

EAST BRADFORD TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_

AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT  
OF ON-LOT SUBSURFACE SEWAGE DISPOSAL FACILITIES  
TOWNSHIP OF EAST BRADFORD, CHESTER COUNTY, PA

The Board of Supervisors of the Township of East Bradford, in the County of Chester and the Commonwealth of Pennsylvania, hereby ordains:

Section I. Short Title; Introduction; Purpose

- A. This ordinance shall be known and may be cited as “An ordinance providing for a Sewage Management Program for East Bradford Township.”
- B. 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 East Bradford to provide for adequate sewage treatment 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 East Bradford 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.
- C. The purpose of this ordinance is to provide for the regulation, inspection, maintenance and rehabilitation of on-lot sewage disposal systems; 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.

Section II. Definitions

- A. Authorized Agent: The sewage enforcement officer, designated as the Chester County Health Department (Health Department) or other person or entity appointed by the East Bradford Township Board of Supervisors to administer this ordinance.
- B. Board: The Board of Supervisors, East Bradford Township, Chester County, Pennsylvania.
- C. Community Sewage System: Any system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one of more lots or at any other site.
- D. Department: The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).
- E. Health Department: The Chester County Health Department.

- F. 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.
- G. 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 or 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.
- H. Official Sewage Facilities Plan: A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board and approved by the Department, pursuant to the Pennsylvania Sewage Facilities Act.
- I. On-lot Sewage Disposal System: 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; this term includes both individual sewage systems and community sewage systems.
- J. Person: Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject or fights 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.
- K. Rehabilitation: Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.
- L. 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 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 which constitutes pollution under the Act of June 22, 1936 (P.L. 1987, No. 394), known as the "The Clean Streams Law", as amended.
- M. Sewage Enforcement Officer (SEO): A person certified by the Department who is employed by the Health Department. Such 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 person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by the Township.

- N. Sewage Management District: Any area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board as an area for which a Sewage Management Program is to be implemented. For East Bradford Township, said district shall include the entire Township except those areas specifically served by public sewers.
- O. Sewage Management Program: A comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, the Sewage Facilities Act, the Clean Steams Law, the regulations promulgated thereunder and such other requirements adopted by the Board or the Health Department to effectively enforce and administer this ordinance.
- P. Subdivision: The division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. 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.
- Q. Township: The Township of East Bradford, Chester County, Pennsylvania.
- R. For the purposes of this ordinance, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and the regulations promulgated thereto.

Section III. Applicability

- A. From the effective date of this ordinance, its provisions shall apply in any portion of the Township identified in the Official Sewage Facilities Plan as a sewage management district. Within such an area or areas, the provisions of this ordinance shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems.

Section IV. Permit Requirements

- A. No person shall install, construct or request bid proposals for construction, or alter an individual sewage system or community sewage system without first obtaining a permit from the Sewage Enforcement Officer 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 and the Pennsylvania Sewage Facilities Act and the regulations adopted pursuant to those Acts.
- B. The procedures for application for and granting of a permit shall be established, revised, promulgated and enforced by the Health Department.
- C. No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities and for which an individual sewage system or community sewage system is to be installed until a valid sewage permit has been obtained from the Sewage Enforcement Officer.

- D. 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 to an individual sewage system or community sewage system 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 the Sewage Enforcement Office 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.

Section V. Inspections

- A. Any on-lot sewage disposal system may be inspected by an Authorized Agent at any reasonable time as of the effective date of this ordinance.
- B. Such inspection may include a physical tour of the property.
- C. A schedule of routine inspections may be established to assure the proper functioning of the sewage systems in the sewage management district.
- D. 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 the Department including but not limited, those outlined in Chapter 73 of Title 25 of the Pennsylvania Code or is not technically or financially feasible in the opinion of the SEO or a representative of the Department, then the property owner shall mitigate the malfunction.
- E. There may arise geographic areas where numerous on-lot sewage disposal systems are malfunctioning. 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. Immediate corrective action may be compelled whenever a malfunction, as determined by the Authorized Agent and/or the Department, represents a serious public health or environmental threat.

Section VI. Operation

- A. Only normal domestic wastes shall be discharged into any on-lot sewage disposal system, including wastes listed in Section 73.11(c) of Title 25. The following shall not be discharged into the system.
1. Industrial waste
  2. Automobile oil and other non-domestic oil.
  3. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.

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

Section VII. Maintenance

- A. Each person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank pumped by a Chester County Health Department Licensed Liquid Waste Hauler at least once every three years or whenever an inspection reveals that the septic tank is filled with solids or scum in excess of 1/3 of the liquid depth of the tank. Receipts from the pumper/hauler shall be submitted to the Township, or reported to a central electronic database, if applicable, within the prescribed three year pumping period.
- B. The required pumping frequency may be increased at the discretion of an Authorized Agent if the septic tank is undersized compared to the current standard, if solids build up in the tank is above average, if the hydraulic load on the system increases significantly above design capacity, if the system malfunctions or for other good cause shown.
- C. If any person can prove (e.g. pumping certificate, invoice) that such person's septic tank had been pumped within three years of the effective date of this ordinance, then that person's initial required pumping shall conform to the general three year frequency requirement except where an inspection reveals a need for more frequent pumping frequencies.
- D. ~~If, upon inspection, the pumper/hauler determines that a system does not require pumping, the pumping requirement may be extended for twelve months. The pumper/hauler must submit a report to the Township stating that pumping is not required. In all circumstances, every household must be pumped no less than once every five years. (Deleted)~~
- E. All septic tanks shall be pumped through the manhole access of each tank or tank chamber.
- F. Upon completion of the pumping of any septic tank, the interior of the tank, if accessible, shall be inspected to determine if the baffles in the septic tank are in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact the Sewage Enforcement Officer for approval of the necessary repair.
- G. 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. 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 ordinance. Thereafter, service receipts shall be submitted to the Township or to a central electronic database, if applicable, at the intervals specified by the manufacturer's recommendations. In no case

may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.

- H. Any person owning a building served by a cesspool or dry well in an area of numerous malfunctions or in an area where a repair is not technically feasible, shall have that system pumped according to the schedule prescribed for septic tanks to mitigate potential pollution. As an alternative to this scheduled pumping of the cesspool or dry well, and pending any scheduled replacement of the substandard system as identified in the Official Sewage Facilities Plan, the owner may apply for a sewage permit from the Sewage Enforcement Officer for a septic tank to be installed preceding the cesspool or dry well. For this interim repair system consisting of a cesspool or dry well preceded by an approved septic tank, only the septic tank must be pumped at the prescribed interval. The cesspool or dry well may be pumped to aid operating efficiency.
- I. Additional maintenance activity may be required as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

Section VIII. System Rehabilitation

- A. No person shall operate or maintain an on-lot sewage disposal system in such a manner that it malfunctions. All sewage wastes shall be discharged to a treatment tank. No sewage systems shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit for such discharge has been obtained from the Department. Discharges into the surface waters of the Commonwealth will not be permitted except for replacement of malfunctioning systems and only then if all other alternative disposal systems are found to be infeasible.
- B. 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 a malfunctioning on-lot sewage disposal system or which is discharging sewage without a permit. The SEO shall be notified of all violations.
- C. Within thirty (30) days of notification by the Township or Health Department that a malfunction has been identified, the property owner shall make application to the Sewage Enforcement Officer for a permit to repair or replace the malfunctioning system. Within ninety (90) days of initial notification by the Township, construction of the permitted repair or replacement shall commence, weather permitting. Within one (1) year 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, in cooperation with the SEO, shall set an extended completion date.

- D. The Sewage Enforcement Officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative approved by the SEO or the Department appropriate for the specific site.
- E. In lieu of, or in combination with, the remedies described in Subsection D above, the Authorized Agent may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.
- F. In the event that the rehabilitation measures in Subsections A through E are not feasible or effective as determined by the SEO or the Department, the owner may be required to apply to the Department for a permit to install a single residence treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within six (6) months, weather permitting.
- G. Should none of the remedies in this section be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent possible.

Section IX. Disposal of Septage

- A. All septage originating within the sewage management district 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 the Department. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.
- B. Pumper/haulers of septage operating within the sewage management district shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101-6018.003) and all other applicable laws.

Section XII. Penalties

- A. Any person failing to comply with any provisions of this ordinance may be subject to a civil penalty of not less than three hundred dollars (\$300) and not more than two thousand five hundred dollars (\$2,500) for each violation and in addition, may be assessed the cost of damages caused by such violation and the cost of correcting such violation. Each day of noncompliance shall constitute a separate offense.

Section XIII. Repair

- A. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section XIV. Severability

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

Section XV. Fee Schedule

- A. The Board shall, by resolution, adopt a fee schedule for the administration of this article. Said schedule shall be kept on file by the Township Secretary and shall be reviewed and revised as necessary.

Duly Enacted and Ordained this 14<sup>th</sup> day of December, 2004, by the Board of Supervisors of the Township of East Bradford, Chester County, Pennsylvania, in lawful sessions duly assembled.

BOARD OF SUPERVISORS  
EAST BRADFORD TOWNSHIP

\_\_\_\_\_  
Thomas A. Egan, Chairman

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John B. Hagens, Vice Chairman

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Vincent M. Pompo, Esq. Supervisor

Attest:

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Michael P. Lynch, Township Secretary