UPPER UWCHLAN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE 2019-02

AN ORDINANCE AMENDING CHAPTER 141 OF THE UPPER UWCHLAN TOWNSHIP CODE TITLED, "SEWERS" TO ADD A NEW ARTICLE III TITLED, "ON LOT SEWAGE DISPOSAL SYSTEMS" TO ADOPT REGULATIONS FOR INDIVIDUAL ON-LOT SEWER SYSTEMS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Upper Uwchlan, Chester County, Pennsylvania, as follows:

SECTION 1. Chapter 141 of the Upper Uwchlan Township Code, titled, "Sewers" shall be amended to adopt a new Article III, titled "On Lot Sewage Disposal Systems" which shall provide as follows:

"ARTICLE III. INDIVIDUAL ON-LOT SEWER SYSTEMS.

§ 141-23. Authority; purpose.

A. In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987., No. 394 as amended, 35 P.S. §§691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended 35 P.S. §750.1 et seq., known as Act 537), it is the power and the duty of Upper Uwchlan Township to provide for adequate sewage treatment and disposal facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Upper Uwchlan Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

B. The purpose of this Article is to provide for the regulation, inspection, maintenance, and rehabilitation of Individual Sewage Systems (as hereinafter defined); to further permit intervention in situations, which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

§ 141-24. Applicability.

From the effective date of this Article, the provisions of this Article shall apply to all portions of the Township served by Individual Sewage Systems. Within such an area or areas, the provisions of this Article shall apply to all persons owning any property serviced by an Individual Sewage System and to all persons installing or rehabilitating such sewage systems.

§ 141-25. Permit Requirements.

A. No Person shall install or construct an Individual Sewage System or install, construct, occupy or use a building or structure served by that Individual Sewage System without first obtaining a permit from the Sewage Enforcement Officer, employed by the Chester County Health Department and/or the Township, which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law (35 P.S. §§691.1-691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 et seq.) and the regulations adopted pursuant to those Acts.

B. No system or structure designed to provide individual sewage disposal shall be covered from view until approval to cover the same has been given by a Sewage Enforcement Officer.

C. Applicants for sewage permits shall be required to notify the Sewage Enforcement Officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Facilities Act shall be scheduled and performed by a Sewage Enforcement Officer.

D. No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities until a sewage permit has been obtained from a Sewage Enforcement Officer.

E. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from a Sewage Enforcement Officer that such a permit will not be required. The Sewage Enforcement Officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

F. No Individual On-lot Sewer System shall be modified or subject to rehabilitation (as defined herein) without the issuance of a permit by the Sewage Enforcement Officer.

G. No Individual On-lot Sewer System shall be used or loaded in a manner which is inconsistent with the permit that was issued to authorize that system's installation or with the requirements of Chapter 73 of Title 25 of the Pennsylvania Code, as the same may be amended from time to time.

H. Permit applications for Individual On-lot Sewer Systems which include electronically, mechanically, hydraulically or pneumatically operated or controlled devices shall be accompanied by the respective manufacturer's recommended maintenance schedule and product specifications.

§ 141-26. Inspections.

A. The following steps shall be taken with regard to the On-Lot Sewage Disposal Systems in the Township:

1. The Property Owner shall arrange for an initial inspection of the On-Lot Sewage System to be conducted by a Certified Inspector within three (3) years of the effective date of this Article for the purpose of determining the type and functional status of each sewage disposal system in the Township. The inspection shall be conducted in accordance with all applicable state and federal regulations. All costs associated with inspection, pumping and remediation shall be the responsibility of the Property Owner.

2. Every three years after the initial inspection, the Property Owner shall have conducted another inspection for the purpose of determining the functional status and condition of the sewage disposal system.

3. The Township or its designee shall send, via regular U.S. Mail, notice to the Property Owner that the On-Lot Sewage Disposal System is due for inspection and certification. Within forty- five (45) days from receiving the notice from the Township, the Property Owner must schedule an appointment with a Certified Inspector provided however that no notice will be sent if the County records reflect that the system has been pumped, inspected and passed inspection within the last three (3) years.

4. At the time of the scheduled inspection the On-Lot Sewage Disposal System shall be pumped by a Pumper/Hauler Business so that it may be inspected by the Certified Inspector. The Property Owner shall ensure that the person performing the inspection and the pumping is both a Certified Inspector and a Pumper/Hauler Business or that separate persons having those

qualifications perform the tasks.

5. The Certified Inspector shall prepare a written report of its inspection (including the name, company and certification number of the inspector and the date of inspection) and furnish a copy to the Property Owner, the Township and the Chester County Department of Health for entry into its tracking system. The Certified Inspector will provide the Property Owner with any specific conclusion(s) relative to the system inspection.

B. To the extent that a Property Owner does not conduct the inspection and pumping of an On-Lot Sewage Disposal System as specified in subsection A above, the On-Lot Sewage Disposal System may be inspected by an Authorized Agent at any reasonable time after the Township provides ten (10) days prior written notice, sent by regular U.S. Mail, to the Property Owner. Such inspection may include a physical tour of the On-Lot Sewage Disposal System and its related components. The Township may also arrange for the pumping of that system. Any costs that the Township or the Authorized Agent incurs with the inspection and pumping shall be reimbursed by the Property Owner. Any delinquent costs are subject to the procedures of Sections 10 and 13.A.5 of this Article.

C. It is recommended that On-Lot Sewage Disposal Systems be routinely inspected by the Property Owner or a Responsible Management Entity in accordance with the following schedule:

1. Semi Annually - Individual Residential Drip Irrigation Systems permitted in accordance with 25 Pa Code § 73.167.

2. Once every three years - All Tanks, including but not limited to Treatment Tanks (i.e, Septic Tanks), Pump Tanks, and Distribution Boxes to be checked for surface discharge and settlement. Surface discharge or settlement of more than 4 inches for Distribution Boxes will require water tightness testing, verification of the structural integrity and proper slope, and the removal of any solids and scum buildup.

§ 141-27. Operation.

A. Property Owners are responsible to properly operate the Sewage Facilities on their individual properties; this includes providing where necessary electrical power and access to communication service for the operation of the Sewage Facilities and to respond to any alarm notification.

B. Property Owners shall not introduce or dispose of any substance into any Sewage Facility that would cause harm or in any way interfere with the proper operation of the Sewage Facility.

C. Only normal domestic wastes shall be discharge into any Sewage Facilities. The

following shall not be discharged into the Sewage Facility:

1. Industrial waste;

2. Automobile oil and other non-domestic oil;

3. Toxic or hazardous substances or chemicals including, but not limited to, pesticides (insecticides, fungicides, herbicides, and anti-microbial agents), disinfectants (excluding household cleaners and non-incidental cleaning products), acids, paints, paint thinners, gasoline, and other solvents; or

4. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps, and french drains.

5. Food waste – Property Owners of On-Lot Sewage Disposal Systems will not install or use garbage disposals.

§ 141-28. Maintenance.

A. After each inspection by a Certified Inspector, the Property Owner shall promptly complete any recommended repairs to the On-Lot Sewage System to prevent System Failure.

B. Maintenance Agreements. Sewage Facilities operated and maintained by any person other than the Property Owner shall be through a maintenance agreement between the Property Owner and a Responsible Management Entity (RME). The RME shall provide the Property Owner an inspection and maintenance report within the three-year cycle and enter such report into the County Septage Management System.

C. All Individual On-lot Sewage System pumping shall be performed in accordance with Chapter 504 of the Chester County Health Department regulations and shall also conform to the following minimum standards, unless other standards are specified by an equipment manufacturer.

1. At all times, the Pumper Truck Operator's personal safety, as well as protection of the environment and the landowner's property, shall receive the highest priority.

2. Tanks shall only be pumped from or through the manhole or access port (i.e., the largest tank opening).

3. Tanks shall not be pumped from or through the observation or Inspection Port.

4. When necessary to break up solids, backwashing with clean water or

material of a similar nature already on board the pumper truck may be employed. Mechanical means (scraping, raking, etc.) are not necessary but may be employed, provided that appropriate safeguards are taken to prevent injury.

5. When backwashing, care shall be taken not to fill or refill the tank to a level greater than 12 inches below the elevation of the outlet pipe.

6. No liquids or solids are to be discharged into or through the outlet pipe.

7. Tanks shall be deemed to be cleaned when adequate organic solids are removed leaving only sufficient biological organism "seed" sludge and the total average liquid depth remaining in the tank is less than one inch.

8. At all times, and in all phases of operations, the Pumper/Hauler shall comply with all laws and regulations regarding the activities associated with Individual On-Lot Sewage System maintenance and disposal of materials removed therefrom.

D. Any person owning a building served by an Individual On-Lot Sewage System which utilizes any components or technologies deemed by DEP to require more detailed operation and maintenance requirements than provided for in this Article, including but not limited to Individual Residential Drip Irrigation Systems, Alternate Systems, or Experimental Systems shall be further subject to the maintenance responsibilities recommended by DEP for said system. The Township may impose additional requirements as deemed necessary to provide for the increased oversight inherent in these cases, including but not limited to entering an operation and maintenance agreement which shall outline the specific maintenance responsibilities for said system, collection of an annual fee and posting financial security with the Township to guarantee proper operation and maintenance of said system.

E. Surface contouring shall be required as necessary to direct surface water and drainage away from all components of Individual On-Lot Sewage Systems.

F. Any person owning a building served by an On-Lot Sewage Disposal System which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer and maintain a service agreement with said 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.

G. Additional maintenance activity may be required as needed including, but not limited to, providing reasonable access to initial treatment unit, cleaning and unclogging of piping, servicing and the repair of mechanical and electrical equipment, leveling of Distribution Boxes, Tanks and lines, removal of obstructing

roots or trees, etc.

H. Property Owners with an Individual Sewage System connecting to a public or private Sewage Facility shall operate and maintain their Individual Sewage Systems in accordance with any rules, regulations, and all other requirements of the receiving community sewage facility. This includes paying fees for collection, conveyance, treatment, and disposal of Sewage, and the maintenance of certain components of their Individual Sewage System unless such facilities and/or appurtenances are part of an Upper Uwchlan Township Municipal Authority system wherein these Property Owners pay fees (e.g., quarterly) which include part, or all, of such services.

I. Property Owners with an Individual Sewage System connecting to a public or private Sewage Facility by means other than with a Building Sewer shall retain the services of an RME to maintain their Individual Sewage System unless the Individual Sewage System is maintained by the community sewage facility.

§ 141-29. Disposal of Septage.

A. All Septage originating within the Township shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101 et seq.) and all other applicable laws and at sites or facilities approved by DEP.

B. Pumper/Haulers operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S.§§6018.101–6018.1003), all other applicable laws, and Chester County Health Department regulations.

§ 141-30. System Rehabilitation.

A. No person shall operate or maintain an Individual On-lot Sewage System in such a manner to constitute a System Failure. Any suspected System Failure shall be reported to the Chester County Health Department, who shall make a final determination as to functional status and rehabilitation measures required. Any person owning a building served by an On-lot Sewage Disposal System determined to be in a state of System Failure by the Chester County Health Department shall perform all corrective measures required to abate the System Failure. The Chester County Health Department shall have the authority to require abatement of any System Failure by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's initial treatment unit, expanding the existing disposal areas, replacing the existing disposal area, replacing the system with a Retaining Tank, frequent pumping, or any other alternative appropriate for the specific site.

B. In accordance with all applicable laws and after written notice has been provided to the Property Owner, an Authorized Agent shall have the right to enter, upon land for the purposes of inspections described in this section. Such inspection may include a physical tour of the Individual Sewage System and its related components, the taking of samples from surface water, wells, or other groundwater sources, the sampling of the contents of the sewage disposal system itself, and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated within the structure. An Authorized Agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the Authorized Agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of DEP including, but not limited to, those outlined in Chapter 73 of Title 25 of Pennsylvania Code or, is not technically or financially feasible in the opinion of the Authorized Agent and a representative of DEP; then action by the property owner to mitigate the malfunction shall be required.

C. If there arises a geographic area where numerous On-Lot Sewage Disposal Systems are in System Failure, a resolution of these area wide problems may necessitate detailed planning and a revision to the portion of the Sewage Facilities Plan pertaining to areas affected by such malfunctions. If a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, repair or replacement of individual sewage disposal systems in System Failure within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action will be compelled whenever a System Failure, as determined by Township officials and/or DEP, represents a serious public health or environmental threat.

D. A written notice of violation shall be issued to any person who is the owner of any property which is found to be served by an On-Lot Sewage Disposal System in System Failure or which is discharging sewage without a permit.

E. Within fourteen (14) days of notification by the Township that a System Failure has been identified, the property owner shall make application to the Sewage Enforcement Officer for a permit to repair or replace the failing system. Within 45 days of initial notification by the Township, construction of the permitted repair or replacement shall commence provided that all necessary permits have been issued. Within 60 days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township may set an extended completion date or mandate the use of a Retaining Tank.

F. Should none of the remedies described in this Article be effective in eliminating the System Failure of an existing Individual On-Lot Sewage System, the Property

Owner is not absolved of responsibility for that System Failure. The Township and the Chester County Health Department may require whatever action is necessary to lessen or mitigate the System Failure to the extent necessary.

§ 141-31. Duties and Responsibilities of Responsible Management Entities (RME).

A. Registration Requirements - Any RME offering or performing installation, inspection, operation, or maintenance services on any Sewage Facility in the Township shall meet the licensing and certification requirements as set forth in the definition of a Responsible Management Entity in this Article.

B. Reporting Requirements – RMEs shall provide the Property Owner a copy of any and all inspection and maintenance reports including any supplemental report. In addition, RMEs shall supply applicable information to the County. The report shall be routed via the County Septage Management System.

C. Evaluations of Sewage Facilities – Any person performing an evaluation of a Sewage Facility for a real estate transaction or a mortgage refinancing shall also be a registered RME and comply with reporting requirements above.

D. Emergency Services - RMEs shall include emergency services in all service and maintenance agreements that provide 24-hour contact information. This contact information shall be posted on or near a component of the sewage system in plain sight. If the RME is not licensed to pump and transport liquid waste by the Chester County Health Department, the RME shall provide a subcontract with a licensed liquid waste transporter who would be on 24-hour call to abate any nuisance or Malfunction.

§ 141-32. Performance of Work by Township and Liens.

The Township, upon written notice from the Chester County Health Department that an imminent health hazard exists due to failure of the Property Owner to maintain an Individual On-Lot Sewage System, shall immediately notify the Property Owner in writing of the determination. The Property Owner shall within five (5) working days act to obtain a permit and promptly commence and complete construction per the agreed timeline with the Chester County Health Department and the Township. If the Property Owner fails to meet the agreed schedule, the Township shall have the authority to perform, or contract to have performed, the work required. The Property Owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with the Municipal Claims and Tax Liens Act, 53 P.S. §7101 et seq.

§ 141-33. Administration.

A. The Township shall fully utilize those powers it possesses through enabling statutes

and ordinances to affect the purposes of this Article.

B. The Township shall employ qualified individuals to carry out the provisions of this Article and may delegate to the Municipal Authority the authority to carry out certain obligations and powers of the Township pursuant to this Article. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this Article. The Township may appoint its Engineer, the Township Manager or Municipal Authority as its Authorized Agent to act on its behalf.

C. The Township's Authorized Agent shall have the right to enter upon land, following notice, for the purpose of administering the provisions of this Article as specified above, subject to compliance with all applicable laws.

D. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the Sewage Management Program shall be made available for inspection consistent with the provisions of the Open Records Law.

E. The Board of Supervisors shall establish all administrative procedures necessary to properly carry out the provisions of this Article.

F. The Board of Supervisors may by Resolution establish a fee schedule, and authorize the collection of fees, to cover the cost to the Township of administering this Article.

§ 141-34. Appeals.

Appeals from final decisions of the Township or any of its Authorized Agents under this Article shall be made to the Upper Uwchlan Township Municipal Authority, who is the designated agent of the Board of Supervisors to hear such appeals. Such appeal shall be made in writing within forty-five (45) days from the date of written notification of the action being appealed. The appellant shall be entitled to a hearing before the Municipal Authority at its next regularly scheduled meeting, if a written appeal is received at least seven (7) days prior to that meeting. If the appeal is received within seven (7) days of the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting unless another mutually agreed date is selected. Both the appellant and the Municipal Authority may have technical and/or legal representation if desired. The Municipal Authority shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Municipal Authority. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal. A decision shall be rendered in writing within two (2) regularly scheduled meetings of the Upper Uwchlan Township Municipal Authority. In the event an Appeal is requested with respect to a Chester County Health Department designated "imminent health hazard", the Property Owner and Municipal Authority shall work together to hold a hearing and render a decision within the timelines required for Property Owner action under this Article.

§ 141-35. Fines and Penalties.

A. 1. Any person who fails or refuses to comply with any provision of this Article shall be in violation of this Article which violation shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

2. Upon conviction, such person shall pay a fine of not less than $100 and not more than $1,000 (or such other maximum fine as then may be provided or permitted by applicable law) per violation, together with costs of prosecution, including, but not limited to, reasonable attorney's fees, in each case. Upon default in payment of the fine and costs, such person shall be subject to imprisonment to the maximum extent allowed by law for the punishment of summary offenses.

3. Each day, or portion thereof, that a violation is found to exist, and each provision of this Article that is found to have been violated, shall constitute a separate offense each punishable by the aforesaid fine and imprisonment.

4. All fines and costs collected for the violation of this Article shall be paid to the Township.

5 If the payment of fines and costs to the Township are noted as delinquent, the Township shall utilize all current procedures for collection including liens.

B. Other remedies. The provisions of Subsection A above (including, but not limited to, the manner of enforcement of a violation of this Article and the fine and the penalty for such violation) shall not be in limitation of, but shall be in addition to:

1. Such other or further remedies or enforcement actions as may be available to the Township and/or the Municipal Authority under other provisions of this Article or under other law (including, but not limited to, other applicable local, state or federal law) or in equity (including, but not limited to, injunctive relief) for any actions or inactions which violate any provision of this Article. Nothing in this section or other provision of this Article shall be deemed to preclude the Township and/or Authority from pursuing such other or further remedies concurrently.

2. Such other or further remedies or enforcement actions as may be available to any governmental entity, other than the Township, having jurisdiction, under any applicable local, state, or federal law, or in equity (including, but not limited to, injunctive relief), for any actions or inactions which violate any provision of this Article.

§ 141-36. Definitions.

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

A. "Absorption Area" shall mean a component of an individual or community sewage system where liquid from a Treatment Tank seeps into the soil; it consists of an aggregate-filled area containing piping for the distribution of liquid and the soil or sand/soil combination located beneath the aggregate.

B. "Act 537 Plan" shall mean a Municipality's Official Plan as defined in the Pennsylvania Sewage Facilities Act, as of January 24, 1966, P.L. 1535 (1965), No. 537, as amended, 35 P.S. §§750.1-750.20a ("Sewage Facilities Act" or "Act 537").

C. "Authorized Agent" shall mean a Certified Sewage Enforcement Officer (SEO), professional engineer or sanitarian, plumbing inspector, soils scientist, water quality coordinator, Chester County Health Department Licensed Liquid Waste Hauler or any other person who is designated to carry out the provisions of this Article as the agent of the Board or Chester County Health Department.

D. "Board" shall mean the Board of Supervisors of Upper Uwchlan Township, Chester County, Pennsylvania.

E. "Building Sewer" shall mean the piping carrying liquid wastes, from a building to the Treatment Tank, Holding Tank, Grinder Pump Tank, or Retaining Tank.

F. "Certified Inspector" shall mean a person who has obtained a certification from the Pennsylvania Sewage Management Association to inspect On-Lot Sewage Disposal Systems.

G. "Chester County Health Department (CCHD)" shall mean the designated Sewage Enforcement Officer (SEO) for Upper Uwchlan Township or an employee of the Chester County Health Department.

H. "Cleanout" shall mean a component of a Sewage Facility that provides access for inspection and cleaning the Building Sewer or other pipes.

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

J. "Distribution Box" shall mean a Tank with one inlet that provides equal distribution

of Effluent from a Treatment Tank through two or more outlets.

K. "Domestic Sewage" shall mean Sewage derived principally from dwellings, business buildings, institutions and the like, and may not contain groundwater, surface water or storm water.

L. "Effluent" shall mean a liquid waste discharged from a sewage system or component of a sewage system.

M. "Improved Property" shall mean any property or lot within the Township upon which there is an erected structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sewage shall or may be discharged.

N. "Individual Sewage System" shall mean a Sewage Facility and all of its components serving a single lot. Individual Sewage Systems include the following:

i. Individual On-Lot Sewage Systems rely on a subsurface absorption or surface infiltration system for the renovation of Sewage through native soils prior to disposal or the retention of Sewage in a Retaining Tank. Individual on-lot sewage systems are permitted through the Chester County Health Department and include but are not limited to the following systems defined by 25 Pa Code § 73.1:

(a) Conventional sewage systems;

(b) Alternate sewage systems;

(c) Experimental sewage systems;

(d) Bonded disposal systems;

(e) Individual residential spray irrigation systems;

(f) Retaining tanks/ Holding tanks; and

(g) Grey Water systems.

ii. Individual Sewerage Systems rely on other means than native soils to renovate Sewage prior to disposal or retention in a Retaining Tank. Individual sewerage systems include but are not limited to the following:

(a) Gravity sewer connections – Where the Building Sewer connects to a gravity service lateral of a community sewage facility;

(b) Pressure sewer connections – Where the Building Sewer is connected to a Tank containing a pump which conveys Sewage through a pressure sewer to either a gravity or pressure service lateral of a community sewage facility; and

(c) Small flow treatment facilities – An Individual sewerage system permitted by the DEP that is designed to adequately treat Sewage flows no greater than 2,000 gallons per day with final disposal to surface waters, a dry stream channel, or storm water collection system.

O. "Industrial Waste" shall mean any solid, liquid or gaseous substance or waterborne wastes or form of energy rejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources, as distinct from domestic sanitary sewage.

P. "Inspection Port" shall mean a component of a Sewage Facility that provides sufficient access for the inspection of the contents of a Tank.

Q. "Maintenance" shall mean those actions required to provide for the long-term proper functioning of a sewage facility.

R. "Malfunction" shall mean the condition which occurs when an Individual On-lot Sewage System fails to function in the expected or satisfactory manner per normal mode of operation.

S. "Municipal Authority" shall mean the Upper Uwchlan Municipal Authority.

T. "Official Sewage Facilities Plan" shall mean a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board of Supervisors and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.

U. "On-lot Sewage Disposal System" shall mean any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank. For purposes of this Article, the term only refers to individual sewage systems.

V. "Person" shall mean any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau of

agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

W. "Planning Module for Land Development" shall mean a revision to, or exception to the revision of, the Official Plan, submitted in accordance with DEP regulations, and in connection with the request for approval of a Subdivision or land development plan.

X. "Primary Area" shall mean an area on a lot, tract or parcel of land that has been tested by the Sewage Enforcement Officer and found suitable, based upon the then current DEP site requirements, for the installation of an Individual On-lot Sewage System, and which will be preserved and protected from alteration for installation of the initial Individual On-lot Sewage System for sewage generated on that lot, tract, or parcel (see Replacement Area)

Y. "Property Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

Z. "Pump Tank" shall mean a Tank or chamber or pump that receives and temporarily stores Sewage or partially treated Sewage from which it is pumped or dosed. Pump Tanks include:

1. Effluent Pump Tank – A Tank that receives Septic Tank Effluent or partially treated Sewage and conveys the liquid portion of the wastewater to absorption system or other component of a Sewage Facility. Effluent pumps also include: Dosing Pumps, Lift Pumps, Dosing Siphons, and other specialized discharge control mechanisms; and

2. Grinder Pump Tank – A Tank that receives Domestic Sewage and contains a pump that macerates waste solids prior to ejection.

AA. "Pumper/Hauler Business" shall mean any sole proprietor, company, partnership or corporation which engages in cleaning any or all components of a community or Individual On-lot Sewer System and evacuates and transports the Septage cleaned therefrom, whether for a fee or free of charge. Said Pumper/Hauler Business shall be licensed by the Chester County Department of Health and shall provide said Department with a record of each pumping of on-lot sewage disposal systems in the Township.

BB. "Pumpers Report/Receipt" - Chester County Sludge/Septage Manifest and Report (Manifest) Form which shall be used by all licensed Pumpers/Haulers to report each pumping of on-lot sewage disposal systems in the Township.

CC. "Pumper/Hauler Truck Operator" shall mean a natural person who engages in cleaning any or all components of a community or individual on-lot sewage system and evacuates and transports the Septage cleaned therefrom, whether for a fee or free of charge.

DD. "Regulations" shall mean the Pennsylvania Code, Title 25, Chapters 71, 72 and 73.

EE. "Rehabilitation" shall mean work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

FF. "Replacement Area" shall mean an area on a lot, tract, or parcel of land, separate from the Primary Area, that has been tested by the Sewage Enforcement Officer and found suitable, based upon the then current DEP site requirements, for the installation of an on-lot system, and which will be preserved and protected from alteration for potential future use if the Primary Area on the same lot, tract, or parcel shall fail for any reason. (see Primary Area).

GG. "Responsible Management Entity" or "RME" shall mean an individual, firm or corporation experienced in the operation and maintenance of Sewage facilities, who is a licensed Pumper Hauler Business with the Chester County Health Department and/or a Pennsylvania Sewage Management Association Certified Inspector. RME's may also include through a general oversight agreement with the Township such entities as Municipal Authorities, Investor Owned Public Utility Companies and Homeowner Associations.

HH. "Retaining Tank" shall mean a Tank that retains Sewage and is designed and constructed to facilitate ultimate disposal of the Sewage to another site. Retaining Tanks include:

1. Chemical toilet – A permanent or portable non-flushing toilet using chemical treatment in a Retaining Tank for odor control.

2. Holding Tank – A Tank, whether permanent or temporary, to which Sewage is conveyed by a water carrying system. Said Tank is part of a closed system which does not discharge to the ground.

3. Privy – A Tank designed to receive Sewage where water under pressure is

not available.

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

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

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

II. "Septage" shall mean the residual scum, sludge and other materials pumped from septic or aerobic treatment tanks and the systems they serve.

JJ. "Sewage" shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Streams Law, 35 PS §§ 691.1- 691.1001, as amended.

KK. "Sewage Enforcement Officer (SEO)" shall mean a person certified by the State Board for the Certification of Sewage Enforcement Officers, who is employed by the Township or Chester County Health Department (CCHD) to administer the provisions of this Article, the provisions of the Act, and the regulations in PA Code Title 25, Chapters 71, 72 and 73.

LL. "Sewage Facility" shall mean an all-inclusive term for a Sewage collection, conveyance, treatment, and disposal system.

MM. "Sewage Management District" shall mean any area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board of Supervisors as an area for which a Sewage Management program is to be implemented.

NN. "Sewage Management Program" shall mean a comprehensive set of legal and administrative requirements encompassing the requirements of this Article, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board of Supervisors to

effectively enforce and administer this Article

OO. "Sewer System" shall mean a system of pipes that collect Sewage from several Improved Properties; Sewer Systems include Pressure and Gravity Sewer Systems or any combination of both.

PP. "Subdivision" shall mean the division or re-division of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

QQ. "System Failure" shall mean the condition in which one or more malfunctions results in pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or a hazard to public health.

RR. "Tank" shall mean a water-tight receptacle which liquids pass through or are retained in.

SS. "Tank Access Cover" shall mean a component of a Sewage Facility that provides access for inspection, cleaning and maintenance of the internal components of a Tank.

TT. "Township" shall mean Upper Uwchlan Township, Chester County, Pennsylvania.

UU. "Treatment Tank" shall mean a Tank designed to provide a suitable environment for the bacterial decomposition or disinfection of Sewage. Treatment Tanks include:

1. Septic Tank – A Treatment Tank or compartment of another Tank that provides for the anaerobic decomposition and the physical separation of solids in Sewage.

2. Aerobic Sewage Treatment Tank – A Treatment Tank or compartment of another Tank that provides for the aerobic biochemical stabilization of solids in Sewage.

3. Filter Tank – A Treatment Tank or compartment of another Tank that contains a media to which microorganisms attach and provide a suitable environment for the biochemical stabilization of solids in Sewage.

4. Chlorine Contact Tank - A Treatment Tank or compartment of another Tank that provides a suitable environment for the disinfection of Effluent."

SECTION 2. Repealer.

All Ordinances or Resolutions or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, are hereby repealed.

SECTION 3. Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance, it being the intent of Upper Uwchlan Township, Chester County that such remainder shall be and shall remain in full force and effect.

SECTION 4. Effective Date.

This Ordinance shall become effective within five (5) days of its adoption.

ENACTED this 19th day of February, 2019.

ATTEST:

Gwen A. Jonik, Township Secretary

UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS

Guy A. Donatelli, Chairman

Sandra M. D'Amico, Vice-Chairman

Jamie W. Goncharoff, Member