

**POLICIES AND PROCEDURES MANUAL FOR THE  
MANAGEMENT OF ON-LOT SEWAGE DISPOSAL SYSTEMS**

**LOWER HEIDELBERG TOWNSHIP 720 Brownsville Road Sinking  
Spring, PA 19608-9727**

**Revised March, 2015**

**Systems Design Engineering**

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## **1.0 Purpose**

The purpose of this Manual is to provide the rules, regulations, and procedures in administrating the Lower Heidelberg Township (Township) On-lot Sewage Disposal Systems Management Ordinance identified in the Township's Act 537 Sewage Facilities Plan adopted April 27, 2011, as amended.

This Manual along with Township Ordinance No. 301-11 enacted September 19, 2011 by the Township Board of Supervisors as amended on January 19, 2015, copy of which are attached in Appendix A, shall collectively be referred to as the On-lot Sewage Disposal Systems Management Ordinance (Sewage Management Program).

## **2.0 Policy**

The Township is, by lawful ordinances, empowered to administer and implement a Sewage Management Program.

The Sewage Management Program is formulated to protect the public health by preventing the discharge of untreated or inadequately treated sewage in order to effectively prevent and abate water pollution and hazards caused by the improper treatment and disposal of on-lot sewage.

No matter what the cause, failure of sewage holding or disposal systems, the discharge of untreated or inadequately treated on-lot sewage is a nuisance and a health hazard that should be prevented or corrected.

## **3.0 Definitions**

In the interpretation of this Manual, the singular shall include the plural, and the masculine shall include the feminine and the neuter. When terms, phrases or words herein are not defined, they shall have the meaning prescribed by Township Ordinance No. 301-11, the Township Zoning Ordinance, the Township Subdivision and Land Development Ordinance, any other Township ordinances or resolutions, or, in the absence of such, their ordinarily accepted meaning or such as the context may imply.

## **4.0 Sewage Management Program Districts**

As prescribed by Section 5.1 of Township Ordinance 301-11 the Township is hereby divided into three (3) On-lot Sewage Management Program Districts, designated as Districts 1, 2, and 3, as illustrated on the On-lot Sewage Management Program District Map attached as Appendix B.

Every on-lot sewage system in the Township shall be inspected and every

associated on-lot sewage system tank shall be pumped and documentation provided on the inspection and pumping activities, in accordance with Table 1 below.

TABLE 1

Pumping, Inspection, and Documentation Schedule by  
Sewage Management Program District

**5.0 Pumper, Hauler, and Inspector Registration Permit and Certification**

OLDS Maintenance District	Initial Pumping, Inspection, and Documentation Deadline	Subsequent Pumping/Inspection, and Documentation Deadline
1	December 31, 2015	Every three years beyond December 31, 2015
2	December 31, 2016	Every three years beyond December 31, 2016
3	December 31, 2017	Every three years beyond December 31, 2017

Persons conducting on-lot sewage disposal system pumping, hauling, and inspection services within the Township shall obtain a registration permit from the Township and shall be a Commonwealth of Pennsylvania licensed Pumper/Hauler.

At least seven (7) days before offering pumping, hauling, and inspection services to property owners for compliance with this Manual, all companies shall register with the Township Secretary. Registration shall include:

- A completed Application for Septage Pumper, Hauler, and Inspector Registration Permit found in Appendix C.
- Valid certificate of insurance indicating coverage for commercial liability, commercial vehicles, and workman's compensation.
- Pumper/haulers shall receive a Township Registration Permit number to be used in reporting activities within the Township. Registration Permits shall expire at midnight on December 31<sup>st</sup> of the calendar year in which the registration was issued. Registration Permits shall be renewed annually through the Application for Septage Pumper, Hauler, and Inspector Permit to enable the

pumper/hauler to operate within the Township.

## **6.0 Pumping and Inspection Requirements**

### **A. Pumping, Hauling, and Inspections**

When an on-lot sewage system's septic tank is pumped after the date of this Manual but before the date listed in Table 1 under the Pumping, Inspection, and Documentation Deadline column, the owner shall retain a Township registered pump, haul, and inspection company to conduct the required pumping and inspection of his existing on-lot sewage system. The company shall provide a report to the owner and the Township that includes the following information based upon an on-lot sewage system inspection:

1. Location and Condition of the Treatment tank, Secondary Treatment device (if any), absorption areas, etc.
2. Inspection results of obvious leakage.
3. Inspection results of all system components for any physical damage or degradation. Special attention should be addressed to the septic tank baffles.
4. Inspection results of the soil absorption area, as well as the surrounding area for signs of septic system malfunction.
5. Any other inspection items of note.

### **B. Reporting**

1. Pump, Haul, and Inspection Company Responsibilities
  - a. Upon completion of pumping, hauling, and inspections required by Section 7.0, the company shall submit the original copy of the report to the property owner within seven (7) calendar day of conducting the work.
  - b. Failure by the pump, haul, and inspection company to submit the required report to the property owner within the required timeframe shall be cause for the Township to revoke the company's registration permit.
2. Property Owner Responsibilities
  - a. The property owner shall forward a copy of the report to the Township within thirty (30) calendar days from the date the work

was completed. A copy of the pumping receipt shall be included with the report.

- b. Failure of the property owner to submit the required report to the Township within the required timeframe shall be cause for the Township to institute enforcement actions.

## **7.0 Pumping Standards**

In order to assure that septic tanks are properly pumped, septic tank lids shall be exposed prior to pumping by the septic tank owner.

Septic tank pumping shall be performed to the following standards, unless otherwise specified by the equipment manufacturer:

- Septic tanks shall ONLY be pumped from/through the manhole/access port (i.e., the largest septic tank opening) and NOT be pumped from/through the observation port.
- Every pump-out shall include visual inspections as required by Section 6A.
- At all times, and in all phases of operations, the pumper/hauler must comply with all laws and regulations regarding the activities associated with on-lot wastewater system septage disposal.
- Disposal of septage shall be in accordance with Section 10 of the Lower Heidelberg Township Ordinance 301-11, as amended.

## **8.0 Corrective Action Requirements and Procedures**

Evaluation and decisions on the correction of problems identified by the pumper/hauler (during an inspection or at any other time) are the responsibility of the Township Sewage Enforcement Officer (SEO). The pumper/hauler shall contact the SEO for his decision on what repairs or other corrective actions are to be taken to remedy the problems. The SEO will contact the property owner regarding any such additional actions. Appeals from decisions of the SEO must be made to the Township Board of Supervisors in writing within thirty (30) days from the date of said decision is made by the SEO.

The following is the reporting and resolution procedure for corrective action items:

- The pumper/hauler company identifies the problem(s) with an on-lot sewage disposal system.

- The pumper/hauler company documents the problem(s) in its report submitted to the property owner and contacts the SEO.
- The report is submitted to the Township by the property owner for review and decision by the SEO.
- The SEO evaluates the problem(s) and makes a decision on the required corrective actions.
- The SEO contacts the property owner with instructions as to the repairs/corrections that are required and provides them with the PADEP Application for an On-lot Sewage Disposal Permit, if needed.
- The SEO issues an On-lot Sewage Disposal Permit, if needed.

Upon the property owner's correction of the problem and the inspection and approval by the SEO, the SEO will forward pertinent corrective action approval to the property owner.

## **9.0 Special Provisions**

### **A. Holding Tanks**

#### **1. General Description**

Sewage holding systems are comprised of a watertight; leak proof holding tank used to receive and hold untreated sewage from an improved property. The sewage is not treated in any manner by the holding tank. It is merely held within the holding tank until it can be removed (pumped out) and transported to a sewage treatment facility.

Alarms are installed on holding tanks to warn the system owner of sewage levels within the holding tank to prevent holding tank overflow. Alarms should never be disabled, but should constantly be monitored to assure that they are operating correctly. Periodic inspections and tests should be performed on the holding tank to assure that it remains structurally sound, intact, and watertight. By no means may any untreated sewage be allowed to leak out of or overflow from a holding tank.

Holding tanks will only be permitted in compliance with requirements of DEP regulations (Chapter 73).

#### **2. Pumping Frequency**



The frequency of pumping required for holding tanks is dependent upon two factors. The water usage and wastewater/sewage generation produced by the improved property served by the associated holding tank or the elapsed time since the holding tank was last pumped.

The property owner shall hire a pumper/hauler permitted by the Township to pump the holding tanks as required to prevent overfilling and/or overflow of the holding tank.

These records shall be submitted to the Township on an annual basis for holding tanks installed prior to the adoption of this Manual or as required at normal intervals as a condition of permitting for the sewage holding tank.

3. Reporting shall be as required by Section 6.0.B.
4. Corrective Action Requirements and Procedures shall be pursuant to Section 8.0.

**B. Alternate Primary and Secondary treatment technologies**

- 1 All aerobic treatment tanks shall be pumped and inspected on the frequency as specified by their individual manufacturer's recommendations. However, in no case may the pumping intervals for aerobic treatment tanks exceed three (3) years on a schedule required by Section 5 of Ordinance 301-11 and further defined by Section 4 of this Manual.
- 2 Improved property serviced by on-lot sewage disposal systems which contain an alternate primary and/or secondary treatment technology shall submit to Lower Heidelberg Township a copy of the manufacturer's operation and maintenance recommendations along with a copy of the service agreement for the system.
- 3 Owners of alternate treatment technologies shall maintain a copy of owner and service agreement maintenance conducted on the system and submit the records of maintenance at the time of reporting pumping and inspection as required by Section 6.

**10.0 Owner Neglect**

In the event that a property owner fails to obtain the required initial pumping and inspection or subsequent inspections and septic/holding tank pump-out, the SEO shall have the right to enter upon land for the purposes

witnessing inspections required by this Document and as may be permitted by applicable law.

- A. A pumper inspection company permitted by the Township shall conduct said inspection and pumping.
- B. Prior to entry for inspection, the SEO shall give advance notice to the property owner to enable the occupant(s) to be personally present or be represented by an agent at the time of such entry.
- C. Any adult occupant present on the property at the time a request to enter is made by the SEO may waive their right of advance notice.
- D. Advance notice shall be given at least twenty-four (24) hours prior to entry, unless waived or exigent circumstances exist, and shall be by any of the following:
  - 1. Telephone.
  - 2. Certified U.S. mail.
  - 3. A written notice posted at the entrance to the improved property where it is likely to be seen by the property owner or occupant.
  - 4. If the property appears to be vacant, notice shall be given by certified U.S. mail to the property owner of record, at the last known address, which appears in the records of the Berks County Tax Assessor's Office.
    - a. The notice shall be mailed at least seven (7) days prior to intended entry date.
    - b. Where the property owner's name and/or address are not known, then notice shall be given by posting as described in subsection 3 above.

- E. In the event that access to inspect the improved property is denied, the Township shall proceed according to law to obtain access to conduct the inspection established in this Document.
- F. All inspection, pumping, legal, professional and administrative costs incurred by the Township associated with this document shall be the responsibility of the property owner and administered pursuant to Section 9 of the Township Ordinance No. 301-11 On-lot Sewage Disposal Systems Management Ordinance.

### **11.0 Administrative and Other Fees**

Pursuant to Section 11-5 of Township Ordinance No. 301-11 On-lot Sewage Disposal Systems Management Ordinance the following schedule of fees is hereby adopted as part of this Policy and Procedure Manual. These charges are necessary to cover costs such as labor, materials, report generation, bookkeeping, etc. that are incurred due to performing these services.

#### Fees paid by Pumper/Hauler/Inspection Company

- No annual fee

#### Property Owner Fees

- \$25.00 for the inspection and pumping report filing fee.
- Other services requiring the SEO shall be the responsibility of the property owner and shall be as established from time to time by Resolution of the Township.

All fees charged by the pumper inspection company are the responsibility of the property owner through a direct agreement between the property owner and pumper/hauler/inspection company. The Township and its agents do not accept liability, monetarily or otherwise, for the action, inactions or litigations arising as a result of service agreements between a pumper/hauler/inspection company and property owner.

### **12.0 Policy and Procedure Changes**

The Township reserves the right to change or amend, from time to time, this Document or portions thereof. No officer, employee or member or members of the Township Board is permitted to vary this Document or to bind the Township by an agreement or representation except when authorized by duly adopted resolution of the Township.

**13.0 Effective Date**

This Document shall become effective as of its adoption date by the Lower Heidelberg Township Board of Supervisors as written below.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Lower Heidelberg  
Township Board of  
Supervisors

Attest:

**APPENDIX A**

**Township Ordinance 301-11 Management of On-lot Sewage Disposal Facilities  
&  
Amendment 2015-333 Revision to On-Lot Septic Management Ordinance**

I, Michael G. Crotty, Esquire of Stana, Bellwoar and McAndrew, LLP, Solicitor of Lower Heidelberg Township, hereby certify and attest that the below Ordinance is a true and correct copy of the proposed ordinance to be considered for adoption on September 19, 2011, by the Lower Heidelberg Township Board of Supervisors.

Michael G. Crotty  
Michael G. Crotty, Esquire  
Stana, Bellwoar & McAndrew, LLP  
Solicitor to Lower Heidelberg Township

**LOWER HEIDELBERG TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 301-11

**AN ORDINANCE OF LOWER HEIDELBERG TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, PROVIDING FOR THE MANAGEMENT OF ON-LOT SEWAGE DISPOSAL FACILITIES LOCATED WITHIN THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA**

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of Lower Heidelberg Township, Berks County, Pennsylvania, as follows:

**Section 1. Title: Introduction: Purpose.**

1. This Ordinance shall be known as the Lower Heidelberg Township On-Lot Sewage Disposal System Management Ordinance.
2. As required by the Pennsylvania Second Class Township Code, as amended, (53 P.S. 65101), the Pennsylvania Clean Streams Law, as amended, (35 P.S. 691.1 et. seq.), and the Pennsylvania Sewage Facilities Act, as amended, (35 P.S. 750.1, et. seq., also known as Act 537), municipalities have the authority and the obligation to provide for adequate sewage treatment facilities and for the protection of public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Lower Heidelberg Township requires the Township to enact an Ordinance 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.

3. The purpose of this Ordinance is to provide for the regulations, inspection, maintenance, and rehabilitation of on-lot sewage disposal systems within Lower Heidelberg Township; to further permit the Township to intervene in situations which are public nuisances or hazards to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

#### Section 2. Terms and Definitions.

1. **General Terms.** In the interpretation of this Ordinance, the singular shall include the plural, and the masculine shall include the feminine and the neuter. When terms, phrases, or words herein are not defined, they shall have the meaning prescribed by the Township Zoning Ordinance, the Township Subdivision and Land Development Ordinance, any other Township ordinances or resolutions, or, in the absence of such, their ordinarily accepted meaning or such as the context may imply.
2. **Specific Terms.** For the purpose of this Ordinance, the terms used shall be construed to have the following meanings:

**ACT** – The Pennsylvania Sewage Facilities Act, Act of January 24, 1996, P.L. (1965) 1636, No. 537, as amended, 35 P.S. Section 750.1 et seq.

**AUTHORIZED AGENT** – A licensed or certified sewage enforcement officer, professional engineer or sanitarian, plumbing inspector, soils scientist, or any other qualified or licensed person who is delegated to function within the specified limits as the agent of the Lower Heidelberg Township to carry out the provisions of this Ordinance.

**BOARD** – The Board of Supervisors of Lower Heidelberg Township, Berks County, Pennsylvania.

COMMUNITY SEWAGE SYSTEM – any system, whether publicly or privately owned, for the collection of sewage from two or more lots or uses, or two or more equivalent dwelling units, and the treatment and/or disposal of the sewage on one or more of the lots or at any other site and which shall comply with all applicable regulations to the DEP.

DEP – The Department of Environmental Protection of the Commonwealth of Pennsylvania or any delegated or successor agency.

INDIVIDUAL SEWAGE SYSTEM – Any 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 any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal.

MALFUNCTION – The condition which occurs when an on-lot sewage disposal system causes pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems, or hazards to public health. Indicators of malfunctioning systems include, but are not limited to, foul odors, lush grass growing over the system, backup of wastewater in the attached buildings, soggy ground over the system, surfacing sewage effluent flowing over the ground and occurring at any time 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 the DEP in accordance with the Act and with applicable DEP regulations.

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.

OWNER – Any person, corporation, partnership, etc. holding deed/title to lands within Lower Heidelberg Township.



**PERSON** -- Any individual, association, partnership, public or private corporation whether for profit or not-for-profit, trust, estate, or other legally recognized entity. Whenever the term "person" is used in connection with any clause providing for the imposition of a fine or penalty or the ordering of action to comply with the terms of this Ordinance, the term "person" shall include the members of an association, partnership, or firm and the officers of any public or private corporation, whether for profit or not-for-profit.

**PUMPER/HAULER** -- Any person, company, partnership, or corporation, approved and licensed by the Township, which engages in cleaning community or individual sewage systems and transporting the septage cleaned from these systems.

**REHABILITATION** -- Work done to modify, alter, repair, enlarge, or replace an existing on-lot sewage disposal system.

**REPLACEMENT AREA** -- An area designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the DEP and all applicable Township ordinances for an individual on-lot sewage system, and shall be protected from encroachment by an easement recorded in the Berks County Recorder of Deeds (this easement requirement may be satisfied by the recording of the Final Plan of a subdivision or land development plan upon which the easement appears).

**SEPTAGE** -- The residual scum and sludge pumped from septic systems.

**SEWAGE** -- Any substance that contains any of the waste products or excrements or other discharge from the bodies of human beings or 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 recreations.

SEWAGE ENFORCEMENT OFFICER (hereinafter called SEO) – A person appointed by the Board to administer various provisions of this Ordinance and authorized by the DEP in accordance with Chapter 71, Administration of Sewage Facilities Program of Title 25, Rules and Regulations, Department of Environmental Protection, of the Pennsylvania Code. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits, and do all other activities as they may be provided for such person in the Act, the rules and regulations promulgated thereunder, and this or any other Ordinance adopted by the Board.

SEWAGE MANAGEMENT PROGRAM – A comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance, the Act, The Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this Ordinance.

TOWNSHIP – Lower Heidelberg Township, Berks County, Pennsylvania.  
All other definitions of words and terms used in this Ordinance shall have the same meaning as set forth in the Act and the Regulations promulgated thereunder, currently founding Chapter 73, Standards for Sewage Disposal Facilities of Title 25, Rules and Regulations, Department of Environmental Protection, of the Pennsylvania Code.

Section 3. Applicability. From the effective date of this Ordinance, its provisions shall apply to all persons owning or residing on any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems. Such persons shall have the obligation to comply with all applicable provisions herein.

Section 4. Sewage Permit Requirements.

1. No person shall request bid proposals for construction or alteration of an individual sewage system or community sewage system, install or construct an individual or community sewage system, or occupy any

building or structure for which an individual or community sewage system is to be installed, without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Act, and the standards adopted pursuant thereto.

2. No community sewage system shall be approved for installation or operation until and unless the owner enters into an agreement with the Township to be recorded with the Recorder of Deeds, specifying the duties of the owner, its successors and assigns, for the operation, maintenance and repair of said system, and posts with the Township financial security in the form of a bond, cash, or other financial instrument, equal to two and one-half (2 ½ ) times the cost of installation of the system. The financial security shall be in the name of Township as payee, except that if the community sewage system is to be owned and operated by a homeowners' association, then, in that event, the financial security shall be in the joint name of that homeowners' association and the Township. The financial instrument shall provide for the use of the annual income from the instrument, if any, to cover the costs of operation and inspection of the community sewage system if those costs are not paid directly by the owner or homeowners' association. If no annual income is derived, or if the annual income so derived is insufficient to cover the costs of operation and inspection of the system, the owner or homeowners' association shall provide the amount necessary to recover the costs of operation and inspection. In the event that the Board, or the Board's authorized agent, determines that there has been a malfunction of the system, and the owner or homeowners' association fails, after notice, to repair the malfunction, the principal of the financial security may be employed to fund the correction of the malfunctions. Payment will be made from the principal to the Township upon receipt of notification from the Township of the malfunction and delivery of a contract between the Township and the contractor for the repair of the malfunction. No such community sewage system shall be approved unless the owner evidences to the Township a legal contract

employing a qualified sewage plant operator, for regular maintenance and operation of the system, with the operator's annual fees being paid by the owner or homeowners' association and in default thereof, from the aforementioned financial security bond. Where the system is to be owned by a homeowners' association which has legal responsibility for the operation and maintenance of the system, the contract with the plant operator may be on an annual basis. Otherwise, the contract for the operation and maintenance shall cover a period representative of the anticipated life of the system.

3. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by the Township SEO. If, after written notice has been reviewed by the SEO, seventy-two (72) hours, excluding weekends and holidays, have elapsed without inspection by the SEO, then the applicant may cover said system or structure, unless permission to do so has been specifically refused by the SEO.
4. Applicants for sewage permits shall be required to notify the Township's SEO 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 Act 637 may be scheduled and performed by the Township's SEO at the cost of the applicant(s).
5. No building or occupancy permit shall be issued by the Township for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Township's SEO or from a Municipal Authority or other public entity if the building is serviced by public sewage.
6. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of an existing structure which is served by an on-lot sewage disposal system if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until the Township and the structure's owner receive from the Township's SEO either a permit for alteration or a replacement of the existing sewage disposal system or written notification that such a permit will not be required. In accordance with

the regulations contained in Chapter 73, Section 73-1, et seq., Title 25 of the Pennsylvania Code, the SEO shall determine whether the proposed alterations of the structure will result in increased sewage flows if on-site sewage disposal is being used.

7. Sewage permits for on-lot sewage disposal may be issued only by an SEO employed by the Township for that express purpose. The DEP shall be notified during January of each year after the effective date of this Ordinance by the Township as to the identity (by name, address, and SEO Certification Number) of its currently-employed SEO.

Section 5. Inspections.

1. All on-lot sewage disposal systems shall be inspected every three (3) years in accordance with a schedule and regions to be established by the Township or at any other reasonable time as of the effective date of this Ordinance.
2. Persons conducting inspections of existing on-lot sewage systems shall have successfully completed the On-lot Wastewater Treatment System Inspector program of the Pennsylvania Septage Management Association and be so certified. Inspectors shall be registered with the Township so that they will be able to file notices of Certification Inspection Reports with the Township. Results of the inspection shall be submitted to the Township.
3. The on-lot sewage disposal inspections may include a physical tour of the property, the taking of samples from surface water, wells, other ground water sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.
4. The Township's SEO shall have the right to enter upon land for the purposes of inspections and actively participate in the inspections described in this Section. In submitting an application to the Township for a permit required herein, Applicants shall affirm their

consent to the Township SEO's entry onto their land for the purposes of inspections.

5. The Township's SEO shall inspect on-lot sewage disposal systems known to be, or alleged to be, malfunctioning at any time, in addition to the routine scheduled inspections. Should said inspections reveal that the system is malfunctioning, the Township shall take action to notify the owner of the obligation to correct the malfunction. If total correction is not technically feasible in the opinion of the Township and/or a representative of the DEP, action by the Owner to mitigate the malfunctions shall be required, as approved by the SEO.
6. There may arise geographical areas within the Township where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area wide problems may necessitate detailed planning and a Township-sponsored revision to that area's Act 537 Official Sewages Facilities Plan. When a DEP authorized Official Sewage Facilities Plan Revision has been undertaken by the Township, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the study area may be delayed at the discretion of the Township pending the outcome of the plan revision process. However, the Township may compel immediate corrective action whenever a malfunction, as determined by the Township and the DEP, represents a serious public health or environmental threat.

#### Section 6. Operation.

1. Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system:
  - A. Industrial waste.
  - B. Automobile oil and other non-domestic oil.

- C. Toxic or hazardous substances or chemicals, including, but not limited to, pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
- D. Clean surface or ground water, including waste from roof or cellar drains, springs, basement sump pumps and French drains.

**Section 7. Maintenance.**

1. Any person owning a building served by an on-lot sewage disposal system shall have the septic tank pumped by a Commonwealth of Pennsylvania licensed Pumper/Hauler within three (3) years after the effective date of this Ordinance in accordance with a schedule and regions developed by the Township. Thereafter, that person shall have the tank pumped at least once every three (3) years in accordance with a schedule and regions developed by the Township or whenever inspection reveals the necessity to do so, including but not limited to solids or scum in excess of 1/3 of liquid depth of the tank. Receipts from the Pumper/Hauler shall be submitted to the Township by the tank owner within the prescribed pumping periods.
2. In order to assure that septic tanks are properly pumped, septic tank lids shall be exposed prior to pumping. The exposure of the septic tank lid shall be the responsibility of the tank owner.
3. In the event that a person provides a receipt or other written evidence demonstrating that the person's septic tank has been pumped within three (3) years prior to the effective date of this Ordinance, the Township may delay that person's initial required pumping.
4. The required pumping frequency may be increased at the discretion of the Authorized Agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is under in the building, if the system malfunctions, or for other good cause shown.

5. The Township may require additional maintenance activity as needed, including, but not 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. Repair permits issued by the SEO must be secured for these activities.

**Section B. System Rehabilitation.**

1. No person shall operate and maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth of Pennsylvania, unless a permit to discharge has been obtained from the DEP.
2. 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.
3. Within seven (7) days of notification by the Township that a malfunction has been identified, the property owner shall make application to the SEO for a permit to repair or replace the malfunctioning system. Within thirty (30) days of initial notification by the Township, construction of the permitted repair or replacement shall commence. Within sixty (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 shall set an extended completion date.
4. An SEO shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the



existing disposal area, 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 appropriate for the specific site.

5. In lieu of, or in combination with, the remedies described in Paragraph 4 above, an SEO may require the installation of water conservation equipment and the installation 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.
6. In the event that the rehabilitation measures set forth in the preceding 5 paragraphs are not feasible or do not prove effective, the Township may require the owner to apply for a permit to construct a holding tank in accordance with any applicable Township ordinance. Upon receipt of said permit, the owner shall complete construction of the system within thirty (30) days.
7. Should none of the remedies described above prove effective in eliminating the malfunction of an existing on-lot sewage disposal system, the owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction.

**Section 9. Liens.** The Township, upon written notice from the SEO that an imminent health hazard exists due to failure of a property owner to maintain, repair, or replace an on-lot sewage disposal system as provided under the terms of this Ordinance, shall have the authority and discretion to perform or contract to have performed, the work required by the SEO. The owner shall be charged for the work performed and, if necessary, a lien shall be entered against the property in accordance with the law.

**Section 10. Disposal of Septage.**

1. All septage shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, P.S. §§8018.101 et seq.) and all other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.
2. Pumper/haulers of septage 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. §§8018.101-8018.1003) and all other applicable laws.
3. Pumps/haulers of septage operating within the Township shall be licensed by the Commonwealth of Pennsylvania.

**Section 11. Administration.**

1. The Township shall have the full authority to utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Ordinance.
2. The Township shall have the full authority to employ qualified individuals to carry out the provisions of this Ordinance. Those employees shall include an SEO and may include an administrator and such other persons as may be necessary. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this Ordinance.
3. All permits, records, reports, files and other written material in the possession of the Township relating to the installation, operation, maintenance and malfunction of on-lot sewage disposal systems in the Township shall become the property of, and be maintained by, the Township. Existing and future records in possession of the Township shall be available for public inspection during regular business hours at the official office of the Township. All records pertaining to sewage

permits, building permits, occupancy permits and all other aspects of the sewage management program shall be made available upon request, for inspection by representatives of the DEP.

4. The Township shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.
5. The Township Board shall establish a fee schedule, and authorize the collection of fees, to cover the cost to the Township of administering this program.

**Section 12. Appeals.**

1. Appeals from final decisions of the Township or any of its Authorized Agents under this Ordinance shall be made to the Board of Supervisors, in writing, within thirty (30) days from the date of written notification of the decision in question. The appeal shall be advertised in a publication with daily circulation in the Township as required by the Second Class Township Code or other law. The failure of an individual to file a timely appeal shall constitute a waiver of that individual's ability to challenge the final decision of the Township SEO or the Township's Authorized Agent.
2. The appellant shall be entitled to a hearing before the Board of Supervisors at its next regularly scheduled meeting, if a completed, written appeal is received at least 30 days prior to that meeting (except to the extent that the applicant consents to a time extension thereof or except to the extent that the application is submitted in such a time as to authorize the advertisement for the same). In order to be considered a completed application, the appellant shall submit all requisite fees for such appeal application. An appeal application that fails to include the requisite appeal fees shall not be considered complete and will not be considered to be submitted until such time that the requisite appeal fee is submitted. If the appeal is received within 30 days of the next regularly scheduled meeting, the appeal shall be heard at the following regularly scheduled meeting. The municipality shall thereafter affirm, modify, or reverse the aforesaid

decision, which may be subject to conditions. The hearing may be postponed for a good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing, such as, but not limited to, the appellant's ability to improve conditions, provided that it is submitted with the written notice of appeal. Except as otherwise provided by law, the burden shall rest with the appellant to establish relief pursuant to the appeal.

3. A decision shall be rendered by the Board of Supervisors, in writing, within thirty (30) days of the date of the hearing.

**Section 13. Penalties.** For each violation of the provisions of this Ordinance, the owner, agent, lessee, or contractor or any other person who commits, takes part in, or assists in any such violation shall be liable upon conviction thereof in a summary proceeding to pay a fine of not less than Two Hundred and 00/100 Dollars (\$200.00) dollars nor more than One Thousand and 00/100 Dollars (\$1,000.00) dollars for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation exists shall be considered to be a separate violation, and each Section of this Ordinance which is violated shall be considered a separate violation. In default of payment of such fine, such person shall be liable to imprisonment for a period not exceeding thirty (30) days. In addition, the Township may also institute an action at law or in equity to require compliance with the terms of this Ordinance. All such persons shall be required to correct or remedy such violations or noncompliance within the time period set forth in an enforcement notice. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this Ordinance may be declared to be a public nuisance and abatable as such.

**Section 14. Repealer.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby superseded to the extent of such inconsistency insofar as the same affects this Ordinance.

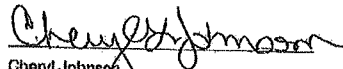
Section 15. Severability. If any section or clause of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

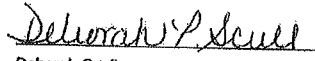
Section 16. Effective Date. This Ordinance shall be effective five (5) days after enactment.

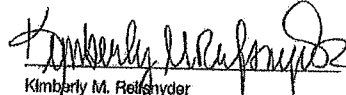
Section 17. Renumbering. The location and numerical designation of these revised Sections shall be delegated to the discretion of the General Code Publishers which may renumber or reorder these revised Sections as is necessary.

DULY ENACTED AND ORDAINED this 19<sup>th</sup> day of Sept 2011.

BOARD OF SUPERVISORS  
LOWER HEIDELBERG TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA

  
Cheryl Johnson

  
Deborah Scull

  
Kimberly M. Reishyder

I, Michael G. Crotty, Esquire of Siana, Bellwoar & McAndrew, LLP, Solicitor of Lower Heidelberg Township, hereby certify and attest that the below Ordinance is a true and correct copy of the proposed ordinance to be considered for adoption by the Lower Heidelberg Township Board of Supervisors at the Township meeting on January 19, 2015.

Michael G. Crotty, Esquire  
Siana, Bellwoar & McAndrew, LLP  
Township Solicitor

**LOWER HEIDELBERG TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2015-333**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG:  
ESTABLISHING A POLICY TO RESTRICT THE USE OF TOBACCO ON TOWNSHIP  
PROPERTIES, PARKS, TRAILS AND OPEN SPACE AREAS; AND AMENDING THE  
TOWNSHIP ON-LOT SEPTIC MANAGEMENT ORDINANCE**

PURSUANT TO THE AUTHORITY CONTAINED IN THE SECOND CLASS TOWNSHIP CODE, 53 P.S. § 66601 and 53 P.S. § 67203, THE BOARD OF SUPERVISORS OF LOWER HEIDELBERG TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, DOES HEREBY ENACT AS FOLLOWS:

AND NOW, THEREFORE, this 19 day of January, 2015, be it enacted and ordained by the Board of Supervisors of Lower Heidelberg Township as follows:

**Section 1.** Chapter 19 of the Lower Heidelberg Township Code, Parks and Recreation, is hereby amended to include the following Part and Sections:

**Part 4 – Prohibition on Smoking**

**Section 401. Purposes**

The Township acknowledges that second-hand tobacco smoke poses a threat to the health, safety and welfare of adults and minor children, which the Township desires to eliminate and discourage by prohibiting the smoking of tobacco products on existing and future Township properties, parks and trails.

**Section 402. Prohibition on Smoking**

Except with respect to Township-designated smoking areas, no smoking shall be permitted on any existing or future Township property, park or trail. Such areas shall be designated as tobacco-free zones, and the smoking of tobacco in such areas is prohibited. The Township hereby authorizes the posting of appropriate signage, including, but not limited to Young Lungs at Play signage, to delineate the same.

**Section 403. Enforcement and Penalties**

Any person who violates any provision of this Part shall be subject to the enforcement and penalties set forth in Section 19-227.

**Section 2. Revision to On-Lot Septic Management Ordinance, No. 301-11**

Section 5 of the Lower Heidelberg Township On-Lot Septic Management Ordinance, No. 301-11, is hereby revised to delete Section 5(2) and replaced as follows:

2. Results of the inspection shall be submitted to the Township within thirty (30) days of completion.

**Section 3. Repealer.**

All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**Section 4. Severability.**

If any section, provision or part of this Ordinance shall be held unconstitutional or illegal, such unconstitutionality or illegality shall not affect the validity of the remaining sections, provisions or parts of this ordinance. The Board of Supervisors hereby declares that it would have enacted and ordained the remaining sections, provisions or parts of this ordinance if it had known that such sections, provisions or parts thereof would be declared unconstitutional.

ENACTED this 19 day of January 2015. This Ordinance shall take effect immediately.

**LOWER HEIDELBERG TOWNSHIP  
BOARD OF SUPERVISORS:**

*Delwac P. Seuss*  
, Chairperson

*[Signature]*  
, Vice Chairperson

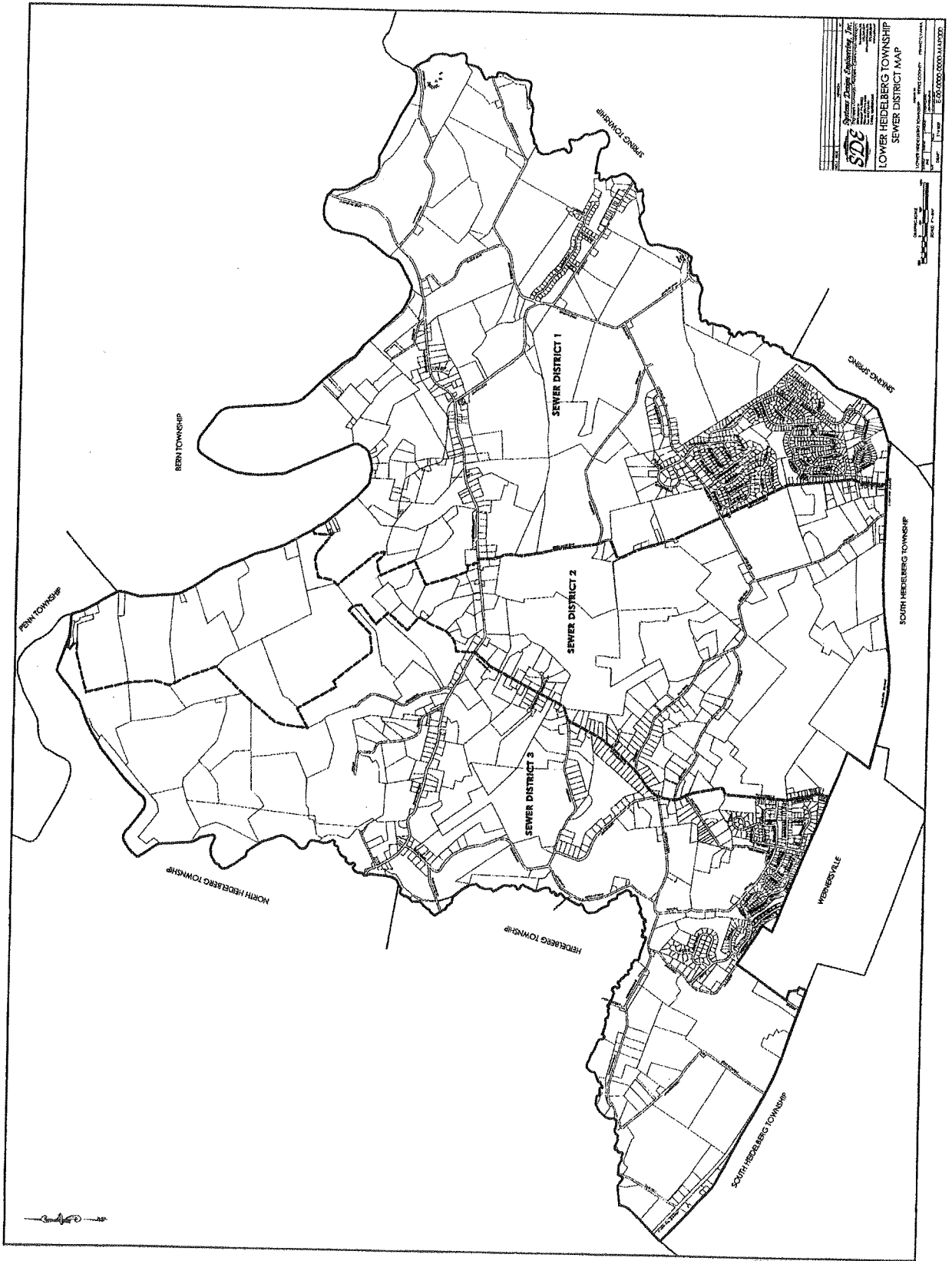
*Cheyld Johnson*  
, Member

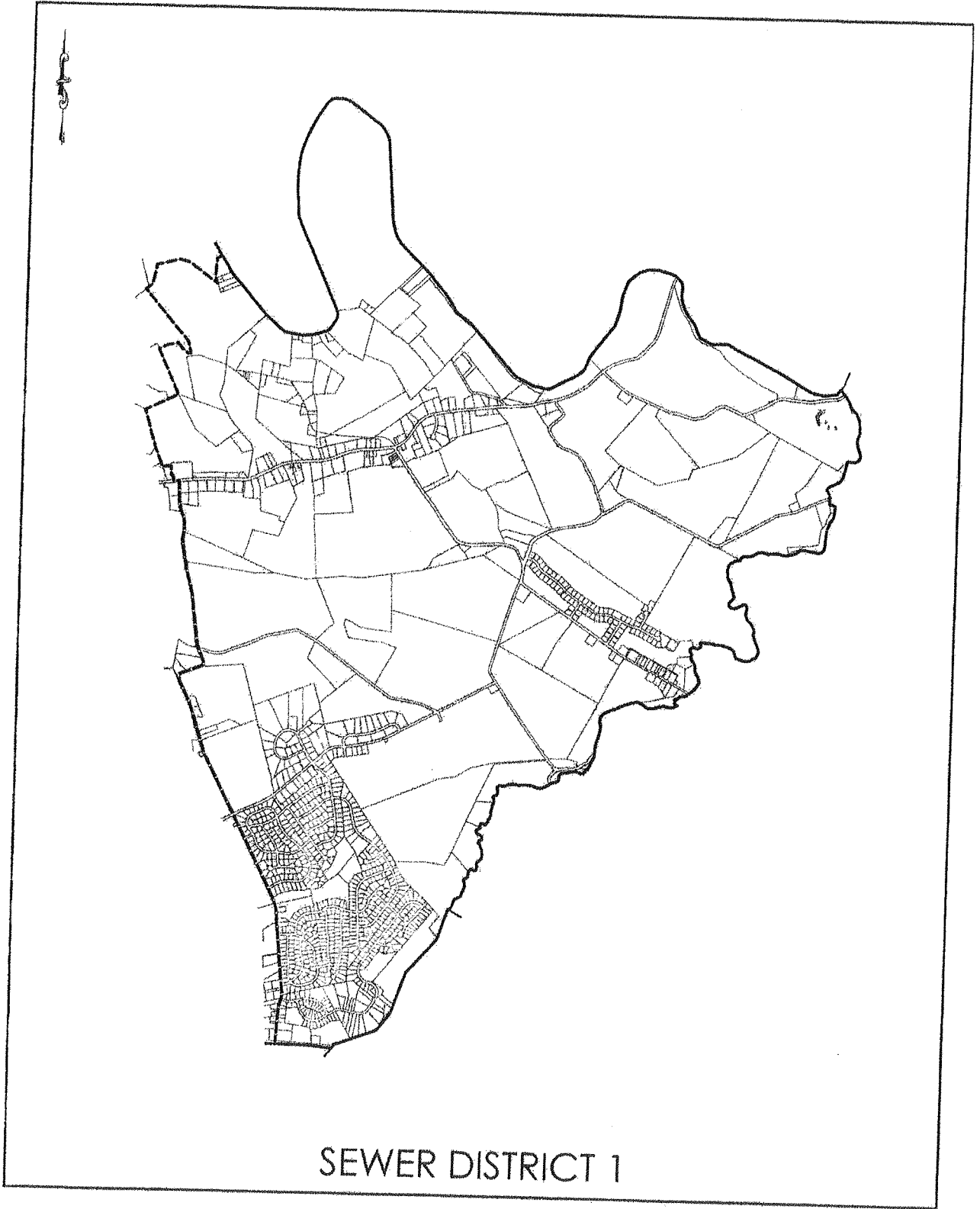
ATTEST:  
*Diana Musnich*  
Secretary

**APPENDIX B**

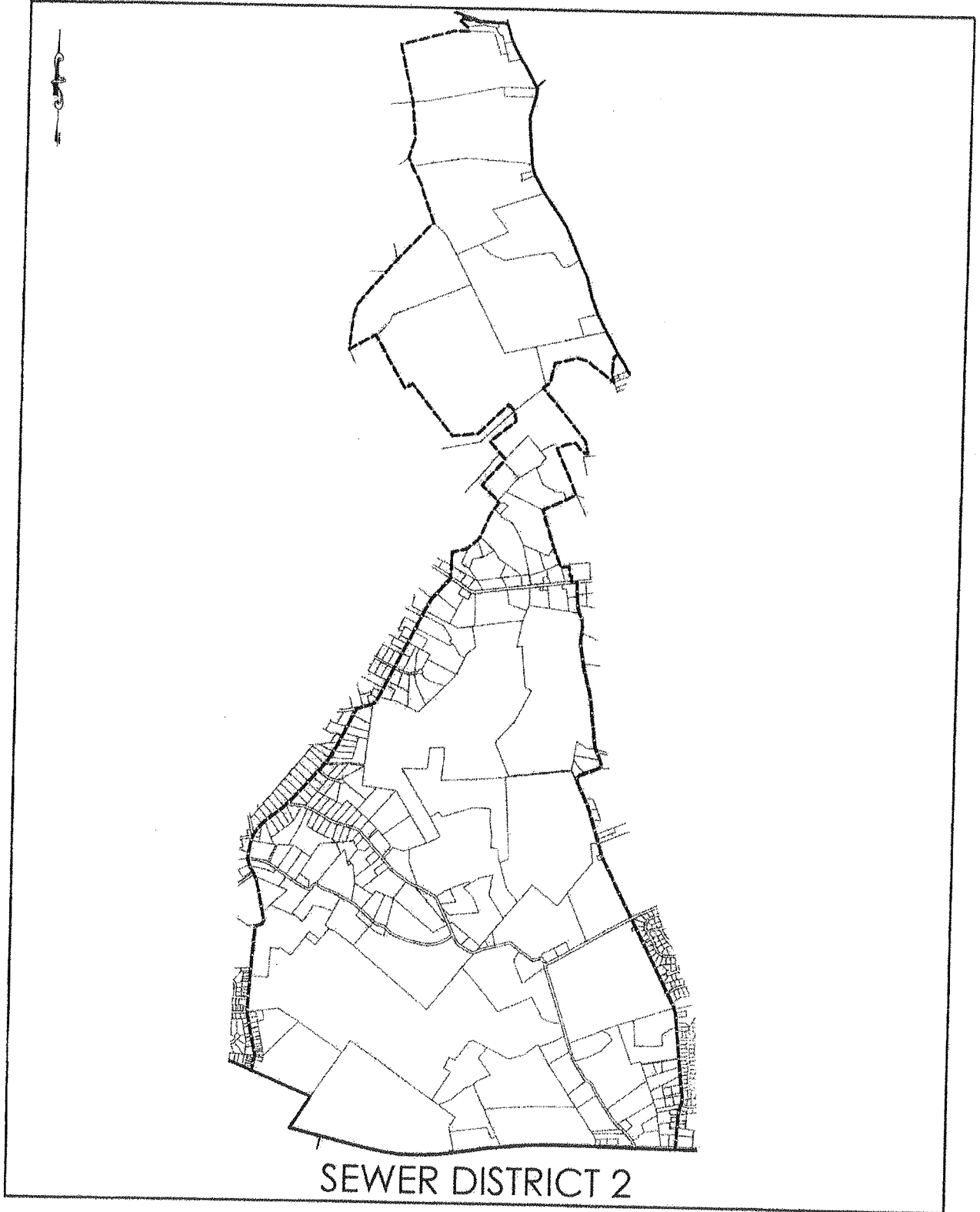
**On-lot Sewage Management Program District Map**



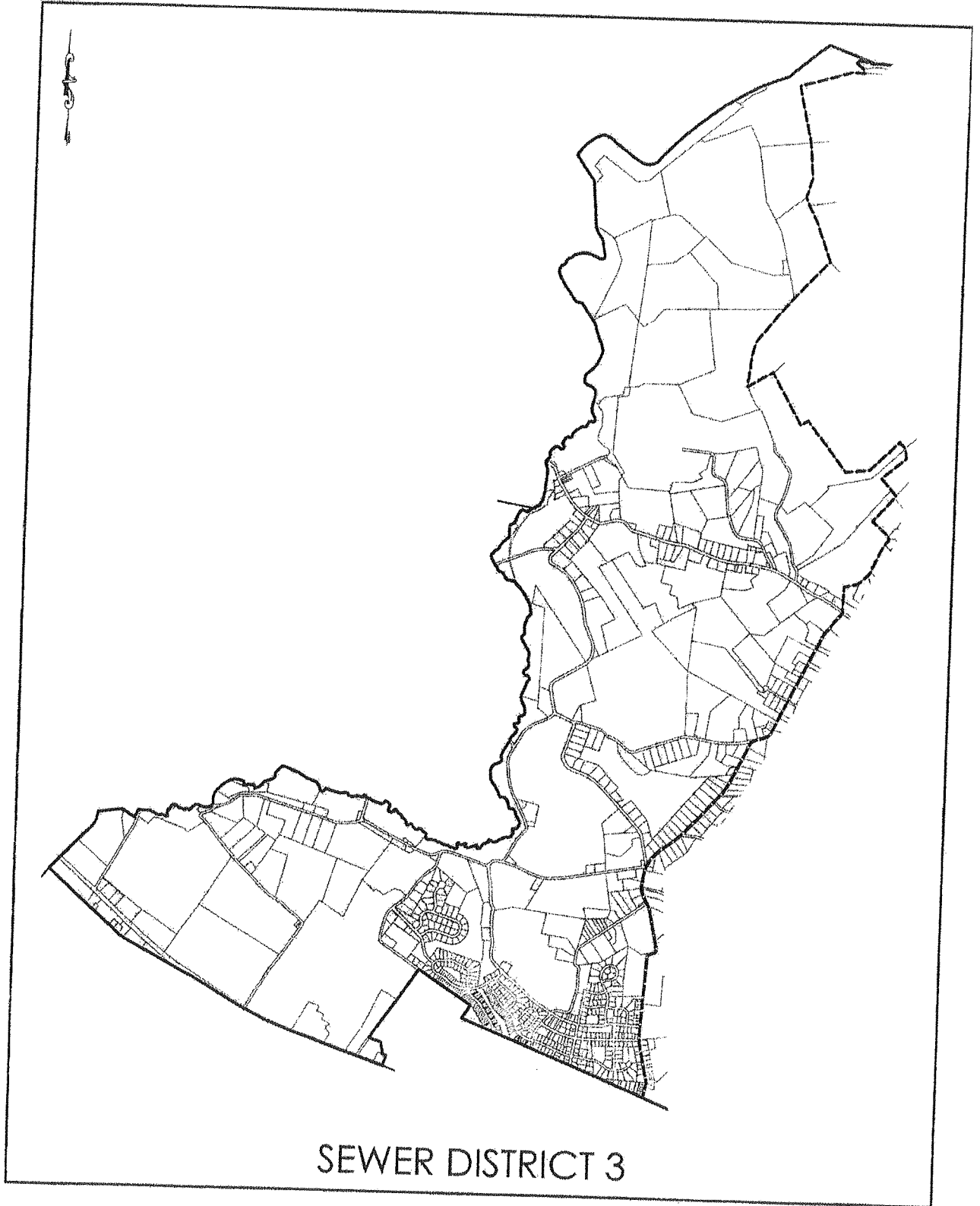




SEWER DISTRICT 1



SEWER DISTRICT 2



SEWER DISTRICT 3

**APPENDIX C**

**Application for Septage Pumper, Hauler and Inspector Registration Permit**



LOWER HEIDELBERG TOWNSHIP

Application for

Septage Pumper, Hauler and Inspector Registration Permit

Exp. Date \_\_\_\_\_

In accordance with the Lower Heidelberg Township Policy and Procedures Manual for the Management of On-Lot Sewage Disposal Systems, the undersigned makes application to the Board of Supervisors for permission to remove and transport septage and the content of privies and cesspools and/or inspection of on-lot sewage disposal systems as set forth below.

**A. Applicant Information**

Application for:  Removal & Transportation of Septage  Inspection of On-Lot Disposal Systems (Check all that apply)

Owner's Name \_\_\_\_\_ Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Company/Trade Name \_\_\_\_\_ Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-Mail Address \_\_\_\_\_ Telephone Number \_\_\_\_\_ DEP Transporter Number \_\_\_\_\_

Number of Personnel PSMA Certified for On-Lot Sewage System Inspections \_\_\_\_\_

---

**B. Pump and Haul Vehicle Information** (Attach Additional Sheets if Necessary)

Year/Make/Vehicle ID# \_\_\_\_\_ State of Registration / Plate # \_\_\_\_\_ Capacity (Gallons) \_\_\_\_\_

Year/Make/Vehicle ID# \_\_\_\_\_ State of Registration / Plate # \_\_\_\_\_ Capacity (Gallons) \_\_\_\_\_

---

**C. Location(s) of Septage Disposal** (Attach a copy of the disposal contract.)

Site Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Telephone \_\_\_\_\_ DEP # \_\_\_\_\_

Site Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Telephone \_\_\_\_\_ DEP # \_\_\_\_\_

(Attach additional sheets if necessary.)

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**D. The following is attached, as indicated, and made part of this Application as required by Section 5.0 of the Lower Heidelberg Township Policy and Procedures Manual for the Management of On-Lot Sewage Disposal Systems:**

\_\_\_\_\_ Name of all employees to provide services

\_\_\_\_\_ Valid certificate of liability indicating coverage for commercial liability, commercial vehicles and worker's compensation

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**E. Certification**

I certify that the information I have provided above is true and accurate. I recognize that it is a violation of this Permit to dispose of septage anywhere other than the identified disposal locations or other disposal facilities agreed to by the Board of Supervisors in writing as an amendment to this Permit.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

**APPENDIX D**

**Township Pumping and Inspection Report**



**Lower Heidelberg Township  
Pumping and Inspection Report**

Property Owner Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**Pumper/Hauler:**

Septic tanks shall **ONLY** be pumped from/through the manhole/access port (i.e. the largest septic tank opening) and **NOT** be pumped from/through the observation port.

Items 1 – 11 must be completed.

1. Pump / Inspection Company: \_\_\_\_\_

2. Date of pump/inspection: \_\_\_\_\_

3. Location of Tank(s): \_\_\_\_\_

4. Location of drain field: \_\_\_\_\_

5. TANKS (Circle any that apply)

Holding Tank    Cesspool    Septic Tank    Aerobic Tank    Sand Filter    Peat Filter    AdvanTex

Treatment System    Other: \_\_\_\_\_

6. Total Tank Capacity: \_\_\_\_\_ Gallons    Multiple compartments? Yes / No

7. Outlet Baffle Present? Yes / No    Effluent Filter? Yes / No

8. Observations / Recommendations: \_\_\_\_\_

**DRAIN FIELD (Circle any that apply)**

9. Gravity    Pressure Dosed    Lift Pump

10. Holding Tank    Cesspool    Elevated Sandmound    At-Grade Bed    Inground Bed/Trenches

Drip Irrigation    Spray Irrigation    Other: \_\_\_\_\_

11. Saturation    Lush Grass    Odors    Other: \_\_\_\_\_

12. Observations / Recommendations: \_\_\_\_\_

**Property Owner:**

In order to assure that septic tanks are properly pumped, septic tank lids shall be exposed prior to pumping by the septic tank owner.

This form shall be completed in its entirety and returned to Lower Heidelberg Township along with the \$25.00 fee **within 30 days** of completion of work.

A copy of the pumping receipt must accompany this report.