

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA

NO. 1- 1999

AN ORDINANCE PROVIDING FOR STANDARDS AND
PROCEDURES FOR THE APPLICATION, PERMIT,
MAINTENANCE AND MANAGEMENT OF CERTAIN
INDIVIDUAL AND COMMUNITY ON-LOT SEWAGE
SYSTEMS AND FACILITIES, ESTABLISHING
DEFINITIONS, CRITERIA, INSPECTION AND REPAIR
METHODS AND STANDARDS AND ESTABLISHING
PENALTIES AND OTHER ENFORCEMENT REMEDIES FOR
VIOLATION.

BE IT IS HEREBY ORDAINED AND ENACTED and it is hereby
ordained and enacted by the Board of Township Supervisors in and
for the Township of Middlesex, Cumberland County, Pennsylvania,
as follows:

SECTION 1: BACKGROUND AND LEGISLATIVE PURPOSE. The Board of
Township Supervisors in and for the Township of Middlesex
("Board") hereby recognizes and establishes the following
background facts and conditions:

a. The Township of Middlesex is an a state of transition
from an almost entirely rural community to a community of varying
uses and functions, thereby increasing municipal governmental
concerns and responsibilities.

b. As an indication of such change is the relatively recent
creation of a public water distribution system and a public
sewage collection and disposal system, both of which systems are
designed to enhance the quality of life and to protect public
health and safety; however, it is fiscally impossible to provide
such services to all areas of the Township.

c. It is recognized that many existing residential structures and many to be built in the future are being and will be served by on-site water sources (wells) and sewage disposal systems (septic tanks, sand-mound systems and the like) in the absence of municipal services and that such sewage disposal systems have failed or may fail or malfunction in the future requiring repair and replacement.

d. The Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. (1965) 1535 as amended, 35 P.S. § 750.1, et seq., the "Act") provides that the Township of Middlesex, as a local agency under the Act, has the power and the duty to adopt and maintain standards and procedures for applications and permits consistent with those of the Pennsylvania Department of Environmental Protection pertaining to individual and community sewage systems.

e. The Board deems it in the best interest of its citizens to formulate and implement standards and procedures for the inspection, maintenance and repair of certain on-lot sewage disposal systems in order to effectively prevent and abate water pollution and hazards to public health occasioned by the discharge of untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth.

SECTION 2: DEFINITIONS.

The following words and phrases shall have the meanings set forth herein unless the context of the use thereof shall dictate

another interpretation:

"Act": the Pennsylvania Sewage Facilities Act (Act of January 24, 1966 P.L. (1965) 1535, as amended) 35 P.S. § 750.1, et seq.

"Alternate Sewage System": a sewage disposal system employing the use of demonstrated technology in a manner not specifically recognized by the Act or the rules or regulations promulgated under the Act.

"Applicant": any person who applies for the issuance of a permit to install, repair, alter, replace, expand, repair or connect to any individual, community or alternate sewage system.

"Area A": that portion of the Township within the following described boundaries: Beginning at the center point of the intersection of U.S. Route 11 (Harrisburg Pike) and North Middlesex Road (T-496); thence North from said point along the center line of North Middlesex Road to the center point of the intersection of North Middlesex Road and Wertzville Road (SR 0944); thence East from said point along the center line of Wertzville Road to the center point of the intersection of Wertzville Road and Mountain Road (T-381); thence North from said point along the center line of Mountain Road to the center point of the intersection of Mountain Road and Spring Road (SR 034); thence North from said point along the center line of Spring Road to the Township line, also being the boundary line of Perry and Cumberland County; thence West along said boundary line to the eastern boundary line of Middlesex Township which adjoins North Middleton Township; thence South along the Township line adjoining North Middleton Township to the center point of its intersection with U.S. Route 11; thence East along the center line of U.S. Route 11 to the center point of the intersection of U.S. Route 11 and North Middlesex Road, the point of beginning.

"Area B": that portion of the Township within the following described boundaries: Beginning at the center point of the intersection of U.S. Route 11 and South Middlesex Road (T-590); thence West from said point along the center line of U.S. Route 11 to the Township line adjoining North Middleton Township; thence South along said Township line adjoining North Middleton Township to a point on the center line of Trindle Road (SR 0641); thence East from said point along the center line of Trindle Road (also the Township line adjoining South Middleton Township) to the center point of the intersection of Trindle Road and South Middlesex Road; thence North from said point along the center line of South Middlesex Road to the center point of the intersection of South Middlesex Road and U.S. Route 11, the point of beginning.

"Area C": that portion of the Township within the following described boundaries: Beginning at the center point of the intersection of U.S. Route 11 and South Middlesex Road; thence South from said point along the center line of South Middlesex Road to the center point of the intersection of South Middlesex Road and Trindle Road; thence East from said point along the center line of Trindle Road to the Township line adjoining Silver Spring Township; thence north along said Township line adjoining Silver Spring Township to a point on the center line of U.S. Route 11; thence West from said point along the center line of U.S. Route 11 to the center point of the intersection of U. S. Route 11 and South Middlesex Road, the point of beginning.

"Area D": that portion of the Township within the following described boundaries: Beginning at the center point of the intersection of U.S. Route 11 and North Middlesex Road; thence East from said point along the center line of U.S. Route 11 to the Township line adjoining Silver Spring Township; thence North along said Township line adjoining Silver Spring Township to a point on the Township line adjoining Perry County; thence West from said point along the Township line, also being the boundary line between Cumberland and Perry Counties, to a point on the center line of Spring Road (SR 034); thence South from said point along the center line of Spring Road to the center point of the intersection of Spring Road and Mountain Road; thence East from said point along the center line of Mountain Road to the center point of the intersection of Mountain Road and Wertzville Road; thence West from said point along the center line of Wertzville Road to the center point of the intersection of Wertzville Road and North Middlesex Road; thence South from said point along the center line of North Middlesex Road to the center point of the intersection of South Middlesex Road and U.S. Route 11, the point of beginning.

"Authorized agent": the Middlesex Township Municipal Authority, its agents, employees and/or authorized representatives unless the context clearly indicates otherwise.

"Board": the Board of Township Supervisors in and for the Township of Middlesex.

"Community on-lot sewage system": a system of piping, tanks or other facilities serving two or more lots and collecting, treating and disposing of domestic sewage into a subsurface soil absorption area located on one or more of the lots or at another site. Such term shall specifically exclude "retaining tanks" as defined in and regulated by Ordinance No. 8-94 of Middlesex Township and Small Flow Sewage Treatment Facilities as defined and regulated in Ordinance No. 2-95 of Middlesex Township.

"DEP": the Pennsylvania Department of Environmental Protection or any successor Department or agency of the Commonwealth of Pennsylvania.

"Immediate family": mother, sister, son, daughter, stepson, stepdaughter, grandson, grandmother, father or mother of the property owner.

"Individual on-lot sewage system" or "on-lot sewage system": a system of piping, tanks or other facilities serving a single lot and collecting, treating and disposing of domestic sewage into a subsurface soil absorption area. Such term shall specifically exclude "retaining tanks" as defined in and regulated by Ordinance No. 8-94 of Middlesex Township and Small Flow Sewage Treatment Facilities as defined and regulated in Ordinance No. 2-95 of Middlesex Township.

"Lot": a designated parcel, tract or area of land established by a plot or plan or otherwise permitted by law to be used, improved or developed as a unit.

"Official Plan": the comprehensive plan for the provision of adequate sewage systems adopted by the Township and submitted and approved by DEP.

"Owner" or "property owner": any person holding legal or equitable title to any land or lot within the Township.

"Person": any individual, association, partnership, public or private corporation (whether profit or not-for-profit), trust, estate or other legally recognized entity. Whenever the word "person" is used in connection with any clause providing for the imposition of a fine, penalty, imprisonment or the ordering of action to comply with the terms and provisions of this ordinance, the word "person" shall include the individual members of an association, partnership or firm and the officers and directors of any public or private corporation.

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

"Pumper/Hauler": any person properly licensed or certified by the Commonwealth of Pennsylvania who engages in the cleaning of community or individual sewage systems and/or transports the sewage cleaned, removed or extracted from such systems.

"Replacement Area": an area designated as the future location of

an individual on-lot sewage system that shall be installed should the initial on-lot system installed or to be installed fails or otherwise becomes inoperable, and which shall meet all regulations and requirements of DEP and all applicable Township ordinances for an individual on-lot sewage system, and shall be protected from encroachment by an easement depicted and noted on a final land development plan or other instrument and to be recorded in the Office of the Recorder of Deeds in and for Cumberland County.

"Septic tank" or "treatment tank": a water-tight tank designated to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place.

"Sewage": any substance, including, but not limited to, domestic waste water originating from residential use, that contains waste products or excrement or other discharge from the bodies of human beings or animals or noxious or deleterious substances harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or recreation. The term includes substances which constitute pollution under the Clean Streams Law (35 P.S. § 691.1 - 691.1001).

"Sewage Enforcement Officer" or "S.E.O.": the official appointed by the Board responsible for receiving applications, issuing permits, conducting investigations and inspections and to take all other necessary actions required by the Pennsylvania Sewage Facilities Act and the Board, as directed herein and hereafter from time to time.

"Single and separate ownership": the ownership of a lot by one or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

"Township": the Township of Middlesex, Cumberland County, Pennsylvania.

All other definitions of words and terms used in this Ordinance shall have the same meaning as set forth in the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, as amended, 35 P.S. § 750.1, et seq.

SECTION 3: APPLICABILITY. This Ordinance shall apply to all persons owning any real estate in the Township served by an on-lot sewage system and to persons installing, constructing, altering, repairing or connecting to a community or individual

on-lot sewage system.

SECTION 4: PERMIT REQUIREMENTS, EXEMPTIONS, REVIEW AND ISSUANCE.

a. Permit Requirements.

No person shall install, construct, or award a contract for construction or alter, repair or connect to an individual or community on-lot sewage system or construct or request bid proposals for construction, or install or occupy any building or structure for which an individual or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act (the "Act"), the standards and regulations adopted pursuant to that Act and this Ordinance.

b. Permit Exemptions.

1. Applicable exemptions.

No permit shall be required under the following circumstances:

(a) Where a new dwelling is proposed to replace a previously existing dwelling where the size and anticipated use of the new dwelling is the same as the previously existing dwelling and the previously existing dwelling was in use within one year of the anticipated date of the completion of construction. This exemption shall not apply

when an active investigation of malfunction is underway by the Township and/or S.E.O.

2. Installation of permit exempt systems.

(a) Owners of property qualifying for a permit exemption shall install permit-exempt systems in accordance with the siting and other requirements of the Pennsylvania Sewage Facilities Act and all standards and regulations adopted pursuant to said Act for such systems. Before

installation, the owner shall notify the Township of the installation and pay a fee of \$25.00 to the Township for purposes of verifying that the system is located in accordance with the siting requirements of the Act.

3. Indemnification and hold harmless by the owner.

Owners of property upon which a permit-exempt system is installed shall indemnify and hold harmless the Commonwealth of Pennsylvania, the Township and the S.E.O. of, from and against damages to property or injuries to any person and other damages, losses, expenses, claims, demands, suits and actions by any party against the Commonwealth of Pennsylvania, the Township and the S.E.O. in connection with the malfunctioning of the on-lot sewage system installed under the permit exemption provisions of this Ordinance. It is the sole responsibility of the property owner who installed or contracted for the installation of a sewage system under the permit exemption provision of this Ordinance or the property owner who accepted responsibility for the system upon purchase of the property under the disclosure provisions of the Act to correct or have corrected any system malfunction which contaminates surface

or groundwater or discharges to the surface of the ground. Any such system malfunction shall constitute a nuisance and shall be abatable in a manner provided by law.

c. Permit Applications; Time for issuing and denying permits.

Applications for permits shall be made in writing to the S.E.O. in such form and containing such data as DEP may from time to time prescribe.

Permits for on-lot sewage systems shall be approved or denied within seven (7) days of the receipt of a initial application. If the application is found to be incomplete, the time for acting thereon shall be extended fifteen (15) days beyond the date of receipt of adequate supplementary or amendatory data.

Applications for alternate sewage system permits found to be complete shall be submitted within five (5) days of the determination of completeness to DEP by the Township or its authorized representative for appropriate action. Permits for alternate sewage systems shall be issued or denied by the Township within forty-five (45) days of transmittal of a complete application to DEP.

d. Covering of system from view.

No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover same has been given by the S.E.O.

If seventy-two (72) hours have elapsed (excepting Sundays and Holidays) since the S.E.O. issuing the permit has received notification of completion of construction, the owner may cover said system or structure unless permission has been refused by the S.E.O.

e. Expiration of permits.

If construction or installation of an individual or community sewage system and of any building or structure for which such system is to be installed has not commenced within three (3) years after issuance of a permit for such system, the permit shall be deemed to have expired and a new permit shall be obtained prior to the commencement of said construction or installation.

f. Issuance of building or occupancy permits.

No building or occupancy permits may be issued by the Township or its Zoning Officer for a new building from which sewage will be generated until a sewage permit has been obtained from the S.E.O.

SECTION 5: GROUND MARKERS; ACCESS TO TREATMENT TANKS AND DRAINAGE FIELDS.

Any person who shall install, construct, alter, and/or repair any individual or community on-lot sewage system shall provide a marker or markers at ground level locating the treatment or septic tank and other important components of the system requiring periodic inspection and maintenance. The types

of markers and locations shall be determined by the S.E.O.

A riser or access hatch shall be constructed so as to enable easy access to the treatment tank. Such riser or access hatch shall be constructed to prevent odors from escaping and be secured to prevent children from removing the hatch.

Accessibility for visual inspection and maintenance shall be provided in drainage fields by means of four (4) inch vertical, non-perforated PVC pipe connected directly to the drain tile at a minimum of four (4) locations in the drainage field.

Installation of the riser or access hatch and PVC pipe shall be subject to S.E.O. approval.

SECTION 6: REPLACEMENT AREAS.

a. Requirements.

After the effective date of this Ordinance, a Replacement Area for all individual on-lot sewage systems shall be required for all lots or lots to be created which are not serviced or to be served by a community on-lot sewage system or for which a permit for installation of an individual on-lot sewage system has not been issued. Existing lots for which a permit for installation of an individual on-lot sewage system has been issued prior to the effective date of this Ordinance shall be exempt from the requirements of this Section.

The Replacement Area identified and provided shall comply with the Act and with all standards and regulations

adopted pursuant to the Act concerning individual on-lot sewage systems, including, but not limited to, soil profile and percolation tests, siting and isolation distances, and with the provisions of this Ordinance and any other Township ordinance.

b. Identification of Replacement Areas.

1. Each Applicant who shall submit a plan for the subdivision or development of land or who shall apply for a permit for the installation of an individual on-lot sewage system, or who shall request approval of a Planning Module for Land Development or the adoption of a revision, exception to revision, or supplement to the Official Plan shall demonstrate to the satisfaction of the S.E.O. that a suitable area exists on the lot or on each lot to be created for an initial individual on-lot sewage system and for the Replacement Area. The S.E.O. shall perform or observe all tests required for the location of an individual on-lot sewage system to confirm the suitability of the Replacement Area. Identifying an area or designating open land for the Replacement Area without testing performed or observed by the S.E.O. shall not constitute compliance with the requirements of this Section.

2. The location of the initial individual on-lot sewage system and the Replacement Area as confirmed by

the S.E.O. shall be identified on the plot plans and diagrams submitted as part of the permit application.

3. If the application has been submitted as a part of an application for subdivision or land development approval or as part of a request that the Township approve a Planning Module for Land Development or amend its Official Plan, or a request for an exception to the revision of the Official Plan, the location of each initial individual on-lot sewage system and each Replacement Area shall be noted upon the plans. Each Replacement Area shall be delineated on the plans as a permanent easement and a note shall be added to the plans stating the purpose of the Replacement Area, that no improvements, temporary or permanent, except shallow-rooted plant matter, shall be constructed upon the Replacement Area and that each deed to be recorded for each lot created as part of the subdivision or land development shall contain language reflecting this limitation.

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

5. The provisions concerning limitations on

construction within the Replacement Area shall be enforced by the Township unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the S.E.O. that an alternate Replacement Area which complies with all applicable standards and regulations of DEP, this Ordinance and all other applicable Township ordinances, exists upon the lot. If such an alternate Replacement Area shall be identified, the alternate Replacement Area may be considered to be the Replacement Area required by this Ordinance and shall be designated as the Replacement Area. The newly designated Replacement Area shall thereafter be considered the Replacement Area for purposes of this Ordinance.

c. Relief from Replacement Area requirements.

If any lot held in single and separate ownership as of the effective date of this Ordinance does not contain land suitable for a Replacement Area, the Applicant submitting a Land Development Plan, Subdivision Plan or a Planning Module for Land Development or desiring to install an individual on-lot sewage system may request that the Board grant an exception to the requirement of providing a Replacement Area. The Applicant for such exception shall present credible evidence to the Board demonstrating: (a) the

lot was held in single and separate ownership on the effective date of this Ordinance; (b) the size of the lot; (c) the inability of the Applicant to acquire adjacent land or the unsuitability of adjacent land which might be able to be acquired; and (d) the testing conducted to determine that the lot is not suitable to provide a Replacement Area.

At all times the burden to present credible evidence and the burden of persuasion shall be upon the Applicant for an exception from the terms of this Ordinance.

SECTION 7: INSPECTIONS.

a. Time of Inspection.

Any on-lot sewage disposal system may be inspected by the S.E.O. or any authorized agent of the Township at any reasonable time.

b. Scope of Inspection.

The inspection may include a physical tour of the property, the taking of samples from surface water, wells, other ground water sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substances into the interior plumbing of the structure or building served to ascertain the path and ultimate destination of waste water generated in the structure.

The S.E.O. or authorized agent shall make a written inspection report for each inspection conducted. Said report shall contain the following information when reasonably available to the S.E.O. or authorized agent: date of inspection; name and address of property owner; description and diagram of the location of the system including location of access hatches, risers, and markers; size of tanks and disposal fields; current occupant's name and number of users; indication of any system malfunction observed; results of any and all soils and water tests; and any remedial action required.

A copy of the inspection report shall be supplied to the property owner and current resident when completed.

c. Grant of Authority to enter upon land.

The S.E.O. or authorized agent shall have the right to enter upon land for the purposes of inspections described above. In the event that access to inspect the property is denied, the following steps shall be taken:

1. The matter shall be reported to the Board;
2. The Board may schedule a review of the matter at the next scheduled meeting of

the Board, or, if the situation threatens the health or safety of the residents of the Township, the Board may commence an immediate procedure to obtain a search warrant from the District Justice;

3. If a search warrant is obtained to inspect the property, the S.E.O. or authorized agent shall be accompanied by an officer of the Middlesex Township Police Department and the inspection shall be completed in accordance with this Section.

The above provisions for obtaining a search warrant may be waived when the Board and the S.E.O. or authorized agent have reason to believe that the sewage system or alternate sewage system is malfunctioning or being operated in such a way that a situation exists which poses an immediate and substantial health, safety and/or environmental hazard.

d. Schedule of inspection.

A schedule of routine inspections of sewage systems may be established by the Township or its authorized agent to assure the proper functioning thereof.

- e. Duty of S.E.O. to inspect malfunctioning systems; action to be taken.

The S.E.O. shall inspect sewage systems known to be, or alleged to be, malfunctioning. Should any such inspection reveal that the system is malfunctioning, the Township shall take action required to correct the malfunction. If it is not feasible technically or financially, in the opinion of the Township and/or DEP, to correct satisfactorily the malfunction, action by the property owner to mitigate the malfunction shall be required.

SECTION 8: PROHIBITED DISCHARGE INTO SEWAGE SYSTEMS.

Only domestic waste and waste water shall be discharged into on-lot sewage systems. The following shall not be deposited or discharged into the system:

- a. Industrial or commercial waste;
- b. Automobile and/or industrial oils or lubricants;
- c. Toxic or hazardous substances or chemicals, including, but not limited to pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline, petroleum distillates or products and solvents;
- d. Clean surface or ground water, storm water, including water from roof or cellar drains or spouts, springs, basement sump pumps and French drains.

SECTION 9: MAINTENANCE.

a. Schedule of required pumping.

Any person owning a structure or building served by an on-lot disposal system shall at said owner's expense, have the septic or treatment tank pumped by a qualified Pumper/Hauler after the effective date of this Ordinance based upon the following schedule:

1. Properties located within Area A, Area B and Area C: within one (1) year of the effective date of this Ordinance;
2. Properties located within Area D: within two (2) years of the effective date of this Ordinance.

Thereafter septic or treatment tanks shall be pumped once every three (3) years by a Pumper/Hauler or sooner whenever it is discovered by inspection or otherwise that the septic or treatment tank is filled with solids in excess of $\frac{1}{3}$ the liquid depth of the tank or with scum in excess of $\frac{1}{3}$ the liquid depth of the tank.

Any person providing a receipt or other written evidence showing that a tank on property owned by them has been pumped within three (3) years of the date of the required initial pumping as specified by this Ordinance shall be exempt from the deadline for the initial pumping

scheduled hereunder, but shall be required to have said tank pumped within three (3) years of the date said tank was last pumped and within every three (3) years thereafter.

b. Increase in pumping frequency.

The required pumping frequency set forth in Section 9.a above may be increased at the discretion of the S.E.O. if the septic or treatment tank is undersized, if solid or scum build-up or the rate of such build up in the tank is above average, if there is a significant increase in the hydraulic load on the system, if a garbage grinder is used in the building or structure, if the system malfunctions or for any other good cause existing.

c. Report of pumping.

Each time a septic or treatment tank is pumped, whether or not as part of the scheduled pumping required by this Ordinance, the Pumper/Hauler shall provide to the owner of the on-lot sewage system as well as the authorized agent of the Township, within thirty (30) days of pumping, a completed report on a form provided by the Township, which report shall contain at a minimum the following information:

1. The name and business address of the Pumper/Hauler;
2. Date of pumping;
3. Name and address of the property and system owner;
4. Address of the tank location, if different from property owner's address;

5. Description and diagram of the location of the treatment tank, including the location of any markers, risers, access hatches, size of tank and structures in proximity to the tank;
 6. A statement that the tank baffles have been inspected and a statement of their condition;
 7. The date the existing system was installed;
 8. Last date the tank was pumped;
 9. List of any maintenance, other than pumping, performed;
 10. A statement of any system malfunction observed;
 11. Amount or volume of sewage removed;
 12. A statement of any recommendations for maintenance, repair or better operation of the system;
 13. Destination of the sewage removed and identify of the treatment facility.
 14. The signature of the hauler/pumper or his, her or its authorized representative, made under penalty of unsworn falsification to authorities, swearing or affirming the information completed on the form is true and correct based upon knowledge, information or belief.
- d. Maintenance of alternate sewage systems/systems with aerobic treatment tanks.

Any person owning a building or structure served by an alternate sewage system or an on-lot sewage system which contains an aerobic treatment tank shall follow all service and maintenance recommendations of the equipment or system manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township's authorized agent within six (6) months of the

effective date of this Ordinance. Thereafter, service receipts shall be submitted to said agent at the intervals specified by the manufacturer for recommended service. In no case may the service or pumping intervals exceed those required for septic or treatment tanks.

e. Maintenance of grading and contouring/protection of absorption area.

Owners of property upon which an on-lot system is located shall maintain the surface contours or grade of the property in order to divert storm water away from the septic or treatment tank and the absorption areas. The absorption area shall be protected from physical damage.

f. Additional maintenance activity.

The Township may require additional maintenance activity which it in its discretion deems necessary, including, but not limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and the lines, removal of obstructing roots or trees and the diversion of surface and storm water away from the treatment tank and absorption areas. Repair permits issued by the S.E.O. must be secured for the activities.

g. Cesspools and dry wells.

Any person owning a building or structure served by a cesspool or dry well shall have that system pumped according

to the schedule prescribed for septic or treatment tanks in Section 9.a.

SECTION 10: SYSTEM REPAIR AND REHABILITATION.

a. Prohibition against malfunctioning system and discharge.

No person shall operate or maintain an on-lot sewage system in such a manner that it malfunctions. All liquid household wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth of Pennsylvania unless a permit to discharge has been obtained from DEP.

b. Notice of violation.

The Township shall issue a written notice of violation to any person who is the owner of a property in the Township on or upon which is found to be a malfunctioning on-lot sewage system or which is discharging untreated or partially treated sewage without a permit.

c. Procedure to repair or replace malfunctioning system.

Within seven (7) days of notification by the Township that a malfunction has been identified, the owner shall make application to the S.E.O. for a permit to repair or replace the malfunctioning system. Within ten (10) days of the issuance of a permit by the S.E.O., the permitted repairs or replacement shall commence. Within sixty (60) days of the

notice of the violation given pursuant to Section 10.b. above, repairs or replacement shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township may in its discretion set an extended completion date after request from the owner.

d. Methods of repair.

The S.E.O. shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal or absorption area, replacing the existing absorption or disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank or by other alternative methods as appropriate for the specific site.

e. Installation and use of water conservation equipment and practices.

In lieu of, or in combination with, the methods and remedies described in Section 10.d. above, the S.E.O. may require the installation of water conservation equipment and the institution of water conservation practices in structures or building serviced by the malfunctioning system. Water using devices and appliances in the structure or building may be required to be retrofitted with water saving appurtenances or they may be required to be replaced

by water conserving devices and appliances. Waste water generation in the structure or building may also be reduced by requiring changes in water usage patterns. The use of laundry facilities may be limited or discontinued altogether.

f. Use of holding tanks.

In the event that the repair and rehabilitation measures set forth above are not feasible or do not prove effective, the Township may require the Owner to apply for a permit to utilize a retaining tank in accordance with Township Ordinance No. 8-94.

g. Authority to lessen or mitigate malfunctions.

Should none of the methods or remedies set forth in this Ordinance prove effective in eliminating the malfunction of any on-lot sewage system, the owner thereof is not absolved of responsibility for that malfunction and the Township may take and require whatever action is necessary to lessen or mitigate the malfunction to the extent it deems necessary under the circumstances.

SECTION 11: IMPOSITION OF LIENS.

The Township, upon written notice from the S.E.O. that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage system as provided pursuant the terms of this Ordinance, shall have the authority to perform or contract to have performed any work

required by the S.E.O. to maintain repair or replace the system. The owner shall be charged for the work performed and in default of payment thereof, may be subject to a civil action to collect same and/or the Township may enter a lien upon the property of the owner in accordance with law.

SECTION 12: DISPOSAL OF SEWAGE.

a. Pumper/Haulers to comply with all requirements.

All Pumpers/Haulers operating within the Township shall comply with all reporting requirements established by the Township.

b. Disposal at approved sites.

All sewage removed from sewage systems originating in the Township shall be disposed of at sites or facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, waste water treatment plans, composting sites, and approved farm lands.

c. Violation and penalties pertaining to Pumper/Haulers.

Pumper/Haulers operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101-6018.1003). Any Pumper/Hauler who violates any of the provisions or any other Ordinance or regulations of the Township, the conditions of its State permit, or of any State or local law governing its operation, shall, upon conviction thereof, be sentenced to pay a fine not exceeding

one thousand dollars (\$1,000.00) and costs, and in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. If any Pumper/Hauler shall have been convicted on two (2) occasions of any violation of this Ordinance or for violating the conditions of its State permit, or of any State or local law governing its operation, the Board shall have the power to suspend said Pumper/Hauler from operating within the Township for a period of not less than six (6) months or more than two (2) years for each violation, as determined by the Township. Each day the violation continues shall constitute a separate offense.

SECTION 13: ADMINISTRATION.

a. Fee schedule.

The Board by Resolution, may establish and collect reasonable fees to cover the costs of administering this Ordinance.

b. Records to become property of the Township.

All permits, records, reports, files and other materials relating to the installation, operation, and maintenance and malfunction of on-lot disposal systems shall become the property of the Township.

c. Administration by the Middlesex Township Municipal Authority.

The Middlesex Township Municipal Authority (the "Authority") as the authorized agent of the Township shall have the authority to conduct inspection and establish schedules of routine inspections under Section 7 hereof and administer the pumping and maintenance schedules and maintain all records as set forth in Section 9 of this Ordinance. The Authority shall be authorized to administer such other provisions of this Ordinance in accordance with future Resolutions of the Board.

SECTION 14: ENFORCEMENT.

a. Revocation of permits.

If the Township determines that: (1) any change has occurred in the physical condition of any lands which will materially affect the operation of an on-lot sewage system covered by any permit issued by the S.E.O., or (2) one or more tests material to the issuance of the permit has been falsified, or (3) information material to the issuance of the permit has been falsified, or (4) the original decision of the S.E.O. otherwise failed to conform with the Act or the regulations or standards adopted pursuant to the Act; or (5) the permittee has violated the rules and regulations of DEP under which the permit has been issued, the permit shall

be revoked. Such action shall be taken after notice and an opportunity for hearing has been given to the permittee.

b. Criminal penalties for violation.

Any person who shall violate any provision of this Ordinance or who is the owner of a property on which a condition exists which constitutes a nuisance or who persists or interferes with any officer, agent, employee or S.E.O. of the Township in the performance of his or her duties under this Ordinance, shall be guilty of a summary offense and subject to enforcement action before the District Justice. Upon conviction thereof such person shall be sentenced to pay a fine of not less than \$500.00 nor more than \$1,000.00 for each violation, plus costs, or to imprisonment not to exceed ninety (90) days, or both.

A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section or portion thereof which is found to have been violated.

c. Civil Penalties, fines and fees.

In addition to proceeding under any other remedy available at law or in equity for a violation of any provision of this Ordinance, the Township, after notice and hearing may assess a civil penalty against any person for any violation of the Act, any rule or regulation promulgated thereunder, any order or permit issued by DEP, the S.E.O. or Township pursuant to the Act. In addition, the Township may assess the cost of damages caused by such violation. The

procedures to be followed for the assessment of civil penalties shall be those set forth and required in the Act, 35 P.S. § 750.13a, as amended, which procedures are incorporated by reference herein.

Costs and penalties shall be collectible in any manner provided by law for the collection of debts. If any person liable to pay such costs and penalties fails or refuses to pay same after demand, the amount of same, together with interest and any costs that may accrue, shall constitute a judgment in favor of the Township upon the real estate of the person from the date it has been entered and docketed on record by the Prothonotary of Cumberland County. The Township may at any time transmit to the Prothonotary certified copies of judgments to be entered, docketed and indexed.

d. Abatement of nuisances.

The discharge of untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth, except as approved by DEP or permitted by law shall constitute a nuisance and shall be abatable in the manner provided by law.

e. Equitable remedies.

This Ordinance may be enforced by the Township through an action in equity brought in the Court of Common Pleas of Cumberland County.

SECTION 15: HEARING AND APPEAL.

Any person aggrieved by any action of the Township or S.E.O. in granting or denying a permit, issuing an order or other actions taken under this Ordinance or the Act shall have the right within thirty (30) days after receipt of notice of the action to request a hearing before the Board.

Hearings under this Section shall be conducted pursuant to the Local Agency Law (Act of December 2, 1968, P.L. 1133, No. 252, as amended). Any subsequent appeal shall be taken to the Court of Common Pleas of Cumberland County. The appellant shall notify the Attorney General in writing of any appeal challenging the constitutionality of any provision of the Act, this Ordinance or any rule or regulation promulgated under either.

SECTION 16: SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provisions not been included in this Ordinance.

SECTION 17: REPEAL OF PRIOR ORDINANCES.

All prior ordinances of this Township insofar as they deal with the precise subject matter of this Ordinance are repealed

and declared to be unenforceable insofar as they are inconsistent with any provisions of this Ordinance.

SECTION 18: EFFECTIVE DATE.

This Ordinance shall take effect in accordance with existing law.

ENACTED AND ORDAINED this 3 day of February , 1999.

TOWNSHIP OF MIDDLESEX

By: *Robert M. Egan*
Chairman, Board of Township
Supervisors

ATTEST:

May S. Just
Township Secretary
(Township Seal)

LICENSED APPROVED SLUDGE / SEPTIC HAULERS

<u>Individual, Business, Municipality</u>	<u>Type of Waste</u>
Mark L. Richard Advanced Septic Services RD #1 Box 577 Landisburg, Pa. 17040	Septic
Paul R. Nelson, Partner Associated Products Services, Inc. 2 East Road, PO Box 231 Mechanicsburg, Pa. 17055	Septic
Randy Bauman Bauman's Septic Service 8263 Pleasant View Road Grantville, Pa. 17028	Septic
Albert Baker Baker's Septic Tank Cleaning RD #2 Box 49-E Newport, Pa. 17074	Septic
Richard Hushon CDR MidAtlantic – A Synagro Company PO Box 70, 59 South 3 rd Street Oxford, Pa. 19363	Septic
James S. Bridges, Biosolids Programs Supervisor Carlisle Regional Water Control Facility 54 North Middlesex Road Carlisle, Pa. 17013	Sludge
E. Lee Koch Carlisle Suburban Authority 240 Clearwater Drive Carlisle, Pa. 17013	Sludge
Randall L. Chamberlin Randal L. Chamberlin Septic 150 Reading Road Shippensburg, Pa. 17257	Septic
Stanley N. Dye D & D Septic 35 West North Street Carlisle, Pa. 17013	Septic
Duane Wert D.E.W. & Son Septic Service 414 Roxbury Road Newville, Pa. 17241	Septic

Individual, Business, Municipality**Type of Waste**

Scott R. Eppley, Borough Manager
Mechanicsburg Borough
2 West Strawberry at North Market Street
Mechanicsburg, Pa. 17055

Sludge

Fred A. Potzer, Manager
Borough of Newville, Water & Sewer Authority
4 West Street
Newville, Pa. 17241

Sludge

Robert Peck
Peck's Septic Service
68 Pine School road
Gardners, Pa. 17324

Septic

Ira Rosenberry, Partner
Rosenberry's Septic Tank Service
8885 Pineville road
Shippensburg, Pa. 17257

Septic

Dean Olewine
Roto-Rooter Services (Bilsher, Inc.)
350 South 7th Street
Lemoyne, Pa. 17043

Septic

Lamar K. Wadel
Wadel's Septic Cleaning
6734 White Church Road
Shippensburg, Pa. 17257

Septic

Steve Walters
Walter's Septic
463 Manda Gap Road
Grantville, Pa. 17028

Septic

Young's Sanitary Septic Service Inc.
PO Box 704
Dillsburg, PA 17019

Septic/Sludge

KEY
Bold = Municipalities