salts of aldrin, dieldrin, endrin, lindane, methoxychlor, toxaphene, dichlorophenoxyacetic acid, trichloro-phenoxypropionic acid or other persistent herbicides, pesticides or rodenticides.
- (18) Any infectious waste.
- X. Unauthorized Discharges. Discharge of any prohibited substance listed under Subsection W of this Section shall be considered an unauthorized discharge and the Township may take whatever steps are necessary to halt such a discharge, as set forth in this Part.
- Y. Categorical Standards. If the categorical standards for a particular industrial user are more stringent than local limits or other requirements imposed under this Part, then the categorical standards shall apply. The Township shall notify in writing all affected industrial users of the applicable reporting requirements under 40 CFR 403.12. The National Categorical Pretreatment Standards are hereby incorporated into this Part as requirements for those industrial users subject to such categorical standards.
- Z. State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than National requirements or limitations or those established under this Part.
- AA. Local Limits. The Township may establish and review, from time to time, local limits regulating the discharge of specific pollutants by industrial users:
  - (1) Local limits may be established for any substance which is discharged, or is likely to be discharged, to the sewer system.
  - (2) Local limits may limit concentration, mass or a combination of the two.
  - (3) The procedure for the calculation of local limits should be as recommended by the approval authority.
  - (4) Local limits may be calculated to prevent interference; pass through; the discharge of toxic materials in toxic amounts; threats to worker health and safety; and physical, chemical or biological damage to the sewer system.
  - (5) Local limits may be applied to all significant industrial users and may be included in all wastewater discharge permits. Local limits may be applied to other industrial users if deemed appropriate by the Township.
  - (6) Discharging any pollutant in excess of a local limit established for that pollutant shall constitute an unauthorized discharge.

Such a discharge is subject to the actions and penalties set forth herein.

- (7) Discharge of any pollutant prior to the establishment of any local limit shall not give any industrial user any right to continue such discharge in violation of the local limits.
- BB. Prohibition on Dilution. No industrial user shall, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in applicable categorical standards, or in any other pollutant-specific limitation, including local limits, developed by the Township or State.
- CC. Slug Loads and Spills. Each industrial user shall provide protection from spills or accidental discharges that result in unauthorized discharges or slug load discharges. Facilities to prevent spills and slug loads shall be provided and maintained at the owner's or industrial user's own cost and expense.
- (1) Notification. In the case of a spill or slug load or other unauthorized discharge, it is the responsibility of the industrial user to immediately telephone and notify the Township of the incident. The notification shall include location of discharge, type of waste, concentration and volume, corrective actions being taken or planned and expected duration.
  - (2) Notice to Employees. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a spill or other unauthorized discharge. Employers shall insure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.
  - (3) Written Notice. Within five days following a spill, slug load or other unauthorized discharge, the industrial user shall submit to the Township a detailed written report describing the cause of the discharge and the measures to be taken by industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the sewer system, fish kills or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties or other liability which may be imposed by this Part or applicable law.
  - (4) SPCC Plans. The Township reserves the right to require all industrial users to complete and obtain approval of a spill prevention control and countermeasure (SPCC) plan, or provide acceptable evidence that such a plan is not necessary for their



facility. Such plans shall, at a minimum, contain the elements specified in 40 CFR 403.8(f)(2)(v)(A) through (D). SPCC plans shall be submitted to the Township for review, and shall be approved by the Township before implementation of the plan or construction of any required facilities. Review and approval of such plans, facilities and operating procedures by the Township shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of this Part.

DD. Drainage of Water Filtration Systems. Discharge of filter backwash water to the sewer system shall be regulated as follows:

- (1) Granular media filter backwash water may be discharge to the sewer system, subject to all of the applicable provisions of this Part.
- (2) Diatomaceous earth filter backwash, if discharged to the sewer system, shall be connected to the sewer system through settling tanks with no less than three months storage capacity of spent diatomaceous earth, which tanks shall be accessible for removing solid waste for disposal.

EE. Trucked and Hauled Wastes. No discharge of trucked or hauled wastes to the Township sewage collection system shall be allowed. No holding tank waste shall be discharged into the Township sewage collection system. No wastewater may be discharged to the sewer system which has not been produced or generated on the improved property connected to the sewer system, without the prior express written consent of Township.

FF. Grease and Sand Traps. Grease, oil and sand interceptors or traps shall be provided by a user when the Township determines that such devices are necessary for the proper handling of wastewaters containing greases, oils or settleable solids. Interceptors and traps shall be installed, operated, maintained and cleaned properly, so that they will consistently remove the grease, oil or settleable solids. Interceptors and traps shall be properly designed to accommodate the maximum flow rate expected to occur, and shall be located as to be readily and easily accessible for cleaning and inspection.

GG. Garbage Grinders. The use of mechanical garbage grinders producing a finely divided mass, properly flushed with an ample amount of water, shall be permitted in the kitchen of a dwelling unit. Such devices shall also be permitted in food preparation areas of commercial or industrial establishments upon the registration of each such device with the Township. Each existing garbage grinder requiring registration shall be registered within 30 days of receipt by

the owner thereof from the Township of the requirement of such registration as set forth herein.

HH. Notification Requirements; Hazardous Wastes and Hazardous Substances.

- (1) All industrial users shall notify the Township, the EPA Regional Waste Management Division Director, and the Pennsylvania Department of Environmental Resources, Bureau of Waste Management, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261. Such notification shall include the name of the hazardous waste, as set forth in 40 CFR, Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month, the notification shall also include the following information, to the extent that it is known and readily available to the industrial user:
  - (a) An identification of the hazardous constituents contained in the waste.
  - (b) An estimation of the mass and concentration in the wastewater of all such constituents discharged in the most recent months.
  - (c) An estimate of the mass and concentration of such constituents expected to be discharged during the following 12 months.
- (2) Industrial users that commence discharge after the effective date of this Part shall submit the report within 180 days of first discharge of the hazardous waste, except as provided in Subsection (4) of this Subsection HH.
- (3) The required report need be submitted only once for each hazardous waste discharged. Industrial users regulated under categorical standards which have already submitted such information in baseline monitoring reports or periodic compliance reports do not have to report this information again.
- (4) Industrial users that discharge less than 15 kilograms of hazardous wastes in a calendar month do not have to comply with these reporting requirements. This exemption does not apply to acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e).

- (5) An industrial user shall notify the Township immediately of becoming aware of any discharges of reportable quantities of listed or unlisted hazardous substances, as defined at 40 CFR 302.4 (CERCLA Hazardous Substances). This notification shall include the time of release; the name of the substance; the identifying CAS number, if known; and the approximate quantity discharged. If the discharge constitutes a spill, change in wastewater constituents or slug load, other reporting requirements of this Part may also apply.
  - (6) Each notification required by this Section shall include a statement certifying that the industrial user has a program in place to reduce the volume and/or toxicity of the discharged wastes to the extent that it is economically practical. This statement shall be signed by the authorized representative of the industrial user.
4. If any waters or wastes are discharged, or are proposed to be discharged to the sewage collection system, which waters contain the substances or possess the characteristics enumerated in this section and which, in the judgment of the Authority may have a deleterious effect upon either the sewage collection system, sewage conveyance system or sewage disposal system, or sludge management and disposal method being used, or which otherwise create a hazard to life or constitute a public nuisance, the Authority may, upon giving written notice to the discharger:
  - A. Reject the waste;
  - B. Require pretreatment to reduce characteristics to maximum limits permitted by these regulations;
  - C. Require control over the quantities and rates of discharge;
  - D. Require immediate discontinuance of the waste discharge until such time as it meets the requirements of these regulations.

Any person so notified shall immediately stop or eliminate the discharge. In the event the discharger shall fail to comply with the notice, the Authority shall take such actions as are deemed reasonably necessary to prevent or minimize damage to the sewage collection system, sewage conveyance system or sewage disposal system, or danger to persons or property, including, where in the opinion of the Authority the danger is clear, present and substantial, immediate severance of the discharger's sewer connection to the sewage collection system.
5. Nothing contained in this Section shall be construed as prohibiting any special agreement or arrangement between the Authority and any person whereby industrial waste or unusual strength or character may be admitted into the sewage collection system by the Authority.

6. Grease, oil and sand interceptors or traps shall be provided where, in the opinion of the Authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, and/or other harmful ingredients. All interceptors shall be of a type and capacity acceptable to the Authority and shall be located as to be readily and easily accessible for cleaning and inspection.
7. Where preliminary treatment or flow-equalizing facilities are approved for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense, and shall be accessible to the Authority for inspection and testing.
8. Records shall be prepared and maintained by all persons who generate industrial wastes that are removed from the generator's sewage flow by pretreatment and stored for later disposal. Such records shall detail the type and volume of wastes removed by pretreatment and details for each disposal of any of the stored wastes, the identity of the person(s) disposing of the waste, the date and volume of the wastes removed, and the date, manner and place of the wastes' final disposal. The records shall be subject to inspection by the Authority and his authorized representatives and shall be maintained for not less than two years from the date prepared. The Pennsylvania Department of Environmental Resources Hazardous Waste Manifest properly prepared and maintained shall be acceptable to meet this requirement.
9. Temporary.
  - A. This subsection provides a method for industrial waste discharges subject to the wastewater concentration standards of § 18-217.3S to apply for and receive a temporary exception to the discharge level for one or more of the regulated substance concentrations. Applications for a temporary exception may be filed with the Authority at any time unless the same or a substantially similar application was submitted within the preceding year and was denied. All applications shall be in writing and shall contain sufficient information for evaluation of each of the factors, required to be considered by the Authority pursuant to Subsection B hereof. The application shall be accompanied by a filing fee as set by the rules and regulations of the Authority and shall be acted upon by the Authority within 60 days of filing.
  - B. The Authority shall review and evaluate all applications for a temporary exception and take into account the following factors as well as such others as he may deem relevant:
    - (1) Consider whether or not the applicant is subject to a National Pretreatment Standard containing discharge limitations more stringent than those in § 18-217.3S and grant an exception only if such exception may be granted within limitations of applicable federal or state regulations;

- (2) Consider whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of § 307(a) of the Act (33 U.S.C. § 1371), and then grant an exception only if such exception may be granted with the limitations of applicable federal regulations;
- (3) Consider whether or not the granting of an exception would create conditions that would reduce the effectiveness of the sewage disposal system, taking into consideration the concentration of such pollutant in the sewage treatment plant's influent and the design capability of the sewage treatment plant and not grant the exception if effectiveness may be significantly impaired.
- (4) Consider whether or not the granting of an exception might cause the sewage disposal system to violate the limitations in its NPDES permit taking into consideration the concentration of the pollutant in the sewage treatment plant's influent and the demonstrated ability of the sewage treatment plan to consistently remove such pollutant and not grant an exception if the NPDES permit would be violated.
- (5) Consider whether or not the granting of an exception would cause elements or compounds to be present in the sludge of the sewage disposal system which would prevent sludge use or disposal by the New Holland Borough by land application for agricultural utilization or such other sludge management or disposal method the Borough of New Holland intends to utilize, and deny the exception if the sludge use of disposal would be impaired unless the applicant agrees, and post adequate security to insure that applicant will bear any and all additional costs of sludge disposal that may result from the grant of the temporary exception;
- (6) Consider the cost of pretreatment or other types of control techniques which would be necessary for the discharger to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception;
- (7) Consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of industrial waste discharges.
- (8) Consider the process employed by the discharger and process changes available which would affect the quality or quantity of industrial waste discharges.

- (9) Consider the engineering aspects of various types of pretreatment of other control techniques available to the discharger to improve the quality or quantity of industrial waste discharge.
  - (10) Consider an application for an exception based upon the fact that water conservation measures instituted by the discharger or proposed by the discharger result in a higher concentration of particular pollutants in the industrial waste discharge of the discharger without increasing the amount of mass of pollutants discharged. To be eligible for an exception under this subparagraph, the applicant must show that, except for water conservation measures, the applicant's discharge has been or would be in compliance with the limitations on industrial waste concentration set forth in § 18-217.3S; provided, however, no such exceptions shall be granted if the increased concentration of pollutants in the applicant's industrial waste would have a significant adverse impact upon the operation of the sewage disposal system. In evaluating an application for a temporary exception, the factors set forth in § 18-217.3A, B, C, D, E and J shall be mandatory and must all be resolved in favor of the grant of an exception before an exception can be granted and shall not be overridden by any resolution of the remaining factors that may be favorable to the grant of an exception. In granting an exception the Authority shall fix the expiration date of the exception and may attach such reasonable conditions as it deems necessary to implement the purposes of the sewer regulations. If the grant of an exception would result in the Authority incurring increased costs, the Authority may condition the grant upon the Applicant's payment of those costs.
- C. The Authority shall not grant an exception unless the applicant shall demonstrate that he is utilizing good management practices as are necessary and reasonable under the circumstances to prevent or reduce his contribution of pollutants to the sewage collection system. Good management practices include but are not limited to preventive operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, and other management practices to reduce the quality or quantity of effluent discharged and to control plant site runoff, spillage, leaks and drainage from raw material storage.
- D. Any exception granted pursuant to this section shall be temporary and shall not confer any vested right in the permittee to the continuation of the exception for any period of time beyond the duration of time set forth in the exception as granted by the Authority; or,

- (1) Such earlier period as may result from the grant of a temporary exception to another applicant where the grant to the other applicant(s) requires a revision of any previously approved exception in order that the combined effect of all exceptions granted would not result in industrial waste discharges that would fail to comply with the mandatory standards for the grant of an exception set forth in Subsection 2 of this section, it being the intent of this subsection that the grant of a temporary exception to one applicant shall not operate to prevent the grant of an exception to other applicants but rather that the Authority should attempt to effect an equitable allocation among similar industrial waste contributors; or,
- (2) Such earlier period as shall result from any revision of this Part imposing more stringent limitations or requirements on industrial waste discharges to the sewage collection system where the effect of the revision on an approved exception is that it would not have been granted in its present form.

In the event an exception is subject to early termination pursuant to Subsection (1) or (2) above prior to the termination date set forth in the notice that result from a reallocation of the industrial waste concentration parameters among all grantees of a temporary exception, or the new or revised regulations.

10. Industrial Waste Discharge Permit; Fee.

- A. Prior to discharging any industrial waste to the sewage collection system, the Owner of the improved property from which such discharge is proposed to be made shall apply to the Authority in writing for a permit to make such discharge.
- B. Application shall be made on discharge permit application forms furnished by the Authority, which forms shall contain all pertinent data including, but not limited to, estimated quantity of flow, character of waste, maximum rate of discharge and pretreatment facilities, together with any other information considered pertinent in the judgment of the Authority.
- C. The application shall be accompanied by such tapping or connection fee as may be required by the Authority from time to time.
- D. An industrial waste discharge permit shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The discharger shall apply for permit reissuance a minimum of 180 days prior to the expiration of the discharger's existing permit. The terms and conditions of the permit shall be subject to modification by the Authority during the term of the permit as discharge limitations

or requirements as identified in this Part are modified or other just cause exists. This discharger shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- E. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the Industrial Waste Discharge Permit of dischargers subject to such standards shall be revised to require and impose conditions to insure compliance with such standard within the time frame prescribed by such standard. Where discharger, subject to a National Categorical Pretreatment Discharge permit as required by § 18-217.3, the discharger shall apply for an Industrial Waste Discharge Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, a discharger with an existing Industrial Waste Discharge Permit shall submit to the approving authority within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard, on forms to be provided by him, the information required by 40 CFR 403.12(b) and the compliance schedule required by Subsection (c) of that section. Within 90 days following the date for final compliance with applicable Pretreatment Standards, or, in the case of a new discharger, following commencement of discharge to the sewage system, any discharger of industrial waste subject to Pretreatment Standards shall submit a report to the Authority upon forms to be provided by him containing the information required by 40 CFR 403.12(d) and thereafter semiannually in the months of June and December the report required by 40 CFR 403.12(e).
- F. Industrial Waste Discharge Permits may, when determined by the Authority to be necessary for the proper and efficient operation of either the sewage collection system, sewage conveyance system or sewage disposal system, contain any of the following as special permit conditions:
- (1) An exception to the discharge standards set forth in § 18-217 but only upon the conditions as therein set forth;
  - (2) Limits on the average and maximum wastewater constituents and characteristics.
  - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
  - (4) Requirements for installation and maintenance of inspection and sampling facilities;



- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of discharge reports;
- (8) Requirements for maintaining and retaining plant records relating to industrial waste discharge as specified by the Authority and affording access thereto;
- (9) Requirements for notification of the Authority or any new introduction of industrial waste constituents or any substantial change in the volume or character of the industrial waste constituents being introduced into the sewage collection system;
- (10) Requirements for notification of sludge discharges;
- (11) Other conditions as deemed appropriate by the Authority to ensure compliance with this Part.

G. In the case of complete separation of sanitary sewage from industrial wastes within an establishment, with the sanitary sewage only discharged to the sewage collection system, no discharge permit fee shall be imposed in that portion of the flow going to the sewage collection system.

11. Industrial Waste Contribution Report.

- A. Ten days prior to the first day of March, June, September, December, each major contributor of industrial waste shall file with the Authority a report on the quality and quantity of their discharge. The report forms shall be supplied by the Authority and shall be similar to EPA 7550-22, page IV-1.
- B. Major contributions shall consist of those whose total discharge exceed 50,000 gallons per day, has in its waste a toxic pollutant or in the judgment of the Authority would have a significant impact on the qualities of the effluents or sludges of the sewage disposal system.

12. Sampling, Flow Measurements, Testing and Inspection.

- A. When required by the Authority, the owner of any improved property serviced by a building sewer carrying industrial waste shall install at his expense a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the waste.

- B. All measurements, tests and analyses of the characteristics of industrial wastes to which reference is made in this section shall be determined in accordance with the last edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association and shall be determined by or under the direct supervision of quality analyst at the control manhole provided, or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the grinder pump sump. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage disposal system and to determine existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples be taken.
- C. The owner of any improved property connected to the sewage collection system shall provide the Authority and its representatives and agents the opportunity of access at any time to any part of any improved property served by the sewage collection system as shall be required for purposes of inspection, measurement, complying and testing and for performance of other functions relating to service rendered by the Authority in regard to the sewage collection system.

**§ 18-218. Sewage and Industrial Waste Surcharges.<sup>1</sup> [Ord. 2013-03A, 4/1/2013; as amended by Ord. 2013-05, 5/6/2013]**

There are hereby imposed upon all Township users of the sewer system the following sewage and industrial waste surcharges:

- A. Calculation of Surcharge Amount. Any improved property and/or industrial user which discharges sewage and/or industrial waste into the sewer system which contains pollutants in excess of the limits set forth in § 217 of this Part shall pay a strength of waste surcharge, in addition to the applicable sewer rental charge, equal to the sum of 1/10 of 1% for each milligram per liter (mg/l) by which the said limits for biochemical oxygen demand, total suspended solids, total phosphorus, and ammonia-nitrogen are exceeded. The surcharge factor shall be multiplied by the sewer base rate to calculate the surcharge amount. The surcharge shall be applicable to billings for sewer service in accordance with the provisions of Part 2, §§ 201 through 218.
- B. Determination. In establishing sewage and industrial waste strength for surcharge purposes, an analysis shall be made with procedures outlined in the latest edition of Standard Methods. The strength of sewage and industrial waste to be used for calculating the amount of the surcharge shall be determined each invoicing period:

<sup>1</sup>Editor's Note: Section 18-218 was formerly a reserved section and was annotated with the following history: "Ord. 1-1986, -/1986, § 18; as amended by Ord. 1989-2, 6/5/1989; and by Ord. 4-1996, 7/1/1996, § 2."

- (1) By suitable samples to adequately determine the discharge strength and analysis of the sewage or industrial waste for twenty-four-hour periods sufficient to represent the quality of discharge.



**PART 3**  
**NONPUBLIC SEWER SYSTEMS**

**§ 18-301. Requirements. [Ord. 36, 6/5/1984]**

1. The Developer shall provide the subdivision or land development with a complete sanitary sewer system to be connected with the Township's sanitary sewer system as specified by the Township.
2. The drawings for the installation of the sanitary sewer system shall be prepared by the Developer and approved by the Township, with the concurrence of the Department of Environmental Resources.
3. Prior to the covering of the sewer lines, the Developer shall notify the Township for an inspection and approval of the completed system.
4. Where the Township's or other municipal or private sewer system is not readily accessible to a subdivision or land development, the Developer shall utilize one of the following methods of sewage disposal:
  - A. The installation of a complete private sanitary sewer system to convey the sewage to a private treatment plant to be provided by the Developer in accordance with the minimum standards approved by the Department of Environmental Resources with adequate provisions for the maintenance and continuance thereof; or
  - B. The utilization of private sewage disposal systems or individual lots consisting of septic tanks and tile absorption fields or other approved sewage systems when planned in accordance with the minimum standards approved by the Department of Environmental Resources.
5. In areas of the Township not presently served by public sewers, but which in the opinion of the Township Supervisors, public sewers are to be installed within a reasonable amount of time based on an active preliminary engineering study and/or related studies, the Supervisors shall require that capped sewer mains and lateral connections to each lot be installed. When capped sewers are required, on-site supply and disposal facilities shall also be provided.
6. Upon the completion of the sanitary sewer system, one copy of the drawings for the system as constructed shall be filed with the Township.

**§ 18-302. Permit Fees for Sewage Systems. [Ord. 36, 6/5/1984]**

The following fees are established and imposed for each person, partnership, corporation or other party, hereinafter referred to as "Applicant", who seeks to obtain a permit to install on-lot sewage disposal systems:

1. Residential dwelling involving the installation of a new or repair sewage system or the renewal or reissuance of a revoked or expired sewage permit — \$50.
2. Commercial, industrial or institutional structure involving the installation of new or repair sewage system or the renewal or reissuance of a revoked or expired sewage permit — \$50.

**§ 18-303. Percolation Tests and Deep Probe Inspections. [Ord. 36, 6/5/1984]**

The following fees are established and imposed for each Applicant who requests the Sewage Enforcement Officer to perform percolation tests and/or deep probe inspections:

1. Percolation Tests. The testing of not more than six percolation holes per lot — \$75.
2. Deep Probe Inspection. No additional charge.

**§ 18-304. Testing Necessary for Planning Module for Land Development and Subdivisions. [Ord. 36, 6/5/1984]**

The following fees are established and imposed for each Applicant who requests the Sewage Enforcement Officer to perform tests and/or make inspections relative to Planning Modules for Land Development and Subdivisions:

1. Percolation Tests. The testing of not more than six percolation holes — \$75. For each additional hole beyond six — \$12.50.
2. Deep Probe Inspections. Ten dollars for each probe hole read or inspected.
3. Module. Twenty dollars.

**§ 18-305. Compensation of Sewage Enforcement Officers. [Ord. 36, 6/5/1984; as amended by Ord. 4-1993, 6/7/1993, § 1]**

The Earl Township Sewage Enforcement Officer shall receive the following compensation for his services in consideration for performing the duties and the responsibilities in §§ 18-301, 18-302 and 18-303, inclusive, of this Part.

1. Fees. The Sewage Enforcement Officer shall receive a sum of money equal to the total of all fees collected by Earl Township pursuant to §§ 18-301 through 18-303, inclusive, of this Part.

2. Additional Compensation. The Sewage Enforcement Officer shall receive compensation as determined by the Board of Supervisors from time to time by resolution. In consideration of this additional compensation, the Sewage Enforcement Officer shall perform and be responsible for the following:
  - A. Be available at least one hour per day to set up test appointments, final inspections and answer questions.
  - B. Review planning modules for land development and aid applicant in completing module.
  - C. When and where necessary, meet applicant at site before testing is considered.
  - D. When and where necessary, give more than one final inspection.
  - E. Visit the site before installation is started when requested by the installer.
  - F. Other activities not covered by this Part.

**§ 18-306. Charges for Which Applicant is Responsible in Addition to Established Fees. [Ord. 36, 6/5/1984]**

In addition to the fees for which any Applicant is responsible in accordance with §§ 18-301 through 18-303, inclusive, of this Part, said Applicant shall be responsible directly for the following to the person performing the work or service:

1. Design work relative to any sewage disposal system;
2. Charges made by backhole operations;
3. The cost of any professional services performed by engineers, soil scientists or geologists rendered relative to providing soil information and opinions.

**§ 18-307. Providing of Water. [Ord. 36, 6/5/1984]**

Applicant shall supply any water necessary for testing if the terrain or other conditions are such that the Sewage Enforcement Officer is unable to reasonably transport water to the testing site.

**§ 18-308. Payment of Fees. [Ord. 36, 6/5/1984]**

All fees and charges required to be paid by the Applicant pursuant to this Part shall be paid prior to the performance of the designated services by the Sewage Enforcement Officer and all checks or money orders shall be made payable to the Township of Earl.

**§ 18-309. Miscellaneous. [Ord. 36, 6/5/1984]**

The Sewage Enforcement Officer shall submit a complete report each month covering the receipt and remittance of fees.



PART 4  
HOLDING TANKS

**§ 18-401. Title. [Ord. 2017-01, 1/3/2017, § 1]**

This Part shall be known as the "Earl Township Holding Tank Ordinance."

**§ 18-402. Purpose. [Ord. 2017-01, 1/3/2017, § 1]**

The purpose of this Part is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage, whether from residential or commercial uses, and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of Earl Township.

**§ 18-403. Definitions. [Ord. 2017-01, 1/3/2017, § 1]**

Unless the context specifically and clearly indicates otherwise, the meanings of terms used in this Part shall be as follows:

**APPLICANT** — Any person who filed an application with the Township for approval to install a holding tank.

**BOARD OF SUPERVISORS** — The Board of Supervisors of Earl Township, Lancaster County, Pennsylvania, or any person designated by the Board of Supervisors to perform such duties.

**DEPARTMENT** — The Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

**HOLDING TANK** — A watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water-carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

**IMPROVED PROPERTY** — Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

**OWNER** — Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

**PERSON** — Any individual, partnership, company, association, corporation, trust, or other group or entity.

**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 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 any substance which constitutes pollution under the Clean Streams Law, 35 P.S. § 691.1 et seq.

**SEWAGE ENFORCEMENT OFFICER** — The Sewage Enforcement Officer of the Township.

**TOWNSHIP** — Earl Township, Lancaster County, Pennsylvania. The term "Township" shall be interpreted to include a contractor or other designee of the Township.

**§ 18-404. Rights and Privileges Granted. [Ord. 2017-01, 1/3/2017, § 1]**

The Board of Supervisors is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal, and sewage collection and transportation thereof.

**§ 18-405. Rules, Regulations and Agreements. [Ord. 2017-01, 1/3/2017, § 1]**

The Board of Supervisors is hereby authorized and empowered to adopt by resolution such rules and regulations concerning sewage and to enter into such agreements as it may deem necessary from time to time to effect the purposes herein.

**§ 18-406. Conformance of Rules and Regulations with Applicable Law Required. [Ord. 2017-01, 1/3/2017, § 1]**

All such rules and regulations adopted by the Board of Supervisors shall be in conformity with the provisions herein, all other ordinances of the Township, all other applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania. The Board of Supervisors hereby adopts the regulations of the Department found in Title 25, Chapters 71 and 73, of the Pennsylvania Code governing retaining tanks and the regulations governing the design, installation, and use of holding tanks within the Township.

**§ 18-407. Rates and Charges. [Ord. 2017-01, 1/3/2017, § 1]**

The Board of Supervisors shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges relating to the use and maintenance of holding tanks at reasonable and uniform rates as authorized by applicable law.

**§ 18-408. Exclusiveness of Rights and Privileges. [Ord. 2017-01, 1/3/2017, § 1]**

The collection and transportation of all sewage from any holding tank shall be done by a licensed hauler hired by the owner and approved and authorized by the Township, or under the direction and control of the Board of Supervisors, and the disposal thereof shall be made only at such site or sites as may be approved by the Department.

**§ 18-409. Conditions of Holding Tank Use. [Ord. 2017-01, 1/3/2017, § 1]**

All applicants who desire to install a holding tank shall meet all of the following requirements:

1. The record owner of the lot on which the holding tank is to be installed and, if different, the applicant, shall enter into an agreement with the Township, in recordable form, providing for the long-term maintenance of the holding tank which grants the Township the right to enter upon the property; to inspect such holding tank not less than once each year and, in addition, whenever the Township receives a complaint or otherwise has reason to believe that such holding tank is not functioning properly; to maintain the holding tank if the landowner fails to do so; and to recover the cost of any maintenance performed, plus a penalty of 25% of such cost from the landowner. The agreement shall specifically authorize the Township to file a municipal claim against the property to recover costs, penalties and fees; and shall specifically state that its provisions are binding upon the landowner executing the agreement and upon all successive owners of the property until the holding tank is removed and the improved property is connected to a public sewer system owned and operated by a governmental entity.
2. The applicant shall post financial security with the Township to secure the future maintenance of the holding tank and payment of costs of annual inspection of such system. The amount of the financial security shall be based upon the estimated cost to maintain the particular holding tank chosen by the applicant. The financial security shall be posted through an irrevocable letter of credit in a form acceptable to the Township Solicitor or in a cash escrow which the Township shall maintain in a non-interest-bearing account. The Township shall not release such financial security until one or more of the following conditions occur:
  - A. The owner provides the Township with acceptable alternative financial security.
  - B. If the holding tank serves an improved property which was provided with water under pressure at the time of holding tank installation, the owner removes the holding tank, and the improved property is connected to a public sewer system owned and operated by a governmental entity.
  - C. If the holding tank serves an improved property which did not have water under pressure at the time of holding tank installation, the owner installs water under pressure, removes the holding tank, and connects the improved property to an approved on-lot sewage disposal system.
  - D. If the owner removes a holding tank from land which is not an improved property (i.e., removes a holding tank installed on a temporary basis to serve a public gathering, construction site, etc.).

3. The applicant shall demonstrate to the Township that the proposed holding tank meets all applicable Department regulations and that the applicant has obtained all necessary approvals and permits.
4. Special conditions for holding tanks shall be incorporated in the permit application and permit for the proposed use of a holding tank.
5. The applicant shall reimburse the Township for all costs incurred in the preparation of the agreement and its recording.
6. The applicant shall pay all costs associated with the yearly inspection of the holding tank.

**§ 18-410. Duties of Improved Property Owner. [Ord. 2017-01, 1/3/2017, § 1]**

The owner of an improved property that utilizes a holding tank shall:

1. Maintain the holding tank in conformance with this Part or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Township and any administrative agency of the Commonwealth of Pennsylvania, including but not limited to Section 71.63 and Section 73.61 et seq., of the Department's regulations.
  - A. Proof of maintenance.
    - (1) Each time that a holding tank is pumped out or emptied, the private sewage waste hauler who performs the service shall provide to the owner a signed receipt and shall retain a signed receipt containing the following information:
      - (a) Date of pumping out.
      - (b) Name and address of owner.
      - (c) Description and diagram of location of holding tank, including location of any markers and/or access hatches (if known).
      - (d) Size of holding tank.
      - (e) Age of the holding tank (if known).
      - (f) Last date of pump out (if known).
      - (g) Any maintenance performed in connection with pumping out of the holding tank.
      - (h) Any indication of system malfunction observed.
      - (i) Amount of sewage, septage or other solid or semisolid material removed.

- (j) Cost of service.
    - (k) Waste hauler's state license number permitting him to collect and haul septage in this Commonwealth.
  - (2) The owner and the waste hauler shall provide the receipt to authorized officials of the Township. The receipt shall serve as proof of compliance with the maintenance requirements of this Part. Failure to provide a copy of the receipt within 30 days after the holding tank is pumped out or emptied shall constitute a violation of this Part. The Township is designated in accordance with the Department's regulations as the administrative agency to receive, review and retain pumping receipts from permitted holding tanks.
- B. Inspections. Annually or where any agreement entered into between the Township and the owner or a predecessor in title of the landowner requires more frequent inspections of a holding tank, the owner shall permit the Township Sewage Enforcement Officer to enter upon the improved property to conduct the required inspection. The Township Sewage Enforcement Officer shall conduct inspections of all permitted holding tanks at least annually and complete a written inspection report which shall be submitted to and be retained by the Township. The owner shall pay all fees associated with all required inspections.
- 2. If public sewer service becomes available to the improved property or the holding tank is no longer utilized, the owner shall abandon the holding tank consistent with applicable public health and environmental standards. The owner shall either remove the holding tank from the ground, or have it pumped out and filled with a material satisfactory to the Township. Proof of pumping and filling shall be provided to the Township by owner.
  - 3. Permit the Township to enter upon lands to inspect the holding tank for proper operation, maintenance and contents disposal.

**§ 18-411. Malfunctioning Holding Tanks. [Ord. 2017-01, 1/3/2017, § 1]**

The owner of a lot upon which a holding tank is installed, any person who occupies a lot upon which a holding tank is installed, any person who owns a holding tank, and any waste hauler pumping out or otherwise maintaining a holding tank shall report any malfunctioning of a holding tank to the Township. Such report shall be made as soon as possible but in no case later than three days after discovery of the malfunction.

**§ 18-412. Violations and Penalties. [Ord. 2017-01, 1/3/2017, § 1]**

- 1. It shall be a violation of this Part to commit or permit any other person to commit any of the following acts:

- A. To install, repair, modify or alter a holding tank prior to obtaining a permit or in a manner which violates the terms and conditions of any permit.
  - B. To misuse or to fail to maintain a holding tank or to fail to provide reports of maintenance as required by this Part.
  - C. To fail to have the holding tank inspected as required by this Part or to fail to permit the Township Sewage Enforcement Officer to inspect the holding tank.
  - D. To fail to report a malfunctioning holding tank.
  - E. To fail to remedy a malfunctioning holding tank.
  - F. To place false information on or omit relevant information from an application for a permit or from a report of inspection or maintenance of a holding tank.
  - G. To occupy or permit the occupancy of any structure served by a holding tank for which a valid permit has not been obtained as required by this Part.
  - H. To fail to comply with any other provision of this Part.
  - I. To fail to comply with any duly adopted regulation of the Township.
2. Any person who shall violate a provision of this Part or who shall fail to comply with any of the requirements thereof or who shall permit the violation of this Part or who shall use or occupy or permit the use or occupancy of any building or structure which is served by a holding tank which has not been installed or maintained in accordance with the requirements of this Part shall, upon being found guilty in an enforcement proceeding commenced by the Township, pay a fine of not less than \$200 and not more than \$1,000 for each violation, plus all costs of prosecution, which fines and costs may be collected as provided by law. Each day that a violation continues shall be deemed a separate offense, and each section of this Part which is violated shall be deemed a separate offense.

**§ 18-413. Abatement of Nuisances. [Ord. 2017-01, 1/3/2017, § 1]**

In addition to any other remedies provided in this Part, any violation of this Part shall constitute a nuisance and may be abated by the Township by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

**PART 5****ONLOT DISPOSAL AND COMMUNITY SYSTEMS MANAGEMENT****A. General Provisions.****§ 18-501. Title. [Ord. 3-1994, 11/7/1994, § 101]**

This Part shall be known as the "Earl Township Onlot Disposal and Community Systems Management Ordinance."

**§ 18-502. Statement of Findings. [Ord. 3-1994, 11/7/1994, § 102]**

The Board of Supervisors of Earl Township finds that:

- A. Inadequate management of individual and community onlot waste water disposal systems increases surface water pollution, groundwater contamination, the potential of public health problems and general nuisance conditions.
- B. A comprehensive and reasonable program of onlot disposal system (OLDS) management regulations is fundamental to the public health, safety and welfare and to the protection of present and future residents and the environment of Earl Township.

**§ 18-503. Purpose. [Ord. 3-1994, 11/7/1994, § 103]**

The purpose of this Part is to promote the public health, safety and welfare by minimizing the problems described in § 18-502A of this Part by:

- A. Enactment and implementation of this Part.
- B. Development and implementation of a public education program to supplement the public assurance program.
- C. Development and implementation of a financial program to provide public education, staff training, technical assistance and limited structural rehabilitation of OLDS.
- D. Giving force and effect to the policies adopted in the Official Sewage Facilities (Act 537) Plan of Earl Township.

**§ 18-504. Adoption; Authority; Applicability. [Ord. 3-1994, 11/7/1994, § 104]**

The Board of Supervisors of Earl Township, Lancaster County, Pennsylvania, pursuant to the Clean Streams Law of Pennsylvania (Act 394 of June 22, 1987, P.L. 1987, as amended), the Pennsylvania Sewage Facilities Act (Act 537, of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.1 et seq.), and the Second Class Township Code (53 P.S. §§ 65727, 65729 and 66951), hereby enacts and ordains this

Part as the "Earl Township Onlot Disposal and Community Systems Management Ordinance." This Part shall apply to all onlot sewage systems as defined in § 18-512 of this Part.

**§ 18-505. Right-of-Entry. [Ord. 3-1994, 11/7/1994, § 105]**

After giving adequate notice and upon presentation of proper credentials, the Sanitary Officer of Earl Township may enter at reasonable times upon any property within the Township to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Part.

**§ 18-506. Repealer. [Ord. 3-1994, 11/7/1994, § 106]**

Any ordinance of Earl Township inconsistent with any of the provisions of this Part is hereby repealed to the extent of the inconsistency only.

**§ 18-507. Severability. [Ord. 3-1994, 11/7/1994, § 107]**

Should any Section or provision of this Part be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Part.

**§ 18-508. Compatibility With Other Permits and Ordinances. [Ord. 3-1994, 11/7/1994, § 108]**

Permits issued pursuant to this Part do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance.

**§ 18-509. Township Liability. [Ord. 3-1994, 11/7/1994, § 109]**

The degree of onlot disposal and community systems management sought by the provisions of this Part is considered reasonable for regulatory purposes. The issuance of permits by Earl Township, its offices, or employees shall not be deemed to relieve the developer or the homeowner of responsibility, if any such responsibility exists, to those adversely affected by the onlot disposal of sewage. Further, the Township through the issuance of a permit assumes no responsibility to either the developer, the homeowner or the adjoining property owner affected by the onlot disposal of sewage.

**B. Definitions.**

**§ 18-511. General. [Ord. 3-1994, 11/7/1994, § 201]**

Words used in the singular include the plural and words used in plural include the singular. The word "building" shall be construed as if followed by the words "or a part thereof." The word "may" is permissive; the words "shall" and "will" are mandatory.



**§ 18-512. Definitions. [Ord. 3-1994, 11/7/1994, § 202]**

The following words and terms, when used in this Part, shall have the following meanings, unless the context clearly indicates otherwise:

**ABSORPTION AREA** — A component of an individual or community sewage system where liquid from a treatment tank seeps into the soil; it consists of an aggregate-filled area containing piping for the distribution of liquid and the soil or sand/soil combination located beneath the aggregate.

**ALTERNATE SEWAGE SYSTEM** — A system employing the use of demonstrated technology in a manner not specifically recognized by the Pennsylvania Department of Environmental Resources.

**AEROBIC UNIT** — A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.

**APPLICANT** — A landowner, as herein defined, or agent of the landowner, who has filed an application for an onlot disposal system management permit.

**BUILDING** — Any structure, either temporary or permanent, having walls and a roof, designed or used for the shelter of any person, animal or property, and occupying more than 100 square feet of area.

**COMBINED INDIVIDUAL AND COMMUNITY SYSTEMS** — Within a given group of homes and/or establishments, the use, where feasible, of onlot disposal systems (OLDS), and for lots not suitable for OLDS, the incorporation of the sewage from two or more of the unsuitable lots into a community sewage system in order to meet the sewage treatment/disposal needs of the area.

**COMMUNITY SEWAGE SYSTEM** — Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

**COMMUNITY SUBSURFACE SYSTEM** — A community sewage system which employs any of several types of aggregate-filled sewage effluent absorption areas installed below original soil grade level, or, in the case of an elevated sand mound, installed above original grade with ultimate percolation into the original soil.

**CONSOLIDATED COMMUNITY SYSTEMS** — The combination, when economically and environmentally beneficial, of two or more community systems.

CONSTRUCTION ESCROW — A contract, deed, bond or other written agreement between the Township and a property owner or developer involving a financial security deposited with a third party (usually a bank or bonding company) for the purpose of guaranteeing that the construction of a wastewater system is completed and properly done.

CONVENTIONAL SUBSURFACE ABSORPTION SYSTEMS — Any of several types of aggregate-filled sewage effluent absorption areas installed below original soil grade level or, in the case of an elevated sand mound, installed above original grade with ultimate percolation into the original soil.

DEVELOPER — Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision or land development.

ELEVATED SAND MOUND — A type of aboveground absorption area consisting of a level layer of sand between the surface of the natural soil and an aggregate distribution area to insure adequate renovation of sewage effluent.

EXPERIMENTAL SEWAGE SYSTEM — Any method of sewage disposal not described in the PaDER Title 25, Rules and Regulations, which is used for the purpose of testing and observation.

HOLDING TANK — A watertight receptacle, whether permanent or temporary, which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another unit.

HOMEOWNERS ASSOCIATION — A nonprofit or for-profit corporation controlled by a board of directors which administers by-laws and rules and regulations governing all lots and/or common areas in a residential development.

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 this Commonwealth or by means of conveyance to another site for final disposal.

INDUSTRIAL WASTE — Any liquid, gaseous, radioactive, solid or other substance which is not sewage resulting from manufacturing, industry or other operations. The term shall include all such substances whether or not generally characterized as waste.

LAGOON (SEWAGE LAGOON) — Any of the several different types of sewage stabilization ponds or oxidation ponds employed to treat sewage by aerobic and/or anaerobic decomposition. Lagoons are generally followed by land application or stream discharge of effluent.

**LAND DEVELOPMENT** — Any of the following activities: (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or (c) a subdivision of land.

**LOT** — A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided.

**MANAGEMENT AGENCY** — An entity, either private or public, formed for the purpose of managing water and/or wastewater facilities. Types of management agencies include: municipal authorities, municipal governing bodies, private corporations, private engineering or technical service forms, etc.

**MUNICIPALITY** — A city, incorporated town, township or borough.

**ONSEWERED APPROACH** — Policy encouraging onlot disposal systems (OLDS) wherever feasible and economical outside of the present or future sewerage area of the Township.

**OFFICIAL SEWAGE FACILITIES (ACT 537) PLAN** — A comprehensive plan for the provision of adequate sewage systems adopted by a municipality or municipalities possessing authority over the provision of such systems and submitted to and approved by the Department as provided by the Pennsylvania Sewage Facilities Act 537 and Chapter 71, Rules and Regulations, promulgated thereunder.

**ONLOT DISPOSAL SYSTEM (OLDS)** — A system of piping, tanks and/or other components serving a residence or establishment, usually on a single lot, by collecting, treating and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.

**OLDS MANAGEMENT PROGRAM** — A method of managing onlot sewage disposal systems (OLDS) which has as its general goal the installation of sound OLDS and the assurance that new and existing OLDS are properly operated and maintained.

**PaDER** — Acronym for the Pennsylvania Department of Environmental Resources which is a cabinet level agency of the Commonwealth of Pennsylvania with broad authorities granted by legislation to protect Pennsylvania's many environmental resources. The PaDER is responsible for overseeing the plans, designs and construction of wastewater treatment facilities throughout the state, particularly those which are part of the

Federal Construction Grants Program or Sewage Facilities Act 537 planning process.

**PERFORMANCE BOND** — A financial security accompanied by a written promise to pay the Township a sum of money to be void in case no default occurs by the property owner or developer in the performance of an installed wastewater system. The purpose of such a performance bond is to guarantee proper operation and maintenance of such a system for a specified period of time.

**PERMITTEE** — The holder of the onlot disposal system (OLDS) permit issued by the Township. May be the property owner, homeowners association or developer.

**PRESSURIZED DISTRIBUTION** — A network of piping within a soil absorption area such as an elevated sand mound through which treated sewage effluent is pumped to assure equal distribution throughout the absorption area.

**PROOF OF PUMP-OUT** — Method by which a property owner verifies that his/her onlot sewage system has been cleaned to remove residuals. This is most easily verified by presenting a dated receipt of payment from a septic tank contractor.

**PROPERTY OWNER** — The legal, beneficial, equitable owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee (if he is authorized under the lease to exercise the rights of the landowner), or any other person having a proprietary interest in land.

**PROPERTY OWNERS ASSOCIATION** — A for profit or nonprofit corporation controlled by a board of directors which administers bylaws and rules and regulations governing all lots and/or common area (open space) in a nonresidential development such as an industrial park.

**PUBLIC ASSURANCE PROGRAM** — That part of an OLDS management program which, through an onlot system inspection process, seeks to ensure that individual and community sewage systems are operated and maintained properly.

**SAND FILTRATION WITH STREAM DISCHARGE** — A type of sewage treatment and disposal system, used where soil absorption of effluent is not possible, which utilizes a septic or aerobic tank followed by a sand filter and disinfection before discharge of treated effluent to a stream.

**SANITARY BOARD** — An appointed body whose members are responsible for the administration of health laws within a township as outlined in the Second Class Township Code (53 P.S. § 66951).

**SANITARY OFFICER** — The Sewage Enforcement Officer of the Township, who by this Part is authorized and empowered by the Township Supervisors to enforce the provisions of the Second Class Township Code (53 P.S. §§ 66951 through 66964) relating to the health laws of the Township and the provisions of this Part.

**SECOND CLASS TOWNSHIP CODE** — Pennsylvania Statutes, Title 53 (53 P.S. § 65101), outlining laws relating to townships of the second class. The act as amended became effective July 1, 1947.

**SEEPAGE BED** — A type of subsurface absorption area which is more adaptable to limited space than are standard trench systems.

**SEPTIC TANK** — A sewage treatment tank that provides for anaerobic decomposition of 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; any substance harmful to the public health, to animal or aquatic life, or to the use of water for domestic water supply or for recreation; or any substance which constitutes pollution under the Clean Streams Law (35 P.S. §§ 691.1 through 691.1001).

**SEWER AUTHORITY** — A municipal authority providing sewage facilities.

**SEWAGE ENFORCEMENT OFFICER (SEO)** — The official of the local agency (a municipality, any combination of municipalities, a county department of health, or a joint county department of health) who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement Act 537, Chapter 71 (relating to administration of sewage facilities program), and Chapter 73, Standards for Sewage Disposal Facilities.

**SLOW-RATE LAND APPLICATION (SRLA)** — A method of disposal of treated sewage effluent whereby the effluent is applied to the surface of the soil usually by spray irrigation at reduced rates.

**STANDARD TRENCH SYSTEM** — A type of absorption area consisting of two or more trenches which are 12 inches to 36 inches deep, one to six feet wide, a maximum of 100 feet long and adequately spaced apart to allow for the uniform spreading of effluent over the entire absorption area.

**STREAM DISCHARGE SYSTEM** — Any of the several types of sewage systems which ultimately dispose of treated effluent into the waters of the Commonwealth. Such systems require a permit from the PaDER.

**SUBDIVISION** — The division or redivision 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 for the purpose, whether immediate or future, of

lease, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwelling, shall be exempted.

**WATERCOURSE** — A permanent or intermittent stream, river, brook, creek, run, channel, swale, pond, lake or other body of water, whether natural or man-made, for gathering or carrying surface water.

**WATERS OF THIS COMMONWEALTH** — Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water or any of their parts whether natural or artificial-within or on the boundaries of this Commonwealth of Pennsylvania.

### **C. Program Requirements and Policies.**

#### **§ 18-521. General. [Ord. 3-1994, 11/7/1994, § 301]**

The following programs are hereby enacted to effect improved onlot disposal system (OLDS) installation, operation and maintenance. These programs apply to both existing and new OLDS in conjunction with the OLDS Ordinance as outlined in § 18-503A of this Part.

#### **§ 18-522. OLDS Planning Policies. [Ord. 3-1994, 11/7/1994, § 302]**

1. Onlot sewage disposal systems shall be encouraged wherever feasible and economical outside the present and future public sewer service area as defined by the Official Sewage Facilities Plan of Earl Township. The following OLDS planning policies foster the nonsewered approach and the conservation of groundwater resources. In addition to this general planning function, all Township officials (e.g., Supervisors, Planning Commission, Zoning Officer, Building Inspector, Sanitary Officer, etc.) shall apply the provisions of the OLDS program to their respective duties and functions.
  - A. Maintain OLDS ownership with the individual property owner, homeowner's association or developer.
  - B. Encourage the use of innovative wastewater facilities which reduce water consumption and wastewater generation.
  - C. Recycle wastewater by relying upon individual OLDS and community systems for groundwater recharge via subsurface disposal of treated wastewater effluent.
  - D. Restrict community subsurface systems to pressurized distribution systems and require that the area of the disposal field be twice that as required in the PaDER Chapter 73 Rules and Regulations, Title 25.

- E. Encourage water conservation and waste flow reduction by the use of water saving devices and other state-of-the-art water conservation methods.

**§ 18-523. OLDS Planning Methodology. [Ord. 3-1994, 11/7/1994, § 303]**

The methodology for selecting and evaluating specific onlot disposal systems shall be a progressive four step process as outlined below. When individual OLDS and combined systems are not feasible, community systems shall then be evaluated.

- A. Evaluate Individual OLDS. There are two approved individual wastewater treatment systems: septic tanks and aerobic treatment units. Either treatment method could be used with the various effluent treatment and disposal methods outlined below:
  - (1) Conventional Subsurface Absorption System. If a site is suitable (according to State rules and regulations) for conventional sewage disposal systems such as a septic or aerobic tank with an absorption area (standard trench, seepage bed, subsurface sand filters or elevated sand mounds), the appropriate combination of wastewater treatment and effluent disposal system shall be selected as the most cost-effective OLDS.
  - (2) Alternate Systems. If there are inadequate soils or engineering problems on the site that prevent the use of conventional septic systems, and public sewers are not available or feasible, alternate systems should be evaluated. These systems use technology that has been proven successful; however, installation approval is based upon a review by PaDER and the Township of the design, installation, practices and application of the system to site conditions.
  - (3) Experimental Systems. Experimental systems are not encouraged by the Township. An experimental system shall be used only in areas where there is an acceptable replacement system (for example, a conventional system or municipal sewer connection), or to correct an existing malfunction where other alternatives are not available. Testing and monitoring of these systems is required by the Township on a schedule set by the Sanitary Officer and as required by PaDER.
- B. Examine Combined Individual and Community Systems. When proposed land development is to be located on land unsuitable for individual subsurface disposal of effluent, the existing individual systems shall, whenever feasible, be linked to a central absorption area or an off-site treatment facility with central land disposal or stream discharge. As a remedial action, failing individual systems shall, whenever feasible, be linked with new developments to solve the malfunction problems.
- C. Appraise Community Systems. When sewer connections are not feasible for the new construction in development districts outside the public sewer

service areas, community systems shall be evaluated. On-site or off-site wastewater treatment could be provided. Each collection alternative should be reviewed and an effluent disposal method should be selected from the various alternatives.

- D. Assess Consolidated Community Systems. When an existing wastewater facility is available to provide either wastewater treatment or effluent disposal, a consolidated community system, if feasible and cost-effective, shall be required. For example, an existing community system located near a proposed package treatment plant for a new subdivision could be combined for an improved sewage disposal system for the local area.

**§ 18-524. OLDS Selection Methodology. [Ord. 3-1994, 11/7/1994, § 304]**

To determine the most cost-effective and environmentally sound OLDS for a specific site, the OLDS selection methodology in Table I of this Part shall be followed. This methodology applies to all new construction and all rehabilitation or replacement of existing OLDS.

**§ 18-525. Management of Onlot Disposal Systems (OLDS). [Ord. 3-1994, 11/7/1994, § 305]**

The organizational format for OLDS management in Earl Township is outlined in Table 2 of this Part.

**Table 1**  
**OLDS Selection Methodology**

**Instructions**

1. All new construction and the rehabilitation or replacement of existing home sewage disposal systems shall be approved based upon the following methodology to determine the most cost effective and environmentally sound wastewater facility.
2. If none of the OLDS in Step 1 below are feasible (or if only alternate or experimental OLDS are feasible), then all systems in Steps 2, 3 and 4 must be evaluated.
3. The evaluation of Steps 2, 3 and 4 must be conducted by a qualified professional engineer registered by the Commonwealth of Pennsylvania and shall include an evaluation of wastewater collection alternatives.
4. In addition to meeting the requirements of the PaDER, all OLDS design specifications shall be reviewed and approved by the Township's Sanitary Officer and/or Sewage Enforcement Officer.
5. Each new or rehabilitated OLDS shall be registered with the Township's OLDS Management Program through the Sanitary Officer.
6. Holding tanks shall only be used for the rehabilitation or replacement of failed systems as per the Township ordinances in effect at the time of the request.
7. A hydrogeologic report shall be prepared by a qualified professional in accordance with this Part and the PaDER guidelines and requirements.

**Step 1: Evaluate Individual OLDS.**



Whenever site conditions permit outside the public sewer service areas, individual OLDS with conventional absorption systems for effluent disposal shall be evaluated. If site conditions are favorable and the requirements of the PaDER and the Township are met for a particular conventional OLDS, the selection process is completed. If the site will not support conventional systems, each alternative or experimental system shall be evaluated. Before an alternative or experimental system can be approved, it must be shown that one of the options in Steps 2, 3 and 4 are feasible.

**Step 2: Examine Combined Individual and Community Systems.**

When individual or community OLDS are proposed in proximity to existing community OLDS, new land development and/or failing individual septic systems, a combined individual and community system shall be examined by a qualified registered professional engineer, reviewed by appropriate Township and State agencies and presented in writing to the Board of Supervisors and shall include, but not be limited to, the following:

- A. Description and feasibility explanation of each system.
- B. Construction cost comparison.
- C. Operation and maintenance cost comparison.
- D. Environmental impacts.

**Step 3: Appraise Community Systems.**

When a proposed subdivision or land development includes two or more units, a community wastewater treatment facility should be evaluated. Specific design and construction standards for community systems will be established in a separate ordinance. Review and reporting procedures shall be followed as presented in Step 2.

**Step 4: Assess Consolidated Community Systems.**

Whenever possible, consolidated community systems should be assessed as a financial and/or environmental alternative for new development and/or malfunctioning individual or community systems. Review and reporting procedures shall be followed as presented in Step 2.

**SYSTEM SELECTION PROCESS.**

**Step 1: Evaluate Individual OLDS.**

The following step-by-step methodology shall apply to both new construction and the rehabilitation or replacement of existing OLDS.

Wastewater Treatment Units	Septic Tank
	Aerobic Unit
	Lagoon or Pond <sup>1</sup>
Effluent Disposal Systems	Standard Trench
	Seepage Bed
	Subsurface and Sand Filter
	Elevated Sand Mound
	Slow-rate Land Application (SRLA) <sup>2</sup>
Surface Application of Effluent	Sand Filtration with Stream Discharge <sup>2</sup>

Alternate Subsurface  
Absorptions<sup>3, 4</sup>

Sand Lined Beds and Trenches Other Proven  
Technology

**Step 2: Examine Combined Individual and Community Systems.**

Wastewater Treatment  
Units

Septic Tank (individual or central)

Aerobic Unit (individual or central)

Lagoon or Pond (central)<sup>1</sup>

Off-Site Treatment (see Community Systems,  
below)

Effluent Disposal  
Systems

Off-Site Effluent Disposal (see Community  
Systems, below)

**Step 3: Appraise Community Systems**

Wastewater Treatment  
Units

Septic Tank (individual or central)

Aerobic Unit (individual or central)

Lagoon or Pond (central)<sup>1</sup>

Package-Type Treatment Plant

Transport to Existing Wastewater Plant for  
Treatment

Effluent Disposal Systems

Central Conventional Subsurface Absorption Area

Transport to Existing Wastewater Treatment Plant  
for Disposal

Central Slow-Rate Land Application (SRLA) or a  
Combined Stream Discharge and SRLA<sup>2, 5</sup>

Central Alternative or Experimental Systems

**Step 4: Assess Consolidated Community Systems.**

Wastewater Treatment

On-site or Off-site Treatment (same as Community  
Systems, above)

Effluent Disposal

Off-Site Effluent Disposal (same as Community  
Systems, above)

Individual or Community Holding Tanks

<sup>1</sup> Only to be used preceding SRLA disposal mode.

<sup>2</sup> Requires PaDER Bureau of Water Quality Management (BWQM) permit.

<sup>3</sup> If any of these systems are determined to be feasible, then they must be compared to the systems from Steps 2, 3 and 4 on cost-effective basis. The most cost effective and environmentally sound system shall be selected.

<sup>4</sup> Alternative systems for rehabilitation and/or replacement of malfunctioning systems shall be in accordance with the criteria of the Township.

<sup>5</sup> Discharge may be to a stream during winter months and/or wet periods. SRLA shall be used during summer months (May 1 to October 31) and may be used remainder of year. All applicable PaDER and Township rules and regulations shall be met.

**Table 2**  
**Organizational Format For Earl Township OLDS Management Program**

Type	Ownership	Operation and Maintenance (O&M) Responsibility	Construction Escrow Amount <sup>1</sup>	Performance Bond Amount <sup>1 2</sup>	Inspection Frequency		Inspection Fee <sup>6</sup>
					Sanitary Officer	Twp. Engineer	
<b>Individual OLDS (single lot)</b>							
Subsurface disposal	Property owner	None	None	None	As required <sup>4</sup>		
Slow-rate land application (SRLA) (e.g. spray irrigation)	Proof of pump-out required for septic systems	\$1,000 for 1 year	None	Annually <sup>5</sup>	As required <sup>3</sup>		
Stream discharge	Service contract required for aerobic or package-type units	\$1,000 for 1 year	None	Annually <sup>5</sup>	As required <sup>5</sup>		
<b>Community OLDS (two or more lots)</b>							
Subsurface disposal	Developer or Home-owner's Association	Developer or Home-owner's association or management agency (PaDER certified operator required)	110% of estimated construction cost	300% of estimated annual O&M costs to be held for two years	Bimonthly <sup>5</sup>	As required <sup>5</sup>	
SRLA Stream Discharge							
<b>Alternate or Experimental Systems</b>							
Individual OLDS	Property Owner	Property Owner	\$1,000 for 1 year	None	Semi-annually <sup>5</sup>		
Community OLDS	Developer or agency designated by Township or if required by Township Home-owner's Association	Home-owner's association or management agency (PaDER certified operator required)	Same as community system above	Same as community systems above	Bimonthly <sup>5</sup>	Annually <sup>5</sup>	

**Footnotes:**

- 1 All unused funds shall be returned to the property owner or homeowner's association.
- 2 Time period starts after all units are completed and sold and occupancy permits for all units have been issued by the Township.

**Footnotes:**

- 3 Inspection shall be by the Township Sanitary Officer. Inspection of individual subsurface systems is waived provided proof of pump-out is supplied.
- 4 Property owner may request technical assistance from the Township Sanitary Officer.
- 5 Property owner, homeowners association or other designated agency shall pay for all costs involved in on-site inspection.
- 6 Inspection fees will be established by a resolution of Earl Township Board of Supervisors.

- A. **System Ownership and Maintenance.** All individual OLDS shall be owned and maintained by the property owner. All community OLDS shall be owned and maintained by a homeowner's association or management agency. The operator of all community sewage facilities must be certified by PA DER, and copies of all reports to PA DER shall also be furnished to the Township.
- B. **Escrow Requirement.** A fee or construction escrow managed by the Township for all new systems shall be required as follows:
  - (1) **Individual Subsurface Systems.** No escrow required; OLDS management permit must be obtained as per Subpart D of this Part.
  - (2) **Individual Slow-Rate Land Application Systems or Stream Discharge Systems.** One thousand dollars for one year.
  - (3) **Community Systems (all types), Alternate Systems and Experimental Systems.** One hundred ten percent of the estimated construction cost as approved by the Township Engineer. This escrow is to be held until construction is completed to the satisfaction of the Township Engineer. Actual costs of administrative review, inspection and all other incidental costs will be paid by the Township from this fund.
  - (4) **Community Systems (all types), Alternate Systems and Experimental Systems Performance Bond (i.e. operation and maintenance (O&M) fund).** An amount equal to the estimated annual O&M costs times 300%, as approved by the Township Engineer.
  - (5) The Township shall return to the property owner, homeowner's association or developer all unused construction escrow and/or performance bond at the end of the respective time periods.
  - (6) This fee/escrow schedule may be altered, updated or amended at any time by resolution of the Board of Supervisors of Earl Township.
- C. **Powers and Duties of the Sanitary Officer.** The Township Sanitary Officer shall have all of the powers and duties described in Article XIX-A of the Second Class Township Code (53 P.S. §§ 66951 through 66964) necessary to enforce this Part. The Sanitary Officer will be responsible for administering those sections of this Part which assign specific duties and functions to the position of Sanitary Officer. In general, the Sanitary Officer's powers, duties and responsibilities include, but are not limited to, the following:

- (1) To exercise the same authority as is prescribed for sanitary boards in Townships (53 P.S. § 66951).
  - (2) To attend all stated and special meetings of the sanitary board and/or Township Supervisors.
  - (3) To enforce the provisions of this Part for the purpose of abating any and all public health nuisances, surface water pollution and groundwater contamination.
  - (4) To enter at reasonable times upon any premises in the Township upon which there is suspected to be any nuisance or public health hazard (detrimental to the public health) for the purpose of examining and abating the same (53 P.S. § 66957).
  - (5) To consult with the Township Engineer, when deemed appropriate by the Township Supervisors, to better effect the provisions of this Part. In the performance of assign duties, the sanitary officer shall not infringe upon the duties and functions of the Sewage Enforcement Officer (SEO) for Earl Township if they are not one and the same person. At no time shall any action of the sanitary officer conflict with the rules and regulations of Title 25, PaDER, Rules and Regulations, Chapter 71, "Administration of Sewage Facilities Program."
- D. OLDS Inspections. On-site inspections of designated categories of onlot disposal systems shall be conducted by the Township Sanitary Officer. The duties of the Sanitary Officer are outlined in Subsection C of this Section. The frequency of inspection of OLDS by the Township Sanitary Officer shall be as follows:
- (1) Individual Subsurface Systems. None.
  - (2) Individual Slow-Rate Land Application Systems. Inspection once per year.
  - (3) Community Systems (all types). Inspections bimonthly.
  - (4) Alternate and experimental Systems. Inspection semiannually for individual systems and bimonthly for community systems.
- E. OLDS Inspection Fees. The cost of onlot system inspections shall be recouped by the Township as follows:
- (1) For individual subsurface OLDS, the property owner (e.g. homeowner) shall pay no additional costs.
  - (2) For individual slow-rate land application systems, community systems (all types), alternate and experimental systems, the property owner (e.g. homeowner), homeowners association or management agency

shall pay for all costs involved in the on-site inspections or technical assistance.

- (3) Permit procedures, billing requirements, construction escrows, performance bonds and homeowner fees are outlined in detail in Subpart D of this Part.
- (4) A schedule of fees may be institute, altered, amended or updated at any time by resolution of the Board of Supervisors of Earl Township.

#### **D. Permit Procedures and Requirements.**

##### **§ 18-531. General. [Ord. 3-1994, 11/7/1994, § 401]**

In accordance with § 18-504 of this Part, an onlot disposal system (OLDS) as defined in § 18-502 of this Part shall not be installed nor shall any building be occupied until an OLDS management permit has been issued by the Township.

- A. The applicant for a building permit for any proposed subdivision or land development which will utilize an onlot sewage disposal system shall submit to the Township an application for an OLDS management permit (see Appendix A)<sup>4</sup> concurrently with the preliminary subdivision or land development plan. For single lot development, an application for an OLDS management permit shall be submitted concurrently with the building permit application.

##### **§ 18-532. Application Procedure. [Ord. 3-1994, 11/7/1994, § 402]**

To meet the requirements of § 18-531A, an application for an OLDS management permit may be obtained and the completed application submitted at the Earl Township municipal building on any business day.

- A. The Sanitary Officer shall forward one copy of the application to the Township Engineer for his consideration and comments.
- B. The Sanitary Officer may review the application with the Township Planning Commission, Township Engineer, Solicitor and other Township officials in order to determine approval, conditional approval or disapproval of the application.

##### **§ 18-533. Permit Issuance. [Ord. 3-1994, 11/7/1994, § 403]**

1. The Sanitary Officer shall issue a Township OLDS management permit (Appendix B)<sup>5</sup> for individual and community subsurface OLDS and for alternate or experimental OLDS only after the Township has received a copy of the PA DER sewage disposal system permit and only after all subdivision

<sup>4</sup>Editor's Note: Appendix A is on file in the Township Office.

<sup>5</sup>Editor's Note: Appendix B is on file in the Township office.

and land development approvals have been obtained from the Township. At no time can a Township OLDS management permit be issued without verification of PA DER sewage permit. This Section applies to new OLDS, OLDS repairs or replacement of existing OLDS.

2. The Sanitary Officer shall issue a Township OLDS management permit (Appendix B)<sup>6</sup> for stream discharge OLDS and slow rate land application (SRLA) OLDS (individual or community) only after the Township has received notification from the PA DER that such a system has been approved by the Department and that the appropriate PA DER permits have been issued.

**§ 18-534. Application Requirements. [Ord. 3-1994, 11/7/1994, § 404]**

1. New OLDS Installation. An application for an OLDS management permit for new construction shall include the following items:
  - A. Two completed copies of the application for an OLDS management permit. (See Appendix A).<sup>7</sup>
  - B. Two copies of the subdivision or land development plan, if applicable.
  - C. Two copies of the onlot disposal system (OLDS) plan which maps and describes the proposed OLDS per § 18-535 of this Part. When a subdivision or land development plan is required, the OLDS plan shall be combined with such a plan.
  - D. Two copies of all supporting data such as perc tests, field data, hydrogeologic report and any other information required to support the application or deemed necessary by the Sanitary Officer.
  - E. OLDS management permit fee in the amount established by the Earl Township Board of Supervisors. The permit fee schedule is subject to change from time to time by resolution of the Earl Township Board of Supervisors.
  - F. Construction escrow or performance bond, when applicable, in accordance with Table 2 and § 18-540 of this Part.
2. Hydrogeologic Study. An application for an OLDS management permit for new construction or replacement of an OLDS must be accompanied by a hydrogeologic report performed by a qualified groundwater geologist or hydrogeologist. This report shall contain, at a minimum, the following information described under § 18-534.2A, B, C, D, E and F below. Additional information/data, not requested in § 18-534.2A, B, C, D, E and F, may be required by the Township or authorized agent, if the Township has reason to believe that the proposed system(s) may degrade the groundwater or surface

<sup>6</sup>See footnote 7.

<sup>7</sup>See footnote 6.

water. All references, documents, reports, site visits and other sources used to complete this report shall be identified in complete detail. This includes suitable or not suitable test results. Two copies of the hydrogeologic report will be required for submission and contain the following in narrative and map for:

A. General Data.

- (1) Description of proposed development and whether this is a revision from a previous OLDS permit application.
- (2) Proposed flow and supporting calculations.
- (3) Previous reports or investigations performed on the property which reference geologic, hydrogeologic and soil information, determinations, investigations and/or conclusions. (This includes previous perc tests, probes and permeability testing.)
- (4) Topographic map showing the proposed development and discharge location(s).
- (5) Site map with property boundaries, proposed development plans, location of all investigations performed on the property as referenced in § 534.2A(3), proposed OLDS location(s) and adjacent properties. A 100 foot radius circle shall be drawn around all on-site wells and all adjacent property wells.
- (6) Planning Commission recommendations and comments generated on this development.

B. Geologic Characteristics. Information relating to the geologic characteristics which influence OLDS operation and groundwater flow on the site and adjacent to all impacted areas shall be described in narrative form and located on a site plan, and shall include:

- (1) Site geology.
- (2) Geologic formation description and lithologic relationships.
- (3) Bedding features.
- (4) Range of depth to bedrock.
- (5) Faults and lineaments.
- (6) Nature and degree of bedrock fracturing.
- (7) Thickness and description of overburden and confining layers. Provide soil classifications, characteristics and limiting zones. Copies of soils testing site evaluation sheets for each probe and



perc test shall be submitted whether the test results were suitable or not.

- (8) Sinkholes, solution channels, pinnacles or other hazardous geology features.
- (9) A site description including observed site features.
- (10) Any observable or reported feature, not specifically mentioned in § 18-534.2 which may influence groundwater flow, soil characteristics or OLDS system placement and operation shall be included in the hydrogeologic report.

C. Hydrogeologic Characteristics. Information shall be presented in both narrative and map form describing groundwater and surface water characteristics and will include:

- (1) A complete description of the aquifer underlying the site and general capabilities available for development.
- (2) Depth to groundwater, including seasonal variations.
- (3) Groundwater flow direction and how this was determined.
- (4) Uses, direction, flow characteristics and quality of groundwater and surface water on site and in the area surrounding the site.
- (5) Identify property owners surrounding the site, their water sources and their primary water use. (For example, Township water, well water, residential, etc.)
- (6) Obtain water samples for background nitrate-nitrogen concentrations from a minimum of two wells either up gradient of the site or on site by a qualified person who shall be identified in the report. All water samples shall be submitted to a qualified laboratory for analysis. Laboratory results shall be included for all water samples, whether suitable or not, from analytical reports printed on laboratory letterhead. Identification of the laboratory and a short summary of laboratory qualifications shall be included. All sample locations shall be identified on a map.
- (7) Additional information not specifically requested in § 18-534.2 which may impact groundwater flow, OLDS operation or placement shall be included.

D. Lot Sizes and Nitrate Loading. An evaluation of the existing and proposed nitrate loading of the groundwater, the velocity and direction of groundwater movement, the area of potential contamination above 10 ppm or current Federal Drinking Water Quality Standards

(FDWQS) which can be anticipated in the aquifer and the impact on water uses in the contaminated area shall be performed. The minimum lot size shall be the greater of either the lot size required by the Zoning ordinance [Chapter 27], or that size required to assure that nitrate contamination in the groundwater at the lot lines does not exceed 10 ppm or current FDWQS whichever is lower. This evaluation will include a narrative, all supporting calculations, and a map depicting:

- (1) System placement and design features.
- (2) Topography and groundwater flow directions.
- (3) Dispersion plume delineation.
- (4) Mixing zone delineation.
- (5) Buffer zone delineation.
- (6) Minimum lot sizes as determined by this evaluation and proposed lot sizes.
- (7) Nitrate concentrations at property boundaries.
- (8) A description of the method used as well as all calculations, assumptions and analyses utilized in this evaluation is required. If a computer model was used to generate this data, sufficient supporting data shall be included to replicate results by the geologist/hydrogeologist responsible for the review of this hydrogeologic report.
- (9) Establish that the proposed OLDS system will not degrade current groundwater/surface water uses.
- (10) Describe measures to control both present and future water usage within the mixing and buffer zone.

E. Hardship. To alleviate unnecessary hardship, individual lots created prior to the inception of this OLDS ordinance will be exempt from the lot size provisions, being subject only to the Zoning Ordinance [Chapter 27] and the ability to accommodate and prove that a properly designed and functioning OLDS has been proposed. Proof may consist of a nitrate loading evaluation as described in § 534.2D, above, and subject to § 534.2F, below.

F. Concluding Statements.

- (1) The following statement must be included in each report and signed as an original:

I hereby swear and/or affirm that the conditions described in this report are true and accurate to the best of my knowledge.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_(Date)

- (2) Identification and qualifications of this individual's name, title, business address and telephone must accompany the signature.
3. OLDS Rehabilitation or Replacement. An application for an OLDS management permit for an existing system which is to be rehabilitated or replaced shall include the following items:
  - A. Two completed copies of the application for an OLDS management permit. (See Appendix A).<sup>8</sup>
  - B. Two copies of an onlot disposal system (OLDS) rehabilitation/replacement plans which maps and describes the modified OLDS.
  - C. OLDS management permit fee in the amount established by the Earl Township Board of Supervisors. The permit fee schedule is subject to change from time to time by resolution of the Earl Township Board of Supervisors.
  - D. Construction escrow and/or performance bond, when applicable, in accordance with Table 2 and § 18-541 of this Part.

**§ 18-535. OLDS Plan Contents. [Ord. 3-1994, 11/7/1994, § 405]**

1. For all individual OLDS (refer to Table 2), the OLDS plan shall include, as a minimum, the following:
  - A. A map no smaller than 8 1/2 by 11 inches showing the general layout of the OLDS components with relationship to other existing and proposed features on the lot (i.e., dwelling and/or other buildings, property lines, well, stream, etc.).
  - B. A written narrative report addressing the following:
    - (1) General description of the sewage disposal system, listing all components and component specifications.
    - (2) Description of an operation and maintenance (O&M) program for all components of the OLDS.

<sup>8</sup>See footnote 6.

2. For all community OLDS (refer to Table 2), the OLDS plan shall include the following:

A. Maps including or prepared in accordance with the following:

(1) General.

- (a) Sheet sizes no smaller than 15 inches by 21 inches and no larger than 30 inches by 42 inches.
- (b) Name or identifying title of project.
- (c) Name and address of landowner, applicant and individual who prepared the plan.
- (d) Plan date and date of latest revision to plan, north point, graphic scale and written scale. All maps shall be drawn at a commonly used engineering scale.
- (e) Location map which shows relationship of tract to the two nearest public streets.
- (f) Note on plan indicating any area that is not to be offered for dedication, along with a statement that the Township is not responsible for construction or maintenance of any area not dedicated for public use.
- (g) Certificate, signed and sealed by a qualified individual registered as a professional engineer in the Commonwealth of Pennsylvania and qualified to perform such duties, indicating compliance with the provisions of this Part (see Appendix C).<sup>9</sup>
- (h) All final subdivision and land development plans shall contain a title block, signed by the Sewage Enforcement Officer for Earl Township, which verifies that the proposed location of the onlot sewage system has been tested under current rules and regulations (see Appendix D).<sup>10</sup>

(2) Existing Features.

- (a) Tract boundaries showing distances, bearings and curve data as located by field survey or deed plotting, and total acreage of tract.
- (b) Existing topographical data. This information shall be provided by field survey of contour lines, indicating the

<sup>9</sup>Editor's Note: Appendix C is on file in the Township Office.

<sup>10</sup>Editor's Note: Appendix D is on file in the Township Office.

natural drainage patterns of the site, along with the approximate grades of all slopes. Contour lines shall be provided at two foot intervals for slopes of 4% or less, and at vertical intervals of five feet for more steeply sloping land. Additionally, the benchmark and the datum used shall also be indicated.

- (c) Names of all owners of all immediately adjacent unplatted land, names of all proposed or existing developments immediately adjacent, and locations and dimensions of any streets or easements shown thereon.
  - (d) Names, locations and dimensions of all existing buildings, streets, railroads, utilities, watercourses, streams, swales, drainage facilities, lakes, ponds, floodplains, wetlands and other significant features within the property.
  - (e) Soil types within the site, based on maps contained in the Soil Survey of Lancaster County, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service. A table shall indicate each soil's limitations for community development.
  - (f) Locations of all deep test pits and percolation test holes on the site.
- (3) Proposed Features.
- (a) Proposed land use, total number of lots and dwelling units, and extent of commercial, industrial or other nonresidential uses.
  - (b) Locations and dimensions of all proposed streets, sidewalks, lot lines, building locations, parking compounds, impervious and semi-impervious surfaces, sanitary sewer facilities, water facilities and areas proposed for public dedication.
  - (c) Proposed changes to land surface and vegetative cover including areas to be cut or filled.
  - (d) Proposed topographical data shall be provided by contour lines or flow arrows, indicating the natural drainage patterns of the site, along with the approximate grades of all slopes. The Township may require contour lines where flow arrows do not provide sufficient information to evaluate the project. Where contour lines are shown, they shall be provided at two-foot vertical intervals for

slopes of 4% or less, and at vertical intervals of five feet for more steeply sloping land.

- (e) Plans and profiles or proposed stormwater management facilities including horizontal and vertical location, size and type of material. This information shall be of the quality required for the construction of all facilities.
  - (f) Plans and profiles of all erosion and sedimentation control measures, temporary as well as permanent.
  - (g) Proposed location of potable water well(s).
  - (h) Proposed location of all components of an onlot sewage treatment/disposal system and the isolation distances as required by PA DER Rules and Regulations, Chapter 73.13.
  - (i) Detailed plan and section sketches of all components of the onlot sewage treatment/disposal system with construction/installation specifications.
  - (j) Proposed location of all groundwater monitoring wells as may be required by the Township and/or PA DER.
- B. A written narrative report including or prepared in accordance with the following:
- (1) General project description.
  - (2) Location map.
  - (3) Site characteristics.
  - (4) Soils.
  - (5) Projected sewage flows.
  - (6) Water supply.
  - (7) Sewage facilities alternatives analysis.
  - (8) Environmental considerations.
  - (9) Project financing.
  - (10) Description of an operation and maintenance (O&M) program, in a recordable form, that clearly sets forth the operation and maintenance responsibility for all components of the onlot sewage treatment/disposal facilities, including the following:

- (a) Description of the method and extent of the maintenance requirements.
- (b) When maintained by a private entity, identification of a responsible individual, corporation, association or other entity for operation and maintenance.
- (c) When maintained by a private entity, a copy of the legally binding document which provides that the Township shall have the right to:
  - 1) Inspect the facilities at any time.
  - 2) Require the private entity to take corrective measures and assign the private entity reasonable time period for any necessary action.
  - 3) Authorize maintenance to be done and lien the cost of the work against the properties of the private entity responsible for maintenance.
- (d) Establishment of suitable easements, where applicable, for access to onlot sewage disposal facilities.

C. The OLDS plan for community systems shall be recorded by the Township at the Lancaster County Recorder of Deeds office upon issuance of an OLDS permit.

**§ 18-536. Modification of Plans. [Ord. 3-1994, 11/7/1994, § 406]**

A modification of an approved onlot disposal system plan shall require a new permit except that the Sanitary Officer may authorize modification; provided, that such modifications do not (1) alter the onlot sewage disposal facilities in a manner which significantly affects the proper installation, operation and maintenance of the system, or (2) significantly relocate any component of the onlot disposal system. The Sanitary Officer may submit to the Township Engineer for review any alteration of an onlot sewage treatment/disposal facility.

**§ 18-537. Waiver and Appeal Procedure. [Ord. 3-1994, 11/7/1994, § 407]**

- 1. The provisions of this Part are intended as minimum standards for the protection of the public health, safety and welfare. The Board of Supervisors of Earl Township may grant a waiver from literal compliance with mandatory provisions of this Part provided that the following findings are made where relevant in a given case:
  - A. That compliance would cause unnecessary hardship, excluding economic hardship, as it applies to particular property.

- B. That such unnecessary hardship has not been created by the appellant.
  - C. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  - D. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
  - E. That the alternative proposal will allow for equal or better results.
- 2. Additionally, the Board of Supervisors may hear and decide appeals where it is alleged that the Sanitary Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Part.
  - 3. The approval of a waiver or appeal shall not have the effect of making null and void the intent and purpose of this Part. In the approval of a waiver or appeal, the Board of Supervisors may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements of this Part. This Section of this Part shall in no way preempt the authority of the PA DER.
  - 4. Application Procedures (Waiver/Appeal). All requests for waivers or appeals shall be processed in accordance with the following:
    - A. A request for a waiver or appeal shall be submitted to the Earl Township Secretary. The request shall be made in writing and identify (1) the specific section of the ordinance or decision which is requested for waiver or appeal, (2) the proposed alternative to the requirement, when applicable, and (3) justifications for an approval of the waiver or appeal.
    - B. The applicant shall deposit a sum of money in an escrow account when submitting a request for a waiver or appeal. The amount shall be \$400, and is subject to change upon resolution by the Board of Supervisors. In addition, the Board may waive or reduce initial escrow amounts. Furthermore the applicant shall reimburse Earl Township for all reasonable professional expenses in excess of the escrow account that are incurred during the waiver and appeal procedure.
    - C. The Township Secretary shall (1) schedule the request for consideration by the Board of Supervisors at a public meeting within 45 days of receipt and (2) provide adequate notice to the applicant, the Sanitary Officer, and any other involved parties of the meeting at which consideration of the request is scheduled.



- D. The Board of Supervisors shall, following the consideration of the request, take such public action as it shall deem advisable no later than its next regularly scheduled public meeting. Such action shall cite the findings and reasons for the deposition of the waiver or appeal. Failure of the Board of Supervisors to render a decision and communicate it as prescribed above shall be deemed an approval unless the time period is extended by the applicant.

**§ 18-538. Expiration of OLDS Permit. [Ord. 3-1994, 11/7/1994, § 408]**

An onlot disposal system permit shall expire under either of the following circumstances:

- A. The dwelling or establishment is unoccupied for a period of two years or more.
- B. The property owner, property owners association, or homeowners association fails to renew the OLDS permit by having the system inspected by the Sanitary Officer as outlined in § 18-525.3 and Table 2 of this Part. In the case of an individual subsurface OLDS, proof of pump-out is required in order to renew the OLDS permit.

**§ 18-539. Renewal and Transfer of OLDS Permits. [Ord. 3-1994, 11/7/1994, § 409]**

1. Permit Renewal. The sanitary officer shall inspect each OLDS according to the schedule outlined in § 18-525.3 and Table 2 of this Part. As a result of the OLDS inspection, the Sanitary Officer shall take one of the following actions:
- A. Renew the existing OLDS permit if the system is determined to be functioning properly. In the case of individual subsurface OLDS, the owner must provide proof that the septic tank has been pumped out within a three-year interval.
- B. Issue a temporary permit extension for 90 days if it is found that the system is not functioning properly or has not been pumped out according to the schedule in Table 2. It is then the responsibility of the property owner to repair the system or to have it pumped out as necessary.
- C. Have the Township Engineer inspect the system, determine if it is functioning properly and, if necessary, recommend remedial action. The Sanitary Officer would then proceed as in either Subsection A or B, above.
- D. If the property owner does not meet the requirements of a temporary permit extension, i.e., repair the system or pump out the septic tank within the ninety-day period, enforcement action shall be taken as

outlined in Subpart D of this Part. All OLDS permit renewals, temporary extensions and proof of pump-out shall be recorded by the Sanitary Officer (see Appendix B).<sup>11</sup>

2. Permit Transfer. Upon transfer of property ownership, a valid OLDS permit shall automatically transfer to the new owner. The inspection schedule for the subject OLDS shall also transfer with the property ownership.

**§ 18-540. OLDS Permit/Inspection Fees. [Ord. 3-1994, 11/7/1994, § 410]**

The inspection of all OLDS within Earl Township shall follow the schedule outlined in Table 2 of this Part.

- A. Following each scheduled OLDS inspection, the property owner or homeowner's association will be billed for the cost of the inspection and the OLDS permit issuance/renewal according to a fee schedule adopted by resolution of the Earl Township Board of Supervisors according to the following OLDS types:
  - (1) Individual subsurface systems.
  - (2) Individual slow-rate land application systems.
  - (3) Individual stream discharge systems.
  - (4) Community OLDS (all types).
  - (5) Alternate and experimental systems.
    - (a) Individual.
    - (b) Community.

**§ 18-541. Construction Escrow/Performance Bond. [Ord. 3-1994, 11/7/1994, § 411]**

1. Construction Escrow.
  - A. As required by Table 2 of this Part and as outlined below, the property owner or developer shall file with the Earl Township Board of Supervisors a financial security. The purpose of such a construction escrow shall be that the Township may effect repairs to the OLDS or replacement of the OLDS as may be necessary for continued proper functioning.
  - B. Without limitation as to other types of financial security which the Township may approve, such approval shall not be unreasonably withheld. Federal or Commonwealth chartered lending institution

<sup>11</sup>See footnote 7.

irrevocable letters of credit and restrictive or escrow accounts shall be deemed acceptable financial security. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts shall be deemed acceptable financial security. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the developer, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth of Pennsylvania.

C. The amount of the construction escrow shall be as follows:

- (1) For conventional individual subsurface OLDS, there shall be no construction escrow required.
- (2) For individual slow-rate land application (SRLA) systems, individual stream discharge systems and individual alternate or experimental OLDS, the construction escrow shall be \$1,000 to be held for one full year from the date of completion of system construction.
- (3) For all community OLDS, the construction escrow shall be 110% of the estimated construction cost. The cost of the facilities shall be established by submission to the Board of Supervisors a bona fide bid or bids from the contractor or contractors chosen by the developer or property owner to complete the facilities, or in the absence of such bona fide bids, the cost shall be established by estimates prepared by the Township Engineer. If the developer requires more than one year from the date of posting of the financial security to complete the required facilities, the amount of financial security may be increased by an additional 10% for one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required facilities as reestablished on or about the expiration of the preceding one-year period, by using the above bidding.

2. Performance Bond. The Township and its Sanitary Officer shall, prior to issuing an OLDS permit for all community OLDS, require a performance bond to ensure continued operation and maintenance of the system. As outlined in Table 2 of this Part, the following shall be the requirements for performance bonds for OLDS operation and maintenance:

- A. No performance bond shall be required for any individual OLDS.
- B. For all community OLDS, the performance bond shall be 300% of the estimated annual operation and maintenance (O&M) costs. The

estimated annual O&M cost shall be provided by the property owner, developer or contractor and must be verified as accurate by the Township Engineer. Without limitation as to other types of financial security which the Township may approve, such approval shall not be unreasonably withheld. Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts shall be deemed acceptable financial security. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the developer, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth of Pennsylvania.

#### **E. Administration.**

#### **§ 18-551. Remedies. [Ord. 3-1994, 11/7/1994, § 501]**

1. Any person, partnership or corporation engaged in the construction of an onlot disposal system (OLDS) (as defined in § 18-502 of this Part) or involved in the installation, operation and/or maintenance of any or all components of an OLDS, shall implement such activities consistent with the OLDS permit and this Part. Any such activity conducted in violation of this Part or the OLDS permit is hereby declared a public nuisance.
2. In the event of a violation, the Earl Township Board of Supervisors may initiate the following actions:
  - A. Suspension of OLDS Management Permit. Any permit issued under this Part may be suspended by the Sanitary Officer based upon:
    - (1) The noncompliance with or failure to implement any provision of the OLDS Management Plan.
    - (2) A violation of any provision of this Part relating to the project.
    - (3) The creation of any condition or the commission of any act during construction which constitutes or creates a hazard or nuisance or which endangers the life or property of others.
    - (4) Under the suspension of a permit, only such work as the Sanitary Officer so authorizes may proceed. This work shall be limited to that which is necessary to correct the violation. A suspended permit shall be reinstated by the Sanitary Officer when:
      - (a) The Sanitary Officer has inspected and approved the corrections to the onlot sewage disposal facilities or the elimination of the hazard or nuisance.

- (b) The Sanitary Officer is satisfied that the violation of this Part has been corrected.
- B. Revocation of an OLDS Permit. Based upon a report from the Township Engineer that the existing site condition or further construction is likely to endanger property or create hazardous conditions, the Sanitary Officer may:
- (1) Revoke a permit.
  - (2) Require protective measures to be taken and assign a reasonable time period for the necessary action.
  - (3) Authorize protective measures to be done and lien all cost of the work against the property on which work is required.
  - (4) A permit which has been revoked cannot be reinstated. The applicant may apply for a new permit in accordance with the processing procedures in Subpart C.
- C. Civil Remedies. Suits to restrain, prevent or abate a violation of this Part may be instituted in equity or at law by the Earl Township Board of Supervisors. Such proceedings in equity or law may be initiated before any court of competent jurisdiction. In cases of emergency where, in the opinion of the court, the circumstances of the case require immediate abatement of the unlawful conduct, the court may, in its decree, fix a reasonable time during which the person responsible for the unlawful conduct shall correct or abate the same. The expense of such proceedings shall be recoverable from the violator in such manner as may now or hereafter be provided by law.
- D. Notification of Suspension or Revocation of an OLDS Permit. In the event of a suspension or revocation of an OLDS permit the Sanitary Officer shall provide written notification, by certified mail, of the violation to the permittee at his last known address. Such notification shall:
- (1) Cite the specific violation, describe the requirements which have not been met, and cite the provisions of this Part relied upon.
  - (2) Identify the specific protective measures to be taken.
  - (3) Assign a reasonable time period necessary for action or, in the case of revocation, identify if the Township has authorized protective measures to be performed at cost to the landowner.
  - (4) Identify the right of permittee to request a hearing before the Board of Supervisors if aggrieved by the suspension or revocation.

**§ 18-552. Penalties. [Ord. 3-1994, 11/7/1994, § 502]**

1. Any person who shall violate any of the provisions of this Part, or who shall fail to comply with any written notice from Earl Township which describes a condition of noncompliance, shall be guilty of a summary offense, and upon conviction thereof, shall be subject to a fine payable to Earl Township of not more than \$300 or less than \$100 for each violation, recoverable with cost. In default of payment of the fine, such person shall be liable to imprisonment for not more than 30 days. A new and separate violation shall be deemed to be committed for each day after receipt of the aforesaid notice that such violation exists.
2. In addition, the Township may institute injunctive, mandamus or any other appropriate action or proceeding of law or in equity for the enforcement of this Part. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, writs of mandamus or other appropriate forms of remedy or relief.

**§ 18-553. Appeal to Board of Supervisors of Earl Township. [Ord. 3-1994, 11/7/1994, § 503]**

Any person aggrieved by any action of the Sanitary Officer may appeal to the Board of Supervisors of Earl Township within 20 days of that action.

**PART 6**  
**RETAINING TANKS**

**§ 18-601. Purpose. [Ord. 1-1998, 2/2/1998, § 1]**

The purpose of this Part is to establish procedures for the use and maintenance of existing and new retaining tanks designed to receive and retain sewage whether from residential, commercial or industrial uses and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of Earl Township.

**§ 18-602. Definitions. [Ord. 1-1998, 2/2/1998, § 2]**

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

**BOARD OF SUPERVISORS** — The Board of Supervisors of Earl Township, Lancaster County, Pennsylvania.

**DEPARTMENT** — The Department of Environmental Protection of the Commonwealth of Pennsylvania.

**IMPROVED PROPERTY** — Any property within the Township upon which there is erected as structure intended for continuous or periodic habitation, occupancy or used by human beings or animals and from which structure sewage shall or may be discharged.

**OWNER** — Any person vested with ownership, legal or equitable, sole or partial of any property located in the Township.

**PERSON** — Any individual, partnership, company, association corporation or other group or entity.

**RETAINING TANK** — A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Retaining tanks include, but are not limited to, the following:

- (1) **CHEMICAL TANKS** — A permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.
- (2) **HOLDING TANK** — A tank to which sewage is conveyed by a water carrying system.
- (3) **PRIVY** — A tank designed to receive sewage where water under pressure is not available.

**SEWAGE** — Any substance that contains any of the waste products or excrements 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 any substance which constitutes pollution under the Clean Streams Law, 35 P.S. § 691.1 et seq.

TOWNSHIP — Earl Township, Lancaster County, Pennsylvania.

**§ 18-603. Rights and Privileges Granted. [Ord. 1-1998, 2/2/1998, § 3]**

The Board of Supervisors are hereby authorized and empowered to undertake within the Township the control and methods of retaining tank use, sewage disposal and sewage collection and transportation.

**§ 18-604. Rules and Regulations. [Ord. 1-1998, 2/2/1998, § 4]**

The Board of Supervisors are hereby authorized and empowered to adopt by resolution such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein. In absence of adoption of rules and regulations by the Board relative to the administration of this Part, the rules and regulations of the Department or any successor department or administrative agency of the State pertaining to conditions justifying use of retaining tanks, the method of construction and installation of said tanks, the method of maintenance of retaining tanks and all other matters relative to the use of retaining tanks within municipalities shall be considered and deemed rules and regulations of the Township and shall be applied by the Township in the administration of this Part.

**§ 18-605. Rules and Regulations to be in Conformity with Applicable Law. [Ord. 1-1998, 2/2/1998, § 5]**

All such rules and regulations adopted by the Township shall be in conformity with the provisions of this Part, all other ordinances of the Township, and all applicable law, rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

**§ 18-606. Rates and Charges. [Ord. 1-1998, 2/2/1998, § 6]**

The Board of Supervisors shall have the right and power to fix, alter, change and collect rates, assessments and other charges relating to the use and maintenance of retaining tanks at reasonable and uniform rates as authorized by applicable law.

**§ 18-607. Exclusiveness of Rights and Privileges. [Ord. 1-1998, 2/2/1998, § 7]**

The collection and transportation of all sewage from any improved property utilizing a retaining tank shall be done solely by or under the direction and control of the Board of Supervisors and the disposal thereof shall be made only at such site or sites as may be approved by the Department. The owner shall be required to furnish to the Township a written contract entered into between the owner and the hauler, noncancelable in form, whereby the hauler agrees to receive and dispose of the sewage at a site or sites acceptable to the Township and not to cancel or



terminate the contract except under at least 90 days written notice to the Township of intention to terminate.

**§ 18-608. Duties of Improved Property Owner. [Ord. 1-1998, 2/2/1998, § 8]**

The owner of an improved property that utilizes a retaining tank shall:

- A. Maintain the retaining tank in conformance with this or any ordinance of the Township, the provisions of any applicable law and the rules and regulations of the Township and any administrative agency.
- B. Permit only the Township or, if the Township so directs, a person under contract with the property owner to collect, transport and dispose of the contents therein.
- C. Permit the Township to enter upon lands to inspect annually the retaining tanks for proper operation, maintenance and contents disposal.
- D. Should a property owner fail or refuse to maintain a retaining tank and it shall become a health hazard in the opinion of the sewerage enforcement officer for the Township, the Township shall be authorized to pump the retaining tank or have the retaining tank pumped and its contents removed and the property owner shall be liable for all costs of such pumping, removal and disposal. Said costs shall be recoverable by the Township by a civil action against the property owner or may be entered as a lien against the property in the same manner as a lien for unpaid water or sewer bills, as permitted by law. The recovery of this expense by the Township shall be in addition to any other remedies provided by this Part.
- E. An owner shall abandon and remove the retaining tank in a manner consistent with applicable public health and environmental standards at such time as public sanitary sewer service is provided or an onlot system meeting State and local standards are approved.

**§ 18-609. Violations. [Ord. 1-1998, 2/2/1998, § 9]**

Any person who violates any provision of § 18-608 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not more than \$300 and costs, and in default of payment of said fine and costs to undergo imprisonment in the Lancaster County Prison for a period not in excess of 95 days.

**§ 18-610. Abatement of Nuisances. [Ord. 1-1998, 2/2/1998, § 10]**

In addition to any other remedies provided in this Part, any violation of § 18-608 above, shall constitute a nuisance and may be abated by the Township by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

