Sewage Facilities Ordinance

AN ORDINANCE ESTABLISHING PROCEDURES AND STANDARDS FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF SEWAGE DISPOSAL FACILITIES FOR INDIVIDUAL AND COMMUNITY SUBSURFACE DISPOSAL, LAND APPLICATION SYSTEMS, AND SEWAGE TREATMENT PLANTS; REQUIRING PERMITS FOR CONSTRUCTION OF SAME; AUTHORIZING TOWNSHIP INSPECTIONS; SETTING OPERATIONAL, MAINTENANCE, RECORD KEEPING, AND REPORTING REQUIREMENTS; AND ESTABLISHING PENALTIES FOR VIOLATIONS OF ANY ORDINANCE PROVISIONS

Legal Notice: While every attempt has been made to be as accurate as possible, the material found on these pages represents an unofficial copy of the Dingman Township Sewage Ordinance. When in conflict, the original signed official documents kept in the Township Building shall prevail. Persons relying on this version shall do so at their own risk.

Copies of this ordinance may also be obtained through the Dingman Township Office.

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Sewage Facilities Ordinance

Section 1 - Purpose and Authority

The purpose of this Ordinance is to establish procedures and standards for issuing applications and permits for the enforcement of the Pennsylvania Sewage Facilities Act of 1966 and Act 208 of 1974 and amendments thereto. This Ordinance also establishes monitoring, reporting, and inspection procedures for any community sewage treatment plant or system, including collection, conveyance, and treatment facilities. This Ordinance is adopted pursuant to the authority of the Pennsylvania Sewage Facilities Act, the Pennsylvania Clean Streams Act, and the Pennsylvania Second Class Township Code.

Section 2 - Scope

All persons installing an individual or community sewage disposal system or making connection to any community sewage disposal system shall first obtain a permit which certifies that the site, plan, and specifications of such systems are in compliance with the Pennsylvania Sewage Facilities Act of 1966 and amendments thereto as well as all other rules and regulations adopted pursuant to the Act and the provisions of this Ordinance and all other applicable ordinances and regulations of the Township of Dingman.

No existing home, building, or structure shall be occupied or inhabited, or its sewage system used, until final approval of the same in accordance with the provisions of this Ordinance shall have been granted. No existing building or use within the Township may be expanded or converted to another use which would generate increased sewage flows unless and until the owner of said property shall verify the capacity of the system, including the size of the field and tank, or the capacity of the community system to which connection is proposed. Such verification may be in the form of a certification made by a Registered Professional Engineer, and all expenses of said verification shall be the responsibility of the property owner.

Section 3 - Definitions

"Act" shall mean the Pennsylvania Sewage Facilities Act, as amended.

"Applicant" shall mean the present property owner of record, or his agent as provided in accordance with the Department of Environmental Protection regulations.

"DEP" shall mean the Commonwealth of Pennsylvania Department of Environmental Protection.

"Individual Residential Spray Irrigation Systems" shall mean sewage systems for detached single-family homes constructed upon individual residential lots which employ the use of spray irrigation pursuant to regulations adopted by DEP.

"SEO" shall mean the Sewage Enforcement Officer of Dingman Township.

"Waters of this Commonwealth" shall mean rivers, streams, creeks, rivulets, impoundments,

ditches, watercourses, storm sewers, lakes, dammed water, ponds, springs, and 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.

Other terms shall have the meaning given them by the Pennsylvania Sewage Facilities Act and its implementing Commonwealth regulations.

Section 4 - Sewage Enforcement Officer

The Dingman Township Board of Supervisors shall appoint a Sewage Enforcement Officer who shall be charged with the responsibility of administering the provisions of the Sewage Facilities Act and this Ordinance within the Township. Such Officer shall meet the minimum qualifications as established by the Department and abide by the requirements of Chapter 72, Section 72.41 of the Department Rules and Regulations and the following:

A. Restricted Activities: The SEO shall not be in the business of planning, designing, selling, or installing individual or community sewage systems in Dingman Township. [DEP, Ch. 72, Sec. 72.41, (f)]

B. Compensation: The SEO shall not accept any fee for services or work performed in the administration of the Act other than the compensation set by the Dingman Township Board of Supervisors.

C. Financial Interest: The SEO shall not conduct a test or issue any permit for an individual or community sewage system for any parcel in which he has a financial interest, or in which a relative by blood or marriage has a financial interest or in which his employer or his business partners (except the Township) have a financial interest unless written permission has been obtained in advance from DEP. [DEP, Ch. 72, Sec. 72.41 (g) and (h)]

D. Testing: Before issuing a permit, the SEO shall either observe, conduct personally, or otherwise confirm in a manner approved by DEP, all tests used to determine the suitability of a site for an individual or community sewage system.

E. Notice: The SEO shall give notice to all applicants or permittees of any approval, denial, or revocation of a permit in accordance with this Ordinance and DEP Rules and Regulations.

F. Records: The SEO shall maintain full and complete records of all permits, sewage system designs, and malfunctions, including all information used by him in determining the cause of the malfunction. The SEO shall maintain the records so that patterns of malfunctions can be readily identified.

Section 5 - Individual Subsurface Sewage Disposal Systems

A. Procedures: Applications for permits to install individual sewage disposal systems shall be made on forms supplied by the Township.

1. Part I of the application shall be completed by the Applicant.

2. Upon the completion of the necessary testing and the design of a sewage disposal system based on said testing, the Applicant shall complete and submit to the SEO the

application, design, and other documentation required to obtain the permit.

3. All costs associated with preparing for and conducting any tests required by the Township shall be borne by the Applicant.

4. Any and all applications for systems which, pursuant to Township or State Regulations, must include a system design shall also be accompanied by an affidavit in the form hereinafter described and as provided by the Township. No permit may be granted unless the requirements of the affidavit are met. Failure to provide such an affidavit shall be a basis for rejection or disapproval of the application.

DESIGNER SEO AFFIDAVIT

I, the undersigned, hereby represent to Dingman Township and the Dingman Township Sewage Enforcement Officer that:

1. I have been certified by the Pennsylvania DEP as a Sewage Enforcement Officer or I am a Pennsylvania Licensed Professional Engineer or Registered Surveyor qualified to design systems for sewage disposal; and,

2. My certification or license is not presently subject to a revocation or suspension procedure; and,

3. The attached design is in accordance with the appropriate regulations of DEP; and,

4. An inspection of the site has been performed, and the location and design of the system meet all DEP requirements for site location, isolation distances, soil tests, percolation tests, absorption areas, sewage flows, and any other applicable standards of the DEP. Except for the following:

_____

_____

_____

_____

This affidavit is made to induce Dingman Township and the Dingman Township SEO to issue a permit in accordance with the design submitted by me. It is made based upon the knowledge, information, and belief of the affiant.

Commonwealth of Pennsylvania
County of _____

Sworn to and subscribed before me this _____ day of _____, 20_____

Signature of notarial officer: _____

My commission expires: _____

Stamp:

5. (1) The Applicant shall provide information concerning the component parts of the sewage disposal system, and their proposed location, in accordance with the rules and regulations of the Sewage Facilities Act of 1966 (P.L. 1535) and Act 208 (S.B. 1550) of 1974 and amendments thereto, the regulations promulgated thereunder, and the requirements of this ordinance.

(2) In the event that the Applicant is not a natural person but rather is a corporation, partnership, LLC, or some other entity, the Applicant shall supply the Township, at the time of application, with a Certificate of Incumbency on forms provided by the Township.

6. All applications filed under this Section V shall be accompanied by a plot plan drawn to scale and legible in every detail, which shall show all lot boundary lines, and all existing and proposed wells on the subject lot and/or on other lots or parcels that are within one-hundred fifty (150) feet of the proposed system. In the case where the subject lot is less than one (1) acre in size, said plot plan shall be a survey drawn and certified by a Surveyor licensed in the Commonwealth of Pennsylvania or a Professional Engineer licensed in the Commonwealth of Pennsylvania. The Applicant shall have the burden of determining the location of wells and other features on other lots as described herein, and the Township shall make its files available for inspection for this purpose. The Township SEO may rely upon the accuracy of the plot plan or survey, as the case may be, for all purposes described herein. In the event that subsequent investigation of information received subsequent to the issuance of the permit reveals inaccuracies or omissions in the plot plan or survey, this shall be an adequate basis for revocation of any permit issued in reliance on the accuracy of that plot plan or survey. Such revocation may be issued without prior notice to the applicant or the applicant's agents. All applications for lots one (1) acre and larger shall be accompanied by a signed affidavit as set forth below.

SEWAGE PERMIT LAND AFFIDAVIT

Commonwealth of Pennsylvania

County of Pike

I, or someone in my employ, has marked the property boundaries and the location of the amenities/facilities to be constructed and existing on the subject property;

And, neither I nor the person who marked the property's boundaries and facilities/amenities is a Pennsylvania Registered Land Surveyor;

And, that the markings are accurate to the best of my ability and knowledge, information, and belief;

And, that a property boundary map showing the existing and proposed facilities/amenities has been prepared based on said markings;

And, the property boundary map with existing and proposed amenities/facilities/water wells is being submitted by me to induce Dingman Township and the appropriate Dingman Township personnel to issue permits in accordance with the property map submitted by me.

_____ _____

Signature of Affiant Printed Name of Affiant

Property Location: _____

Commonwealth of Pennsylvania
County of _____

Sworn to and subscribed before me this _____ day of _____, 20_____

Signature of notarial officer: _____

My commission expires: _____

Stamp:

This section shall not apply to repairs, component replacements, or modifications to existing sewage disposal systems in which the repaired, replaced, or added component is installed in the same location as the previous component or does not otherwise violate the required setbacks from water wells, nor shall it apply to permits issued for placement of portable chemical toilets.

7. Acceptance of an application shall be effective, for purposes of this ordinance and for purposes of state regulations, on the date on which it is received if received during the established office hours of the SEO. If it is received at a time other than during those established office hours, the application shall be considered received on the next day upon which the SEO has established office hours. The SEO shall have established office hours at least five (5) days per week.

B. Isolation Distance: No sewage system component shall be located or placed less than the mandatory isolation distance specified in the Sewage Facilities Act regulations from any existing well, or any proposed well as permitted by a valid Dingman Township Well Permit, located on the subject parcel or on any adjoining or neighboring parcel. (See also Section V, J of this Ordinance). Applications for exception to this requirement for sewage disposal systems and wells on the same lot filed with the Township pursuant to Section 8.f of the Sewage Facilities Act shall be in writing and shall include, at a minimum:

(1) a survey of the subject premises indicating the existing and proposed well(s) on both the subject and neighboring properties and the proposed septic system;

(2) a groundwater report, signed and sealed by a qualified PA licensed professional engineer, or a qualified PA registered professional geologist, which states that the proposed sewage system does not pose a threat of pollution to any well(s) on the subject lot. In addition to the above requirements, the report shall include all information required by DEP regulations for such an application, as well as any other such information as may be reasonably necessary for and requested by the Township to evaluate the application.

(3) such application fee as may be adopted by the governing body by resolution;

(4) a deposit, in an amount set by the governing body by resolution, to cover the cost of review of the application by professional consultants of the Township.

C. Site Preparation: It shall be the responsibility of the applicant to have the site prepared for inspection, including any digging of test pits or percolation test holes required by Chapter 73 of the Department's Rules and Regulations. It shall also be the responsibility of the applicant to provide any technical personnel that may be required, including, but not limited to, percolation test technicians, soil scientists, or engineers, as may be required for the specific application. The SEO shall have the authority, however, to refuse to accept the results of tests performed during unsuitable weather or when site conditions are such that the test results will not be indicative of the normal soil capacity to renovate wastewater (e.g., during times of dry or drought conditions).

D. Validity: The construction and installation of both the sewage disposal system AND of any building or structure for which such system is to be installed shall be initiated within three (3) years from the date of issuance of the subject permit.

If construction or installation of an individual or community sewage disposal system AND of any

building or structure for which such system is to be installed has not commenced within three (3) years after the issuance of a permit for such system, said permit shall expire, and a new permit shall be obtained prior to the commencement of said construction or installation. For purposes of this section, building or structure construction shall not be considered initiated until such time as the foundation has been completed and approved by the Township Building Inspector, and sewage system construction shall not be considered initiated until such time as the treatment tank has been installed and the laterals have been approved by the SEO for covering.

E. Covering: Except as otherwise provided by the Act or DEP Rules and Regulations, no part of the installation shall be covered until inspected and approved by the SEO.

F. DEP Approval: With the exception of alternate system types that DEP has granted the SEO permission to issue without Department review, any application for any individual sewage disposal system that either requires approval of the Department or is an alternate or an experimental system shall receive the concurrence of the Department in writing prior to the issuance of a permit by the SEO.

G. Sewage Planning: No permits shall be issued for any lots, tracts, parcels, or projects which, according to DEP Rules and Regulations, require sewage planning documents associated with the Dingman Township Official Wastewater Facilities Plan unless and until such documents have been reviewed by the Township Planning Commission and have been approved by the Township Board of Supervisors and DEP. This shall include: 1) all land subdivisions; 2) all residential land developments as defined by the PA Municipalities Planning Code, as amended; 3) all community systems; and 4) all systems with a design flow of eight hundred (800) or more gallons per day. The SEO shall have the authority, however, to refuse to accept the results of tests performed during inclement weather or when site conditions are such that the test results will not be indicative of the normal soil capacity to renovate wastewater.

H. Approval: Within seven (7) days of the Applicant's compliance with the procedures set forth in this Ordinance and the Applicant's submission of the completed application and all other required information, the SEO shall issue, deny, or return the application for correction or amendment. If the said application is approved, the SEO shall issue a permit and forward the same to the Applicant. Applications returned for corrections or amendments shall be issued, denied, or returned for further corrections and/or amendments within fifteen (15) days of resubmission. If the application is denied, the applicant shall be so notified in writing within seven (7) days of the SEO's denial.

I. Engineering: All Applicants whose systems which, according to the provisions of Act 208 (S.B. 1550) of 1974 and amendments thereto, require that the design and construction be supervised by a Professional Engineer, shall pay all costs directly to the engineer retained by the Applicant.

J. Standards For Subsurface Systems: Unless otherwise provided for herein, the applicable standards shall be those set forth in the Regulations of the Commonwealth of Pennsylvania Department of Environmental Protection. The Township Board of Supervisors, however, may publish additional rules and regulations not inconsistent with the Department's Regulations, including but not limited to supplemental standards for equipment and lateral connections to private collection systems.

(1) Whenever an on-lot individual subsurface sewage system employs the use of septic tanks, the minimum number of tanks or compartments within a tank(s) shall be two (2). The first tank or compartment shall not be less than One Thousand (1,000) Gallons of internal capacity. All subsequent tanks or compartments shall be a minimum of Five

Hundred (500) Gallons of internal capacity.

(2) Whenever DEP or a sewage component manufacturer requires that the property owner enter into an Operation and Maintenance agreement for the inspection, maintenance, and/or servicing of the particular sewage system type or component thereof, the permit shall be issued contingent on the property owner entering into such agreement with the manufacturer's representative or other approved party, as appropriate. The agreement shall be binding on all future property owners until such time as the system or component is no longer servicing the property. Utilization of the sewage system or any structure in which it serves without a valid agreement for the system or subject component shall be a violation of this ordinance.

K. Exceptions: All installations of subsurface sewage disposal systems must comply with the provisions of this Ordinance. There are no exceptions, including rural residences as defined in (S.B. 1550), Act 208, and amendments thereto.

Section 6 - Community Subsurface Systems

A. Requirements: A community subsurface system is any subsurface wastewater disposal system that serves two or more buildings or dwelling units. Such systems shall be subject to the same requirements of this Ordinance as individual subsurface wastewater disposal systems, including the requirement for the submittal of a plot plan accurately showing all lots and units served by the system, and, in addition, shall meet the following requirements:

1. A list of the properties or buildings to be served by the community system shall be provided to the Township. Any change in participation shall be immediately reported to the Township.

2. All property owners whose property is designated to be served by the community system shall be equally liable for any expenses incurred by the Township in the inspection or permitting of said system or other related costs unless the participants have agreed among themselves to otherwise share expenses.

3. Expenses incurred by the Township on components that serve an individual property of participants shall be assessed against the individual property owner.

B. Large Systems: In addition to the requirements of Subsection A of this Section VI, Sewage planning in accordance with the requirements of the Act and all applicable DEP Rules and Regulations shall be conducted for the following types of sewage disposal systems.

1. Community subsurface systems with a design flow of 10,000 gpd or more.

2. Community subsurface systems serving non-residential uses with a system design flow of 800 gpd or more.

3. Any other system as required by the Township or DEP.

Section 7 - Land Application and Sewage Treatment Plants

The planning, design, construction, and operation of any system currently using or proposing the use of land application for sewage effluent disposal or the discharge of sewage effluent to the waters of the Commonwealth shall be in accord with the requirements of this Ordinance, the other applicable Township requirements, the Sewage Facilities Act, and all applicable Rules and Regulations of DEP. Such systems, also including any collection and conveyance systems, shall also be subject to the following requirements.

A. Operations and Maintenance Plan: All systems shall be operated and maintained in accordance with a plan for the same, which shall be submitted to the Township for approval along with the system planning documents. Said plan shall include details of all operating procedures and a proposed maintenance schedule designed to assure the proper and continuous functioning of the system. The plan shall also include the method for emergency response to any malfunctions that may occur.

B. Operator: All systems shall at all times be operated by an individual licensed for the same by DEP, and the owner of each system shall also provide for a licensed "back-up" operator. The name, address, and telephone number of said operator and back-up operator shall be provided to the Township by no later than January 15th of each year, and the Township shall be notified by the owner of any changes in operators. The Board of Supervisors may, based upon the size or nature of the treatment system, require a full-time operator. This section shall not apply to individual sewerage systems (small flow treatment facilities) when DEP does not require a licensed operator.

C. Stormwater: No roof drainage or stormwater from any other source shall be discharged or diverted to any part of any sewage treatment system or collection and conveyance system.

D. Flow Monitoring: The system owner shall install a continuous twenty-four (24) hour "strip chart" or "circular chart" flow meter on the system to determine spray/discharge volumes. The Board of Supervisors may require the installation of such flow meters on both the influent and effluent sides of the treatment system. Similar flow meters shall be installed on the water supply system to provide a means of assessing infiltration/inflow volumes. Daily readings of all flow meters shall be made by the systems operator(s) for reporting to the Township on a monthly basis. This section shall not apply to individual sewerage systems (small flow treatment facilities) when DEP does not require flow monitoring.

E. Water Quality Monitoring: In order to assess the effectiveness of the treatment system, the requirements of this Section E shall apply. All costs associated with water quality monitoring shall be borne by the system owner. In cases where the Board of Supervisors determines necessary, additional testing of influent and effluent may be required of the system owner.

1. In the case of land application systems, the owner shall install a series of observation wells, of such number, location, and design, as determined by the Township, to monitor the functioning of any spray zones. In order to monitor the effectiveness of the treatment system, the owner shall, on a monthly basis, sample each well and submit said samples to a PA DEP certified laboratory for analysis for the parameters established by the Board of Supervisors, based upon the recommendation of the Township Engineer. Said test results shall be submitted to the Township on a monthly basis. The requirement of monitoring wells will not apply to Individual Residential Spray Irrigation Systems (IRSIS), which will be monitored in accordance with

section 7A of this ordinance.

2. In the case of stream discharge, two stream sampling locations shall be established by the Township, one location upstream of the discharge and one location downstream of the discharge. The upstream location shall serve as a baseline of stream water quality, and the downstream location shall serve as a means of assessing the long term effect of the stream discharge. The system owner shall, as part of the sewage planning process, conduct a chemical, biological, and flow analysis of the upstream location to provide sufficient data to establish the baseline condition. All such tests shall be conducted by a qualified and/or certified person(s) and shall include the parameters established by the Board of Supervisors, based upon the recommendation of the Township Engineer. Test results shall be submitted to the Board of Supervisors within forty (40) days of the testing date.

Any proposed and any existing treatment systems with a stream discharge shall conduct similar testing at the downstream testing location at times as established by the Board of Supervisors, but in no case less than two (2) times per year. All such tests shall be conducted by a qualified and/or certified person(s). In order to monitor the effectiveness of the treatment system, the owner shall submit said samples to a PA DEP certified laboratory for analysis for the parameters established by the Board of Supervisors, based upon the recommendation of the Township Engineer. Test results shall be submitted to the Board of Supervisors within forty (40) days of the testing date.

F. Township Inspection/Testing: The Board of Supervisors, the SEO, or other Township representative designated by the Board of Supervisors shall have the right to enter upon property containing the sewage disposal system and collection and conveyance system to inspect same at any reasonable time to determine compliance with this Ordinance and any other Township Ordinances. The Township shall also have the right to test treatment system effluent to confirm compliance with DEP requirements. The cost of said testing shall be borne by the system operator inasmuch as the results of said testing can be used by the owner as part of his reporting requirements to DEP.

G. Record Keeping and Reporting: The system owner shall make and maintain accurate records of all actions and programs required by this Ordinance. Copies of these records, discharge monitoring reports, and any other reports required by DEP, along with any correspondence with DEP, shall be provided to the Township by the system owner on a monthly basis.

H. Water Conservation: All private and public, residential, recreational, commercial, industrial, and community facilities and other users of any groundwater or surface water supplies shall provide for the installation of water conservation devices at the time of construction involving the installation, extension, or alteration of plumbing, water piping or other water-using fixtures. Said fixtures shall meet the requirements of the Township Building Code, and as may be required by the Delaware River Basin Commission or the Commonwealth of Pennsylvania. The enforcement of this provision shall be the responsibility of the Township Building Inspector; however, the SEO shall report the observation of any violation of the same to the Building Inspector.

Section 7a - Individual Residential Spray Irrigation Systems

This section shall apply to all applications for land application systems in the form of spray irrigation systems to be placed on individual residential lots. All such systems shall be considered land application systems only as to the application of Section 8 Subsections D, E, F, and G herein.

A. Applications: Applications for permits to install individual residential spray irrigation systems shall be pursuant to Section 5 (A) of this ordinance as modified by this section.

B. Requirements: All systems governed by this section shall be designed and constructed pursuant to all applicable state regulations as adopted, from time to time, by the DEP.

C. Maintenance: The applicant shall enter into a maintenance agreement with the municipality whereby the applicant agrees to certain maintenance procedures as outlined in that agreement. All such procedures shall be within the discretion of the Township SEO and the Township Engineer. Performance under that agreement for the design life of the system shall be guaranteed by bonds, escrow or other security acceptable to the Township in an amount approved by the Township up to fifty (50%) percent of the equipment and installation cost of the system for each of the first two (2) years of operation and not more than ten (10%) percent of the equipment and installation cost for each year thereafter. All aerobic tanks shall carry a current National Sanitation Foundation (NSF) certification or its equivalent. All septic tanks must be pumped at least every two years.

[section D rescinded 3/20/12]

E. Testing: The Applicant shall test the effluent at the first nozzle for BOD, fecal coliform, total suspended solids, and chlorine residual on a monthly basis for the first two years. After 24 consecutive tests reveal no effluent parameter violations, the testing frequency may be reduced to a quarterly basis. However, should any quarterly test find an effluent parameter violation, the testing shall revert back to monthly and will not be conducted quarterly again until such time as there are no violations found for 12 consecutive months. A copy of the test results shall be submitted to the Township by certified mail within thirty (30) days of the test date. The Township reserves the right to conduct effluent testing, at its cost, either on a random basis or to investigate a possible malfunction or violation. It would be considered a violation of this ordinance should an inspection find that system components have been rendered inoperable or the system does not have enough chlorine to operate correctly.

Section 7b - Alternate and Experimental Sewage Disposal Systems

Any sewage disposal system classified as "Experimental" under the Pennsylvania Sewage Facilities Act regulations or classified as "Alternate" for which DEP, through regulation or written policy, requires periodic operation, maintenance, and monitoring similar to that required by an Individual Residential Spray Irrigation System (IRSIS) shall enter into a maintenance and operation agreement that meets state regulations or the requirements of Section 7A, subsection C of this Ordinance, whichever may be greater, and shall be secured in accordance with Section 8 subsections D, E, F and G herein. Effluent samples shall be taken at a point in the system designated by the SEO.

Section 8 - Performance Guarantees

The requirements of this Section VIII shall apply to all community sewage disposal systems, all land application systems, all sewage treatment plants, and all associated collection and conveyance systems.

A. Performance Guarantees: Prior to issuing a permit for any community sewage disposal system, any land application system, or any sewage treatment plant, along with the associated collection and conveyance systems, pursuant to this Ordinance and the Pennsylvania Sewage Facilities Act, the

Township Supervisors shall be satisfied that said system shall be properly guaranteed for such period of time as is necessary to determine that the installation has been accomplished in the proper manner as certified by the Applicant's engineer and verified by the Township. Both a performance guarantee and a maintenance guarantee shall be required, and shall be approved by the Board of Supervisors prior to the issuance of the permit. The term of all performance and maintenance guarantees shall exceed by one (1) year the term established for completion or performance.

B. Form of Guarantee: The performance guarantee shall be a surety bond issued by an insurance company or other surety company authorized to do business in Pennsylvania, certified check, letter of credit, or other security satisfactory to the Board of Supervisors. The guarantee shall be payable to Dingman Township and be in an amount equal to one-hundred and ten (110) percent of the costs of installing said system as estimated by the Applicant's engineer and verified by the Township Engineer. Such guarantee shall provide for and ensure to the Township the full and proper completion of the system within a period of three years from the date of the permit. The Township, after consultation with the Township Solicitor and/or other advisors, may refuse to accept any security other than cash if the security is posted by a bank or other institution that is not located in the Commonwealth of Pennsylvania or there is a reasonable question as to its financial ability to pay any claims against the security by the Township.

C. Release of Guarantee: When the system has been completely installed and proven operational in conformance with these and other regulations of the Township and DEP Rules and Regulations, and the same have been inspected and certified as approved by the Township Engineer or SEO, the guarantee shall be released and returned. In the event the applicant does not install the system in accordance with these regulations, the guarantee is forfeited to the Township, which shall use the proceeds for corrective work as shall be required.

D. Maintenance Bond: A maintenance bond or other suitable financial guarantee approved by the Township (including, but not limited to, the possible use of escrow arrangements or withholding of a portion of the construction guarantee after the construction has been granted final approval) shall be provided for any system for which the cost of construction exceeds $20,000 (as established by the Township Engineer). Said maintenance guarantee shall be in a form approved by the Board of Supervisors, payable to the Township, to guarantee maintenance, operation, and repair of the system for three (3) years after completion of construction. Said bond shall be posted immediately after the system receives final approval and before it is put into operation.

In instances where the system use will not reach operational capacity within a period of one (1) year, however, the Township may require that such a guarantee provide for the maintenance and operation of the system for a period of three (3) years from the time operational capacity is reached. The amount of said maintenance guarantee shall be determined by the Township Board of Supervisors but shall generally not exceed twenty-five (25) percent of the estimated cost of the system as verified by the Township Engineer.

Upon the expiration of the term of the maintenance guarantee, the Township shall release said maintenance guarantee, provided the system has been properly maintained and operated during the term of the guarantee and is currently operating properly and in conformance with the applicable DEP discharge requirements. In the event the system is not so maintained and operated, the Township Board of Supervisors, at any time during the term of the guarantee and upon thirty (30) days notice, shall have the right to declare a forfeiture of a portion or all of the said maintenance guarantee, depending on the extent of the lack of maintenance and proper operation, and shall use the proceeds for such maintenance and corrective measures as shall be required.

E. Long Term Operation and Maintenance: The Township may also require the establishment of an escrow account to assure the long term operation and maintenance of the sewage system. The amount of said account shall be established by the Board of Supervisors, but in no case shall it be less than ten (10) percent nor more than twenty-five (25) percent of the construction cost of the system as verified by the Township Engineer. The maintenance and operation of the system and the administration of any required maintenance fund account shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish the same shall be established by deed covenants and restrictions, which shall be approved by the Township.

F. Property Owners Association: Where a sewage disposal system is to be dedicated to a property owners association (POA), the Township shall confirm that the POA has agreed to accept such dedication and possesses the administrative and financial ability to operate and maintain such a system before any guarantee is released, and rules and guidelines pertaining to such evaluations may be adopted by action of the Board of Supervisors

G. Inspections: Where the scope of work and circumstances warrant, the Township may appoint an inspector of professional qualifications to monitor the work in progress, the costs of which inspector shall be borne by the applicant.

Section 9 - Portable Toilets

The temporary use of portable toilets at construction sites or sites of public gathering or entertainment in compliance with the rules and regulations of the Department of Environmental Protection shall be permitted, provided that:

A. Maintenance and Disposal: There is a maintenance contract with a reputable, bona-fide firm for the service of the portable toilets, a copy of which is filed with the Township SEO. All wastes shall be disposed of at a facility designated by the Pike County Solid Waste Management Plan.

B. Permit and Fee: An application is made, and a permit for the toilet has been issued by the SEO. A permit fee for the same shall be paid to the Township in an amount which shall be set by resolution of the Board of Supervisors, and which takes into consideration the need for inspections by the SEO.

C. Gatherings: When any portable toilet is used in conjunction with a private or public gathering or entertainment pursuant to this section IX, use of said toilet, including the time of removal, shall not exceed fourteen (14) days, unless otherwise approved by the Board of Supervisors. The toilet shall be removed within forty-eight (48) hours after the termination of the event.

D. Construction Site: When any portable toilet is used in conjunction with a construction project, said toilet must be removed within forty-eight (48) hours after completion of construction. No certificate of occupancy shall be issued for the construction until and unless all portable toilets have been removed.

E. Community Beaches and Parks: Portable toilets shall be permitted for seasonal use at community beaches, parks, and other amenities. Permits for the same shall be obtained by the applicable community association. Permits for the same shall not be valid for a period in excess of twelve (12) months.

F. Long-Term Prohibition: Portable toilets shall not be used as a long-term method of sewage

disposal, and shall not be used in the place of an approved on-lot system for any residential, commercial, or other use which generates sewage.

Section 10 - Malfunctions and Repairs

A. All Systems

1. 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, except as specifically approved by DEP pursuant to Section 202 and Section 207 of the Clean Streams Law. Unauthorized discharges shall be deemed to constitute malfunctioning sewage disposal systems and shall be a violation of this Ordinance and the Township Wastewater Facilities Plan. When so ordered by the Township SEO, an owner or operator of a malfunctioning sewage disposal system shall, within ten (10) days, contain or otherwise correct such malfunction and, within thirty (30) days, correct such malfunction by taking measures which will achieve compliance with the current standards of DEP's Rules and Regulations, including if necessary the reconstruction, upgrading or replacement of such system. Failure to contain the malfunction within ten (10) days or complete repairs within thirty (30) days of notice by the SEO shall constitute a violation of this Ordinance, unless the Board of Supervisors grants an extension of time for the same based on good cause as demonstrated by the owner of the system.

2. Fees for work by the SEO in connection with malfunctions shall be established by resolution of the Township Board of Supervisors.

3. In the event that the SEO orders the use of a holding tank for an emergency repair, no planning module shall be required for the same.

4. Use of a holding tank, other than as permitted by the SEO related to an emergency repair, shall require a planning module to be filed and approved by the township and the Department of Environmental Protection.

5. The Township, in the discretion of the Board of Supervisors, may require a maintenance bond for any holding tanks not required for emergency repairs.

6. Dwelling units or other structures may not be increased in size or otherwise modified in such a way as to increase the sewage demand or potential sewage demand or flow while a holding tank is in use

B. Subsurface Systems:

1. Where Chapter 73 standards cannot be met in the reconstruction of such a malfunctioning sewage disposal system due to inadequate land area, poor soils or other site characteristics, the SEO may order the use of water conservation devices, aerobic treatment tanks, septic tank modifications, holding tanks, or other measures to reduce the effluent flow or otherwise control effluent characteristics and thereby reduce the hydraulic and/or organic loadings on the system.

2. A malfunctioning sewage disposal system may be evidenced by discharge of effluent to the surface of the ground, bacteriological samples, or dye tests which confirm pollution of wells or other Waters of this Commonwealth or the back-up of sewage into house sewers. The Township SEO shall, subject to the requirements and authority of the Sewage Facilities Act and

the Second Class Township Code, in response to written complaints by affected persons, or with other evidence of nuisance to the public health, inspect any property, determine the existence of a malfunction, and direct remedial action.

If so directed by the SEO, a plot plan shall be prepared by the applicant showing a layout of the lot and all surface features which may have caused or contributed to the malfunction, including isolation distances to wells, streams, and the like. Soil survey information shall also be noted and analyzed. Before ordering other corrective action, the Sewage Enforcement Officer may require the cleaning of the septic tank to ascertain whether the problem stems from a lack of maintenance. Regular periodic pumping may also be ordered.

3. Upon the property owner's completion of the required measures to correct the malfunction, the SEO shall make such inspections as may be necessary to determine compliance with this Ordinance and specify a schedule for periodic follow-up inspections to determine whether the corrective action has cured the problem.

4. The Township Board of Supervisors may also, upon evidence of more than one malfunction in a particular vicinity, as defined by the boundaries of a particular soil type, order the inspection of all sewage disposal systems in that area, and/or require regular periodic inspections for purposes of identifying and correcting malfunctions in high-risk areas may be established by action of the Township Board of Supervisors.

Section 11 - Subsurface System Maintenance and Septage Disposal

A. Required Maintenance: The Township Board of Supervisors or its authorized agent may require septic tanks to be pumped out at appropriate intervals for proper operation of the system if it finds that the system has a history of malfunctioning, that the number of people using the system has increased, or for other good cause.

Each time a septic tank or other subsurface wastewater disposal system is pumped out upon an order by the Board of Supervisors, the septage waste hauler shall provide to the owner a signed receipt containing the following information:

1. The date of pumping.

2. Name and address of owner.

3. Address of tank location if different than that of the owner.

4. Amount of septage or other solid or semi-solid material removed.

5. Waste hauler's state license number permitting it to collect and haul septage in the Commonwealth of Pennsylvania.

6. Name and location of disposal site for the septage.

A copy of the receipt shall immediately be submitted to the Township by the property owner to confirm compliance with the pumping order issued by the Board of Supervisors.

B. Disposal Site: All sludge or septage obtained by cleaning or pumping of subsurface sewage

disposal systems shall be disposed of in a manner consistent with the requirements of Chapter 75 of the Department's Rules and Regulations. The Township Board of Supervisors may, by resolution, establish requirements for the registration of firms or persons engaged in such business for the purpose of determining compliance with this Ordinance and DEP Rules and Regulations.

Section 12 - Fees

An application fee in the form of a check or money order made payable to the Board of Supervisors of Dingman Township shall accompany all applications for subsurface sewage disposal permits. Said application fees shall be established, from time to time, by the Board of Supervisors by resolution.

Fees shall represent the administrative cost of system review, inspection, and approval. Fees do not cover the cost of digging holes or pits. Such work must be done by and paid for by the Applicant.

Section 13 - Appeals and Hearings

When the said application for permit is denied or revoked, the appeal procedure shall be as follows:

A. Upon receipt by the applicant of a notice of denial of a permit, the Applicant may, within thirty (30) days, request in writing on a form provided by the Township, a hearing before the Township Board of Supervisors, and said hearing shall be conducted within fifteen (15) days from the date of receipt of the request. The SEO and DEP shall be notified of the hearing.

B. Upon receipt by the applicant of a notice of revocation of a permit, the Applicant may, within ten (10) days, request in writing a hearing before the Township Board of Supervisors, and said hearing shall be conducted within fifteen (15) days from the date of receipt of the request. The SEO and DEP shall be notified of the hearing.

C. Any party aggrieved by a decision of the Township Board of Supervisors may appeal to the Court of Common Pleas within thirty (30) days of the date of such decision. Notice of appeal shall be served on the Township Board of Supervisors, and proof of such service shall accompany the filing of the appeal.

Section 14 - Severability

If any section, paragraph, clause, or provision of this Ordinance is held invalid, the validity thereof shall not affect any of the other provisions of this Ordinance.

Section 15 - Violations and Penalties

The planning, design, construction, operation, and/or maintenance of any sewage disposal system shall be undertaken only in accordance with the requirements of this Ordinance. Any owner, licensed operator, person, association, or corporation who plans, constructs, operates and/or maintains any sewage disposal system not in accord with any of the planning, design, construction, operation, maintenance, testing, reporting and/or any other requirements of this Ordinance, or who violates any of the conditions of approval attached to any permit issued in accord with this Ordinance, or who is the owner of a property on which a condition exists which constitutes a nuisance under the Sewage Facilities Act shall be considered to be in violation of the Ordinance.

Any such owner, licensed operator, person, association, or corporation in violation of any provisions of

this Ordinance shall be guilty of a summary offense and shall be subject to a fine of not less than $500.00 nor more than $5,000.00 plus costs for each and every offense; or shall be confined in the county jail for a period of not more than ninety (90) days or both. Every day in which said violator fails to comply with the provisions of this Ordinance shall constitute a new and separate offense.

In addition to the remedies set forth herein, the Township may, at its option, assess a civil penalty pursuant to the provisions of Section 13.1 of the amendments to the Sewage Facilities Act set forth in Act 149 of 1994, which are incorporated herein by reference thereto.

Section 16 - Sewage Planning Modules

1. Sewage Planning Modules shall be prepared and submitted to the Township in accordance with the Sewage Facilities Act, as amended, and the regulations adopted pursuant thereto.
2. All maps or site plans submitted pursuant to this section shall include a signature block for the Sewage Enforcement Officer and shall include a space for the date of the officer's review on the site plan or map.

3. No less than seven (7) copies of the complete submission under this section shall be submitted to the Township at the time of original submission.

4. At least one copy of the sewage planning module submitted to the Township for approval and transmittal to DEP shall bear all original signatures by all state, county, and local officials.

5. All lots included in the submission, including any remainder tracts, not already served by an existing sewage disposal system, shall have satisfactory soil testing results for both a primary and secondary sewage site.

Section 17 - Earth Disturbance

All applications filed under this Ordinance shall be accompanied by a plot plan drawn to scale and legible in every detail, which shall show all lot boundary lines as well as all areas of existing and proposed earth disturbance activity.

Section 18 - Savings Clause

Nothing in this Ordinance shall be deemed to affect, modify, amend, or repeal any provision of the Act of June 22, 1937 (Act No. 394) of the amendments thereto.

Section 19 - Repeal

The enactment of this Ordinance shall serve as a repeal of Ordinance No. 29 and any other Ordinance inconsistent therewith.

Section 19 b - Severability Clause

The provisions of this Ordinance are severable, and if one of its sections, clauses, or sentences is held illegal, invalid, or unconstitutional, such illegality, invalidity, or unconstitutionality shall not affect or impair any of the remaining sections, clauses, or sentences of this Ordinance.

Section 20 - Effective Date

This Ordinance shall be effective five (5) days from the date of adoption.

Section 21 - Adoption

Adopted this _____ day of _____, 1992 by the Board of Supervisors, Dingman Township, Pike County, Pennsylvania.

Dingman Township Supervisors

ATTEST: