

On-Lot Disposal System (OLDS) Ordinance
ORDINANCE NO. 2013-1

LYKENS TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES, AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF AS AMENDED AND SUPPLEMENTED, TO REGULATE THE INSTALLATION, INSPECTION, OPERATION, REHABILITATION, REPLACEMENT AND TIMELY ONGOING MAINTENANCE OF ON-LOT DISPOSAL SYSTEMS WITHIN THE TOWNSHIP

The Board of Supervisors of the Township of Lykens, in the County of Dauphin and the Commonwealth of Pennsylvania, hereby ordains and enacts as follows:

SECTION 1: The Code of Ordinances of the Township of Lykens, Dauphin County Pennsylvania, is hereby amended in its entirety to read as follows:

PART 1
On-Lot Disposal System (OLDS) Ordinance

SECTION 101: TITLE

This Article shall be known as and may be referred to as the Lykens Township “On-Lot Disposal System (OLDS) Ordinance.”

SECTION 102: PURPOSE

1. Regulation of the installation, inspection, operation, rehabilitation, replacement and timely ongoing maintenance of OLDS within the township;
2. Establishment of provisions and safeguards for the Township which enable the issuance of permits for OLDS by and through the Sewage Enforcement Officer (SEO) as authorized by the Pennsylvania Department of Environmental Protection;
3. Registration of pumper/hauler businesses that pump, remove and dispose of septage;
4. Establishment of minimum standards for the periodic pumping and removal of accumulated solids from treatment, dosing and lift-pump tanks which are components of OLDS;

5. Adoption of standards for inspection and pumping of systems and tanks; and
6. Provision for the Township to take action to correct conditions which are declared public nuisances or hazards to public health.

SECTION 103: LEGISLATIVE INTENT

1. As mandated by the municipal codes, the Clean Stream Law (35 P.S. §§ 691.1001), and the Pennsylvania Sewage Facilities Act [Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. § 750.1 et seq., known as “Act 537”], municipalities have the power and the duty to provide adequate sewage treatment facilities for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Board of Supervisors recognizes that individual and community OLDSS constitute a valid and approved manner of protecting the quality of the water and other natural resources of the Township through proper treatment of wastes generated by certain development within the Township. The use of OLDSS must be regulated in accordance with the regulations promulgated by the Pennsylvania Department of Environmental Protection (DEP), which pertain to the location and permitted types of OLDSS. In addition, the Township has determined that, should the OLDSS installed by a landowner fail, thereby endangering the health and welfare of the residents and visitors, the Board of Supervisors desires to require that all landowners provide and set aside areas for the installation of replacement individual OLDSS.
2. It is the further intent of the Board of Supervisors to insure that OLDSS are properly maintained. Failure to maintain an OLDSS can eventuate into a pollution of the groundwater and other natural resources of the Township. OLDSS must be pumped on a regular basis to ensure such maintenance is performed. In order to determine that OLDSS within the Township are being maintained properly, all landowners using OLDSS shall file manifests with the Township concerning such service. The pumpers/haulers shall also be required to report any OLDSS to the Township which is polluting groundwater, surface waters or discharging sewage to the surface of the ground.

SECTION 104: ADOPTION OF STANDARDS BY REFERENCE

Chapters 71, 72, and 73 of Title 25 of the Pennsylvania Code, as promulgated by the DEP, are hereby adopted as the sewage permit application and installation procedure of the Township, and each and all of the regulations contained in the said chapters are hereby adopted by the Township except as specifically modified by this Article. It is the intent of the Board of Supervisors to adopt automatically, without further action of the Board, all subsequent amendments and revisions to the said chapters as permitted by law and in accordance with the provisions of 1 Pa.C.S.A. § 1937(a). If such intent is found invalid by a court of competent jurisdiction, it is the intent of the Board to adopt said chapters as they existed on the effective date of the Article.

SECTION 105: WORD USAGE, DEFINITIONS

1. General terms. In the interpretation of this Article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.
2. Specific terms. For the purposes of this Article, the terms used shall be construed to have the following meanings:

ACT 537

The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. § 750.1 et seq.

ADSORPTION AREA EASEMENT

A portion of a lot, tract, or parcel that encompasses the Primary and Replacement Areas and which shall be delineated and preserved. The Primary and Replacement Areas need not be contiguous.

ALTERNATIVE SYSTEM

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

AUTHORIZED AGENT

A (licensed) Sewage Enforcement Officer, employee of the Township, professional engineer, plumbing inspector, or any other qualified or licensed person who is authorized to function within specified limits as an agent of Lykens Township to administer the provisions of this Article.

BOARD

The Board of Supervisors, Lykens Township, Dauphin County, Pennsylvania.

CESSPOOL

A covered pit with open jointed lining which receives the sewage or other organic wastes directly from a building drain or building sewer. The pit retains the solid wastes and allows liquid waste to pass through its bottom and sides.

COMMUNITY SEWAGE SYSTEM

Any system, whether publicly or privately owned, which collects sewage from two or more lots or uses, and the treatment and/or disposal of the sewage occurs on one or more of the lots or at any other site which complies with all applicable regulations of the DEP.

DEP

The Pennsylvania Department of Environmental Protection

DEVELOPER

Any person, partnership or corporation which erects or contracts to erect a building on property owned by it with the intent to sell the building to some other party upon its full or partial completion, or upon the conveyance of property on which the building is to be built.

GRAY WATER

Used water from a laundry, bath or kitchen sink.

INDIVIDUAL SEWAGE SYSTEM

A system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.

LAND DEVELOPMENT

Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or
 - b. The division of allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective

occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land.
3. Development in accordance with Section 503(1.1) of the Municipalities Planning Code (Act 170 of 1988, as amended).

LOT

A designated parcel, tract or area of land established by a plot or otherwise as permitted by and to be used, developed or built upon as a unit.

MALFUNCTION

A condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

OFFICIAL SEWAGE FACILITIES PLAN

A comprehensive plan for the provision of adequate sewage disposal systems adopted by the Township and approved by DEP in accordance with the Act 537 and with applicable DEP regulations.

ON-LOT SEWAGE DISPOSAL SYSTEM (OLDS)

Any system for the disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewage systems.

OLDS INSPECTION REPORT

A form provided by the Township which shall be used by all pumpers/haulers to report every pumping and inspection of an OLDS in the Township.

OWNER

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

PERSON

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

PLANNING MODULE FOR LAND DEVELOPMENT

A revision to, or exception to the revision of, the official sewage facilities plan of the Township, submitted in connection with the request for approval of a subdivision or land development in accordance with DEP regulations.

POLLUTION/POLLUTING

The discharge of raw or partially treated sewage to the surface water, groundwater, or surface of the ground.

PRELIMINARY HYDROGEOLOGIC STUDY

A subsurface evaluation an on-lot system soil absorption area wastewater dispersion plume to estimate and assess the impacts to existing and potential groundwater uses for the purpose of determining if a detailed hydrogeologic study is required.

PUBLIC INFORMATION and PUBLIC EDUCATION PROGRAM (PIPE)

A program to provide information and education regarding the purpose, permitting, construction, operation and maintenance of on-lot sewage disposal system to the residents of the Township through handouts and public meetings.

PRIMARY AREA

An area on a lot, tract or parcel of land that has been tested by the SEO and found suitable, based upon the then-current DEP site requirements, for the installation of an OLDS and which will be preserved and protected from alteration for installation of the initial OLDS for sewage generated on that lot, tract, or parcel.

PUMPER/HAULER

A person who engages in cleaning any or all components of a community or individual OLDS and evacuates and transports the sewage cleaned therefrom for a fee or free of charge, and is capable to perform on-lot management treatment inspections.

PUMPER/HAULER BUSINESS

Any sole proprietor company, partnership, or corporation which engages in cleaning any or all components of a community or individual OLDS and evacuates and transports the sewage cleaned therefrom, whether for a fee or free of charge and registered to do business with the Township.

REPAIR

Work done to modify, alter, repair or enlarge an existing OLDS.

REPLACEMENT AREA

An area designated as the future location of an OLDS that shall be installed should be the initial OLDS fail or otherwise become inoperable. The area shall meet all the regulations of DEP and all applicable Township ordinances for an OLDS.

SEPTAGE

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

SEWAGE

Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances having harmful or inimical to the public health or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937, known as "The Clean Streams Law".

SEWAGE ENFORCEMENT OFFICER (SEO)

A person certified by DEP (by the State Board of Certification of Sewage Enforcement Officers) who is employed by the Township. Such a person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such a person in the Sewage Facilities Act, and rules and regulations promulgated thereunder.

SEWAGE FACILITIES

Any method of sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated sewage into the waters of the Commonwealth or otherwise provide for the safe and sanitary treatment of sewage.

SEWAGE MANAGEMENT PLAN

An on-lot sewage disposal maintenance program which encompass the entire area of Lykens Township where public sewage disposal service is not available and wastewater service is provided by OLDS or any other alternative system which discharges into the soils of the Township or the waters of the Commonwealth. All systems shall be operated under the jurisdiction of the Township and other applicable laws of the Commonwealth of Pennsylvania.

SHALLOW-ROOTED PLANT MATERIAL

Plants with roots not normally

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.

SUBDIVISION

The division or redivision of a lot, tract or parcel of land, by any means, into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

TOWNSHIP

The Township of Lykens, Dauphin County, Pennsylvania

TREATMENT TANK

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

1. SEPTIC TANK – A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge.

2. AEROBIC SEWAGE TREATMENT TANK – A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to the point of discharge.
3. All other definitions of words and terms used in this Article shall have the same meanings as set forth in Chapter 73, Standards for Sewage Disposal Facilities, of Title 25, Rules and Regulations, DEP.

SECTION 106; APPLICABILITY

From the effective date of this Article, its provisions shall apply to all persons owning any property serviced by an individual or community OLDS and to all persons installing, repairing or rehabilitating such systems. The aforesaid notwithstanding, the Board of Supervisors may, in its sole provide a grace period for implementation of the provisions of this Article to persons who will be required to connect to the Township's community sewer collection and treatment system.

SECTION 107: PERMIT REQUIRED

1. No person shall install, construct or alter an individual sewage system or community sewage system or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit from the Sewage Enforcement Office of Lykens Township, indicating that the site plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. § 750.1 et seq.) and the rules and regulations adopted by the Department of Environmental Protection pursuant thereto. A permit shall be required regardless of the size of the lot or tract of ground on which the building or structure is to be constructed, altered or occupied.
2. Building and zoning permits shall not be issued for any building, or improvement to real property to be serviced by an on-lot system, prior to receiving a permit for the installation of the OLDS from the SEO.
3. All system components including adsorption areas must be located on the same lot, tract, or parcel as the structure they will serve. Systems or components cannot be located on a separately deeded parcel, regardless of parcel's ownership, or through means of an easement, right-of-way, or other instrument.
4. All planning modules proposing individual or community sewage systems which require a DEP permit shall include a provision granting the Township and its agents the right to enter the premises to inspect the construction and/or operation of the DEP permitted system, and if the system is not being constructed or operated according to the permitted design, issue a stop work order to revoke the occupancy permit until construction or operation if brought into compliance with the permit.

5. A Preliminary Hydrogeologic Study shall be required for all proposed new OLDS within ¼ mile (quarter mile) of a parcel with a well with a known level of nitrate-nitrogen level of 5 mg/l or greater or within the required study area as shown on the Act 537 Map 9, Nitrate-Nitrogen Map. This study is to be conducted in accordance with DEP requirements and recommended guidelines. A report of this study and its finds shall be prepared in support the proposed OLDS design and submitted for review and acceptance by DEP before a permit for a new OLDS can be issued.
6. Following the installation, but before the operation or use of all sewage facilities installed in the Township, whether permitted by the SEO or DEP, the application shall submit to the Township an as-built drawing(s) of the entire system.
 - A. All as-built drawings shall be drawn to the same scale and with the same detail as the drawings which were submitted as part of the application for the permit to install the sewage facility.
 - B. At a minimum, the following components shall be located by actual field measurements of the finished component's location to two immovable points such as, but not limited to, building corners, bridge abutments, property corner monuments or similar features:
 - (1) Four corners of each bed type absorption system.
 - (2) Four corners of each trench is a trench type absorption system.
 - (3) Inlet observation ports of all treatment, dosing, siphon, process, surge or other tanks.
 - (4) Distribution boxes.
 - (5) Chlorine pumps, table chlorinators.
 - (6) Chlorine storage site for liquid, solid or gaseous chlorine.
 - (7) Contact Tanks.

Distances may be incorporated in the drawing in association with an arrow between the respective points or presented in the context of a table.

SECTION 108: ISSUANCE OF PERMIT

No person, firm or corporation shall construct alter or extend any individual or community sewage disposal system within the Township of Lykens, Dauphin County, Pennsylvania, unless he/she holds a valid permit issued by the person or officer charged with the issuance thereof. Permits shall be issued, if they comply with the Pennsylvania Sewage Facilities Act and the rules and regulations issued in connection therewith, open the payment of a fee as designated by the Supervisors of Lykens Township.

SECTION 109: APPEALS

1. Any aggrieved party may appeal to the Board for relief from the strict application of the provisions of this Article, when such constitute a demonstrable hardship.
2. Appeals shall:
 - A. Be in writing;
 - B. State the alleged hardship and the reason that the strict adherence will cause that hardship;
 - C. Include a description of the relief sought: and
 - D. Propose alternate methods or provisions that will, to the greatest extent possible, attain the purposes of this Article.
3. Appeal requests must be received by the Board within fifteen (15) days of the action being appealed and must be accompanied by the appropriate fee set by resolution of the Board.
4. Within ten (10) days of receipt of an appeal, the Board shall schedule a public hearing which shall be conducted pursuant to the Local Agency Law.
5. The Board shall issue its decision within twenty (20) days of the end of the hearing.
6. Only in the case of a demonstrated hardship may the Board, in its discretion, grant a variance from the provisions of this Ordinance.
 - A. Any such variance shall, to the greatest extent possible, protect the public health and quality of the water resources of the Township.
 - B. When in the opinion of the Board it is necessary to meet the purposes of this Article, a variance may be conditioned upon measures not specified in this Article.
7. At all times, the burden to present credible evidence and the burden of persuasion shall be open the Applicant seeking relief.
8. Relief from Replacement Area Requirement
 - A. If any unimproved lot held in single and separate ownership does not contain suitable land for both a Primary Absorption Area and a Replacement Absorption Area the landowner desiring to install an individual sewage system may request

that the Board grant an exception to the requirement of providing Replacement Area.

- B. At a minimum, landowners seeking relief shall present credible evidence to the Board demonstrating:
 - (1) That the lot was held in single and separate ownership on the effective date of this Article;
 - (2) The size of the lot;
 - (3) The results of soil evaluation and testing that were conducted and which determine that the soil conditions on the lot are of an extent or nature that only a Primary Area exists on the lot: and,
 - (4) The inability of the applicant to acquire adjacent land, or the unsuitability of adjacent land which might be able to be acquired.
- C. Under this subsection, the Board may condition relief on a more frequent pumping schedule, use of water conservation measures or other appropriate management techniques.

SECTION 110: DUTIES OF SEWAGE ENFORCEMENT OFFICER (SEO)

The SEO of Lykens Township shall issue permits, review permit applications and sewage facilities planning modules and conduct investigations and inspections necessary to implement the Sewage Facilities Act and the regulations thereunder. More specifically, duties of the SEO shall include the following:

1. Issue, deny or revoke septic system permits in accordance with the state regulations and standards.
2. Review soil profiles (deep probes) and percolation tests.
3. Inspect newly installed systems to ensure proper installation.
4. Conduct initial septic system site investigations to document conditions, determine the causes of malfunctions, and decide the extent of the repair needed to resolve septic system malfunction problems.
5. Issue a notice of violation to the responsible property owner for a failed septic system and issue a sewage permit application for the proper system repair.

6. Issue the responsible property owner a permit to repair or replace the malfunctioning system after any necessary site testing has been done and an acceptable system design has been submitted.

SECTION 111: SYSTEM MARKERS; ACCESS TO SYSTEM

1. Any person who shall install a new OLDS shall use underground warning tape to identify the location of all treatment tanks and appurtenances. The underground warning tape shall be buried six inches below finished grade. The underground warning tape shall be magnetic polyethylene tape, three inches in width, with a minimum lettering of one inch.
2. In addition, a manhole riser and cover shall be installed on all new septic tanks to enable easy access. The riser shall extend to the surface. A mechanism to prevent unlawful entry shall be installed on the cover.

SECTION 112: REPLACEMENT AREAS

1. Requirements.
 - A. A replacement area for an individual or community OLDS shall be provided for all lots which are not serviced by public sewer. Lots that are served by an OLDS that existed prior to the effective date of this Article shall be exempt from the requirements of this subsection.
 - B. A replacement area for an individual or community OLDS shall be required for all unimproved lots existing prior to the effective date of this Article, which are intended to be serviced by a soil absorption system, but for which a permit to install an individual or community PLSDS has not been issued.
 - C. The replacement area provided shall comply with the Act 537, with all regulations issued by DEP concerning OLDS, including isolation distances, and with the terms of this Article and any other applicable Township ordinances.
2. Identification of replacement area.
 - A. Each applicant who shall submit a plan for subdivision or land development or who shall request approval of a planning module for land development or the adoption of a revision, planning exemption, or supplement to the official sewage facilities plan shall demonstrate to the satisfaction of the SEO that a functional OLDS and a suitable replacement area exists on the residual lot. To confirm the suitability of the primary area and replacement area, the SEO shall perform or observe all soil tests required in Chapter 73 of the Act for the location of an OLDS.

- B. The location of the initial OLDS and the replacement area(s), as confirmed by the SEO, shall be delineated and identified as an absorption area easement on a plot plan and diagram submitted as part of the permit application.
 - C. If the application is for subdivision or land development plan approval or as part of a request that the Township approve a planning module for land development to amend its official sewage facilities plan, or approval of a request for a planning exemption to the revision of the official sewage facilities plan, the location of each initial OLDS and each replacement area shall be noted as an absorption area easement upon the plans. If the application is for subdivision or land development approval, a note shall also be added to the plans stating that no improvements, whether permanent or temporary, shall be constructed upon or within the primary area and replacement area (absorption area easement), with the exception of those identified in Subsection 3 herein below.
 - D. The description, including metes and bounds, of every absorption area easement shall be recorded as part of the deed for each lot created as part of a subdivision or land development plan.
 - E. An owner may submit a written request for planning exemption to submit a sewage facilities planning module for any new lot using the application mailer as provided for by the Act; said request must be approved by the Township and the DEP.
 - F. Any revisions to a permit or plan affecting a replacement area which previously has been approved pursuant to the provisions of this Article shall be reviewed for approval by the SEO and forwarded to the Board of Supervisors and the owner for final approval.
3. Construction restrictions.
- A. The site for the primary area and replacement area shall be protected and a note added upon the plan stating that:
 - (1) No permanent or temporary improvements of any character, other than shallow rooted plant matter, shall be constructed upon or within the absorption area easement.
 - (2) No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place upon or within the absorption area easement.
 - (3) During any construction or other activities, the absorption area easement shall be so marked to prevent equipment with greater wheel loading than a

common garden tractor/riding mower from traveling over or operating upon the surface of the absorption area easement.

- B. This provision shall be enforced by the Township unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the SEO that an alternate replacement area, which complies with all applicable regulations of DEP, this Article and all other applicable Township Articles, exists upon the lot. If an alternate replacement area is identified, the alternate replacement area shall be designated the replacement area required by this Article. The owner shall provide a revised plot plan to the Township showing the location of the new replacement area.
- C. The replacement area may consist of an area set aside for an OLDS that is acceptable to the DEP.

SECTION 113: OPERATION OF SYSTEM

- 1. All OLDS shall be operated by the owner in a manner that is in full compliance with the terms of this Article, the DEP Regulations and the system's permit.
- 2. Only sewage shall be discharged into an OLDS.
- 3. No OLDS shall be used or loaded in a manner which is inconsistent with the permit that was issued to authorize that system's installation.
- 4. The following shall not be discharged into any individual or community sewage system:
 - A. Any substance defined as "industrial waste: under the Clean Streams Law.
 - B. Motor oil, gasoline and fuel oil.
 - C. Fats and grease.
 - D. Hazardous waste.
 - E. Medications and drugs.
 - F. Chemicals, including but not limited to:
 - (1) Pesticides and herbicides;
 - (2) Acids;
 - (3) Paint, paint thinner and solvents including latex or water-based paints;
 - (4) Wallpaper pastes and adhesives: and
 - (5) Photo-processing chemicals.

- G. Clean surface water or groundwater, including water from roof or cellar drains, springs, basement sump pumps and French drains.
- 5. In accordance with § 73.11(c) of the Pennsylvania Code, Title 25, DEP, Chapter 73, kitchen and laundry wastes and water softener backwash shall be discharged to a treatment tank.
- 6. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground, or into the waters of the Commonwealth, unless a permit to discharge has been obtained from the DEP.

SECTION 114: SEWER MANAGEMENT PLAN (MAINTENANCE PLAN)

- 1. The owner of a property upon which an OLDS is located shall at all times operate and maintain the system in proper condition such that the system will function in the manner in which it was designed and to prevent the unlawful discharge of sewage.
- 2. The owner of a property upon which an OLDS is located shall maintain the area around such system so as to provide convenient access for inspection, maintenance and pumping.
- 3. Surface water, runoff and discharge from downspouts shall be diverted away from the absorption area and system components.
- 4. In the event an owner detects conditions that indicate or could reasonably be interpreted to indicate the OLDS is not operating properly, the owner shall contact the SEO and, if repair or replacement is necessary, apply for and obtain a permit to repair or replace the system.
- 5. Every treatment tank or cesspool shall be pumped out according to the pumping schedule in Section 115 of this Article. If a component's manufacturer requires a more frequent pumping interval than contained in this Article, that interval shall be deemed the minimum interval for pumping.
- 6. When a treatment tank is pumped out, all dosing tanks, sand filter tanks, lift tanks and other tanks associated with the system shall also be pumped out.

SECTION 115: OLDS MAINTENANCE DISTRICTS CREATED; PUMPING AND INSPECTION SCHEDULE

- 1. The Township is hereby divided into five districts, designated as On-Lot Management District 1, 2, 3, 4 & 5 as illustrated on the On-Lot Sewer Management District Map, which is incorporated by reference into this Article as Appendix 1, and as may be amended from time to time.

2. Every OLDS in the Township shall be inspected and every treatment tank or cesspool associated with every OLDS shall be pumped at least one time according to the following district and pumping schedule:

District	Pumping and Inspection Shall Be Completed By
1	12-1-2015
2	12-1-2016
3	12-1-2017
4	12-1-2018
5	12-1-2019

3. After the initial pumping/inspection, all treatment tanks or cesspools in and OLDS shall continue to be pumped out at a minimum regular interval of once every five (5) years from the year of either initial pumping or a subsequent pumping. Treatment tanks that have been subject to more frequent pumping, by the nature of their size, loading rate or other system characteristics, should continue to receive that frequency of pumping.
4. The Township may allow treatment tanks to be pumped out at less frequent intervals when the owner can demonstrate to the Township that the property the OLDS serves is not occupied on a fulltime basis, or for other acceptable reasons. Such a request may be made at any time and must be in writing. The Township, in making its determination, shall take into account the information submitted by the applicant, the sewerage permit issued by the SEO, and any other supporting documentation or information. The Township may also conduct an on-site inspection of the OLDS to verify its current condition. The applicant shall bear the cost of any inspection of soil and water sampling conducted for the purposes of evaluating the request.
5. The required pumping frequency may be increased at the discretion of the Township if the treatment tank is undersized, if solids buildup is above average, if the hydraulic load on the system increases significantly, if a garbage grinder is used, if the system malfunctions, or if the treatment tank is filled with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of the liquid depth of the tank.
6. If an owner can submit written proof that their treatment tank had been pumped within one year of the date set forth in Subsection 3 hereinabove, then the Township may delay, change or alter that owner's initial required pumping schedule to conform to the general five year frequency.

SECTION 116: PROCEDURE FOR PUMPING/INSPECTION

1. Each pumper/hauler shall have the Township's SEO present during the initial and subsequent pumping to inspect, observe, confirm and report on the condition of the OLDS.

2. Upon completion of each required pumping, the pumper/hauler business shall:
 - A. Complete an OLDS Inspection Report.
 - B. Deliver a copy of the OLDS Inspection Report to the Township and the Township's SEO within 14 days of pumping.
 - C. Deliver a copy of the OLDS Inspection Report to the owner upon completion of pumping.
 - D. Collect any administrative fee as set forth by the Township and deliver the administrative fee to the Township with the OLDS Inspection Report.
3. The OLDS Inspection Report shall be on a Township-provided form, which is incorporated by reference into this Article as Appendix 2, and as may be amended from time to time without the requirement to amend this Article. The OLDS Inspection Report shall include the required information as outlined on Appendix 2.
4. Should the pumping/inspection reveal that the OLDS is polluting the groundwater or surface waters or discharging to the surface of the ground, the pumper/hauler shall notify the Township, who shall notify the owner to take corrective action of the pollution.
5. In the event that an owner fails to carry out the requirements for the initial or subsequent pumping/inspection, the SEO shall have the right to enter upon land for the purpose of conducting inspections required by this Article.
6. The SEO shall make an effort to contact the owner, current tenant, or both, in writing, prior to conducting the inspection. The notice shall include the date and time of the inspection and the reason for the inspection. If the owner or tenant cannot be reached and, in the judgment of the SEO, there is an immediate need and substantial safety, water pollution of health hazard, the SEO may enter upon the property and proceed with the inspection of the OLDS.
7. No provision of this Article shall require notice to be given before entry where it can be observed from a public street or abutting property (with the consent of the abutting property owner) that an OLDS is polluting.
8. Any OLDS or an alternative system which contains an aerobic sewage treatment tank shall follow the operating and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within six months of the effective date of this Article. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations.

9. The Township may require additional maintenance activity as needed, including but not necessarily limited to, cleaning and unclogging of piping, servicing and repair of mechanical equipment; leveling of distribution boxes, tanks and lines; removal of obstructing roots or trees; and diversion of surface water away from the disposal area. Repair or rehabilitation permits issued by the SEO must be secured before these activities are commenced.

SECTION 117: SYSTEM MALFUNCTION REPAIR AND REHABILITATION

1. No person shall operate or maintain an OLDS in such a manner that it causes pollution. All liquid wastes, including bathroom, kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage facility shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit to discharge has been obtained from the DEP.
2. The Township shall issue a written notice of violation to any person who is the owner of a property in the Township which is found to be served by an OLDS which is discharging raw or partially treated sewage to the surface water, groundwater or surface of the ground.
3. All repairs, component replacement, or modification to correct OLDS malfunctions shall be in accordance with the Lykens Township, Malfunction Repair Plan, Guidelines for Rehabilitating Malfunctioning On-Lot Sewage Disposal Systems.
4. In the event that the repair or rehabilitation measures in Subsections 1 through 3 are not feasible or do not prove effective, the Owner is not absolved of the responsibility for any negative effects caused by the malfunction, and the Township may require the owner to apply for a permit to install a holding tank in accordance with the Township's Holding Tank Ordinance No. 1999-1, as amended and supplemented. Upon receipt of said permit, the owner shall complete the installation of the holding tank within 90 days, unless seasonal or unique conditions mandate a longer period, in which case the Township may set an extended completion date.

SECTION 118: WORK PERFORMED BY TOWNSHIP; RECOVERY OF COSTS

1. The Township, upon written notice from the SEO that an imminent health hazard exists due to failure of an owner to maintain, repair or rehabilitate an OLDS as provided under the terms of this Article, shall have the authority to perform or contract to have performed the work required by the SEO. The owner shall be charged for the work performed, including the costs of the work and related expenses, which costs shall become a lien on the property and shall be recovered and collected by the Board of Supervisors by the filing of a municipal claim in relation to the property, reducing said claim to judgment and executing upon such judgment, or by instituting a suit to recover such costs, expenses,

and attorney's fees to be charged against the property as a lien or against the person or legal entity as a personal judgment.

SECTION 119: RIGHT OF ENTRY; EASEMENTS

1. All permits for the installation of OLDS shall be conditioned upon the inclusion of language in the deed establishing a grant of Right-of-Entry by the landowner, his heirs, successors, and assigns to the Township for the limited purpose of inspecting, maintaining, sampling, testing, evaluating or repairing the OLDS described in the application and permit.
2. The grant of right of entry cannot be revoked, suspended or discontinued by the present or any future owner.
3. Any property on which an OLDS presently exists, or on which an OLDS is under construction shall not be conveyed by the Owner without the inclusion of the language in the deed establishing and assigning a non-revocable grant of Right of Entry by the landowner, his heirs, successors, and assigns to the Township for the limited purpose of inspecting, maintaining, sampling, testing, evaluating or repairing the OLDS described in the application and permit.
4. In the event that the OLDS is abandoned and not replaced by another OLDS, and all sewage is collected and treated at a site not on the lot, the Township shall abandon the easement and right of entry which then shall cease.

SECTION 120: PUMPER/HAULER BUSINESS REGISTRATION

1. Each pumper/hauler business providing pumping services to owners of an OLDS within the Township, including but not limited to pumping out the OLDS, shall register with the Township at least 7 (7) days before offering such services. Such registration shall include but is not limited to the following:
 - A. The name, address and telephone number of the pumper/hauler business.
 - B. Identification of all persons that will perform these services in the Township.
 - C. List of all vehicles, including make, year, model and motor vehicle registration number.
 - D. Copy of insurance coverage, with minimum coverages as follows: compliance with the Workers' Compensation Act and Social Security Act, as amended, and liability insurance in an amount of not less than \$1,000,000 for injuries, including accidental death, to any one person and subject to the same limit for each person, in an amount of no less than \$2,000,000 on account of one accident, and

property damage insurance in an amount of not less than \$1,000,000 or \$2,000,000 combined single-limit liability, with an umbrella coverage of \$2,000,000.

- E. Identify the location(s) at which the pumper/hauler business proposes to dispose of septage collected in the Township that shall be valid for the calendar year.
2. The pumper/hauler business shall pay an annual registration fee, which is established hereby with the amount thereof set by resolution by the Board.
 3. No person other than a registered pumper/hauler business shall be permitted to remove septage from any OLDS in the Township.
 4. The Township shall maintain a list of registered pumper/hauler businesses.

SECTION 121: DISPOSAL OF SEPTAGE

1. All septage originating within the Township shall be disposed of at sites on facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and DEP-approved farmlands.
2. All pumpers/haulers operating with the Township shall operate in a manner consistent with the provisions of Pa. Code, Title 25, Environmental Protection, Chapter 285, and the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101 through 6018.1003).

SECTION 122: PUBLIC INFORMATION and PUBLIC EDUCATION PROGRAM

1. The Township recognizes the need to provide current and pertinent information about the permitting, operation and maintenance of on-lot disposal systems to the residents of the Township and the owners of on-lot systems. To aid in the dissemination of information the Township will institute the following:
 - A. Annually obtain current information about OLDS from the DEP (Fact Sheets, etc.) and make this information available to the residents of the Township and owner of on-lot system at the Township Building.
 - B. Annually at a regularly scheduled Board of Supervisors meeting or a special advertised public meeting provide and make the Township SEO, and optionally the Township Engineer, for an information presentation on on-lot sewage disposal systems and an open question and answer session.

SECTION 123: ADMINISTRATION AND ENFORCEMENT RECORDS

1. The Township shall establish all administrative procedures necessary to carry out the provisions of this Article.
2. The Township may appoint an authorized agent or may contract with private individuals or firms as necessary to carry out the provisions of the Article.
3. All permits, records, reports, files and other written material related to the installation, operation and maintenance of Township OLDSs shall become the property of the Township. Existing and future records shall be available for public inspection during regular business hours at the Township offices. All records pertaining to sewage permits, building permits, occupancy permits, and all other aspects of the Township's management program shall be made available, upon request, for inspection, in accordance with the Pennsylvania Open Records Law.

SECTION 124: FEES

1. The Board may, by resolution, establish a fee schedule and collect fees to cover the Township's costs or permits and otherwise administering this Article.

SECTION 125: UNLAWFUL ACTS; VIOLATIONS AND PENALTIES

1. It shall be illegal to construct, alter, repair or rehabilitate an OLDS without first obtaining a permit for the installation or repair from SEO.
2. It shall be illegal to fail to maintain the components of an OLDS at the intervals less frequently than specified in this Article or those specified by the equipment manufacturer. Unless authorized in writing by the Township within the provisions of Section 115 of this Ordinance.
3. It shall be illegal for a pumper/hauler business to fail to register and/or file all required reports in a timely manner as required by this Article.
4. Any person who violates any of the provisions of this Article commits a summary offense and shall be subject to prosecution by the Township and, upon conviction before a Magisterial District Judge, shall be subject to a fine of not less than \$300 nor more than \$1,000, plus costs of prosecution and the Township's expenses.

SECTION 126: SEVERABILITY

If any section or clause of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions of this Ordinance which shall be deemed severable therefrom.

SECTION 127: EFFECTIVE DATE

This Ordinance shall immediately become effective upon its enactment.
ORDAINED and ENACTED into law by the Lykens Township Board of Supervisors this 25th day
of September, 2013.

Attest:

BOARD OF SUPERVISORS

Secretary

(SEAL)

Chairman

Member

Member