

CHAPTER 15

ONLOT SEWAGE DISPOSAL

**Article A ADMINISTRATION OF SEWAGE FACILITIES
 PLANNING PROGRAM**

Section 15-1 Definitions

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

ACT—The Pennsylvania Sewage Facilities Act (35 P. S. § § 750.1—750.20).

AGGREGATE—Coarse material manufactured from stone, gravel or slag, having Type B characteristics as described in Department of Transportation specifications, Form 408, section 703.3, Table B and uniform size and grading equivalent to American Association of State Highway and Transportation Officials No. 57, as described in Form 408, section 703.3, 2 Table C.

AGRICULTURAL AREAS—Areas used primarily for the production of crops and where the soil is without vegetative cover during certain periods of the year.

ALTERNATE SEWAGE SYSTEM—A method of demonstrated onlot sewage treatment and disposal not described herein.

BONDED DISPOSAL SYSTEM—An individual sewage system located on a single lot serving a single family residence, where soil mottling is within 20 inches of the mineral soil surface, the installation, operation and replacement of which is guaranteed by the property owner.

BUILDING SEWER—Piping carrying liquid wastes from a building to the treatment tank or holding tank.

BURIED SAND FILTER—A system of piping, sand media, aggregate and collection piping in a buried liner used for the intermittent filtration and biochemical treatment of sewage.

CERTIFICATION BOARD—The administrative board within the Department created by section 11 of the act (35 P. S. § 750.11).

CLEAN STREAMS LAW—The Clean Streams Law (35 P. S. § § 691.1—691.1001).

CLEAN WATER ACT—The Clean Water Act (33 U.S.C.A. §§ 1251—1387).

CONVENTIONAL SEWAGE SYSTEM—A system employing the use of demonstrated onlot sewage treatment and disposal technology in a manner specifically recognized by this part. The term does not include alternate sewage systems or experimental sewage systems.

DAYS—Calendar days as specified in 1 Pa.C.S. § 1908 (relating to computation of time). If a period time is referred to in this chapter, the period shall be computed to exclude the first and include the last day of the period. If the last day of the period falls on a Saturday or Sunday, or a day made a legal holiday by the statutes of the Commonwealth or of the United States, the day shall be omitted from the computation.

DELEGATED AGENCY—A municipality, local agency, multi-municipal local agency or county or joint county department of health to which the Department was delegated the authority to review and approve subdivisions for new land developments as supplements to the official plan of a municipality in which the subdivision is located.

DEPARTMENT—Pennsylvania Department of Environmental Protection.

DOSING PUMP—The pump housed in a dosing tank which provides a measured volume of sewage effluent to the pressurized distribution system in an absorption area.

EXPERIMENTAL SEWAGE SYSTEM—A method of onlot sewage treatment and disposal not described in this title which is proposed for the purpose of testing and observation.

EQUIVALENT DWELLING UNIT—For the purpose of determining the number of lots in a subdivision only as it relates to the determination of planning exemptions and fees for planning module reviews under this chapter, that part of a multiple family dwelling or commercial or industrial establishment with flows equal to 400 gpd. These flow figures are not intended to be used for the calculation of flows for the design of community sewerage systems or for the allocation of flows related to community sewerage systems. Community sewerage system flows for design and permitting purposes shall be calculated using the procedures established in the Department's *Domestic Wastewater Facilities Manual* (DEP-1357).

FILTER TANK—The tank housing the piping and sand of the free access sand filter.

FORESTED AREAS—Areas where the predominant vegetative cover is comprised of trees with a closed canopy.

FREE ACCESS SAND FILTER—An accessible system of tanks, dose piping, sand media, aggregate and collection piping used for the intermittent filtration and biochemical treatment of sewage.

GEOTEXTILE—Material consisting of mesh polypropylene, polyester, nylon or similar material, used to prevent migration of fine aggregate into coarser aggregate.

GRASSED AREA—An area where the predominant vegetative cover is comprised of grasses, bushes or trees not forming a closed canopy.

INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEM—An individual sewage system which serves a single dwelling and which treats and disposes of sewage using a system of piping, treatment tanks and soil renovation through spray irrigation.

INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEM—An individual sewage system which serves a single dwelling and which treats and disposes of sewage using a system of piping, treatment tanks and soil renovation through spray irrigation.

INDUSTRIAL WASTE—A liquid, gaseous, radioactive, solid or other substance, which is not sewage, resulting from manufacturing or industry or other plant or works and mine drainage, silt, coal mine solids, rock, debris, dirt and clay from coal mines, coal collieries, breakers or other coal processing operations. The term includes substances whether or not generally characterized as waste.

LARGE VOLUME ONLOT SEWAGE SYSTEM—An individual or community onlot sewage system with a design capacity to discharge subsurface sewage flows which are in excess of 10,000 gpd.

LIFT PUMP—A submersible pump used to convey effluent to the sand filter and from the sand filter to the chlorine/retention tank.

LIMITING ZONE—A soil horizon or condition in the soil profile or underlying strata which includes one of the following:

- a. A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling.
- b. A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.
- c. A rock formation, other stratum or soil condition which is so slowly permeable that it effectively limits downward passage of effluent.

LIQUID WASTE—Sewage pumped from treatment tanks, retention tanks, sewage dosing/lift pump tanks and or cesspools not containing liquids or materials considered as toxic, hazardous or industrial waste.

LIQUID WASTE HAULER—Any person who participates in the business of pumping and/or transportation of liquid waste in Montgomery County.

LOCAL AGENCY—A municipality (or any combination of municipalities acting cooperatively or jointly under the laws of the Commonwealth), county, county department of health or joint county department of health. (i.e. Montgomery County Health Department)

LOT—A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided. Whenever a lot is used for a multiple family dwelling or for commercial, institutional or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single family residential lots as determined by estimated sewage flows.

MUNICIPALITY—A city, town, township, borough or home rule municipality other than a county.

NSF—National Sanitation Foundation.

OFFICIAL PLAN—A comprehensive plan for the provision of adequate sewage systems, adopted by a municipality or municipalities possessing authority or jurisdiction over the provision of the systems, and submitted to, and approved by, the

Department as provided by the act, and chapter.

OFFICIAL PLAN REVISION—A change in the municipality’s official plan to provide for additional, newly identified future or existing sewage facilities needs, which may include one or more of the following:

- a. Update revision—A comprehensive revision to an existing official plan required when the Department or municipality determines the official plan or one or more of its parts is inadequate for the existing or future sewage facilities needs of a municipality or its residents or landowners.
- b. Revision for new land development—A revision to a municipality’s official plan resulting from a proposed subdivision as defined in the act.
- c. Special study—A study, survey, investigation, inquiry, research report or analysis which is directly related to an update revision. The studies provide documentation or other support necessary to solve specific problems identified in the update revision.
- d. Supplement—A sewage facilities planning module for a subdivision for new land development which will not be served by sewage facilities requiring a new or modified permit from the Department under The Clean Streams Law, and which is reviewed and approved by a delegated agency.
- e. Exception to the requirement to revise—A process established in section 15-55 (relating to exceptions to the requirement to revise the official plan for new land development) which describes the criteria under which a revision for new land development is not required.

PERSON—An individual, association, public or private corporation for profit or not-for-profit, partnership, firm, trust, estate, department, board, bureau or agency of the United States, Commonwealth, political subdivision, municipality, district, authority or another legal entity which is recognized by law as the subject of rights and duties. The term includes the members of an association, partnership or firm and the officers of a local agency or municipal, public or private corporation for profit or not for profit.

QUALIFIED REGISTERED PROFESSIONAL ENGINEER—A person registered to practice engineering in this Commonwealth who has experience in the characterization, classification, mapping and

interpretation of soils as they relate to the function of onlot sewage disposal systems.

QUALIFIED REGISTERED PROFESSIONAL GEOLOGIST—A person registered to practice geology in this Commonwealth who has experience in the characterization, classification, mapping and interpretation of soils as they relate to the function of onlot sewage disposal systems.

QUALIFIED SOIL SCIENTIST—A person certified as a sewage enforcement officer and who has documented 2-years' experience in the characterization, classification, mapping and interpretation of soils as they relate to the function of onlot sewage disposal systems (as defined in the Soil Science Society of America "Glossary of Soil Science") and either a bachelor of science degree in soils science from an accredited college or university or certification (certified professional soil scientist, certified professional soil classifier or certified professional soil specialist) by the American Registry of Certified Professionals in Agronomy, Crops and Soils (now known as ARCPACS: A Federation of Certifying Boards in Agriculture, Biology, Earth and Environmental Sciences).

REIMBURSE—To pay back money actually spent.

RELATIVE—Spouses, children, parents, brothers, sisters, nieces, nephews, grandparents, uncles, aunts and first cousins whether related by blood or statute.

RESIDENTIAL SUBDIVISION PLAN—A subdivision in which at least two-thirds of the proposed daily sewage flows will be generated by residential uses.

RETAINING TANK—A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes:

- a. **Chemical toilet**—A permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.
- b. **Holding tank**—A tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.
- c. **Privy**—A tank designed to receive sewage where water under pressure is not available.

- d. Incinerating toilet—A device capable of reducing waste materials to ashes.
- e. 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.
- f. Recycling toilet—A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

SEWAGE—A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and 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. The term includes any substance which constitutes pollution under The Clean Streams Law.

SEWAGE ENFORCEMENT OFFICER—An official of the local agency who reviews permit applications and sewage facilities planning modules, issues permits as authorized by the act and conducts investigations and inspections that are necessary to implement the act and the regulations thereunder.

SEWAGE FACILITIES—A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. The term includes:

- a. 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 waters of this Commonwealth or by means of conveyance to another site for final disposal. The term includes:
 - i. Individual onlot sewage system—An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
 - ii. Individual sewerage system—An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than

renovation in a soil absorption area, or retention in a retaining tank.

- b. Community sewage system—A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.
 - i. Community onlot sewage system—A system of piping, tanks or other facilities serving two or more lots and collecting, treating and disposing of sewage into a soil absorption area or retaining tank located on one or more of the lots or at another site.
 - ii. Community sewerage system—A publicly or privately-owned community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

SEWAGE MANAGEMENT PROGRAM—A program authorized by the official action of a municipality for the administration, management and regulation of the disposal of sewage.

SEWER AUTHORITY—A municipal authority, established under the Municipality Authorities Act of 1945 (53 P. S. § § 301—401), which provides, maintains, owns or operates sewage facilities.

SMALL FLOW TREATMENT FACILITIES—An individual or community sewerage system designed to adequately treat sewage flows not greater than 2,000 gpd for final disposal using a stream discharge or other disposal methods approved by the Department.

SOIL HORIZON—A layer of soil approximately parallel to the soil surface, the chemical and physical characteristics of which are distinguishable by observation or other method of analysis, from the chemical and physical characteristics in adjacent layers of soil.

SOIL PROFILE— The collection of soil horizons, including the natural organic layers on the surface.

SOIL MOTTLING (REDOXIMORPHIC FEATURES)—A soil color pattern consisting of patches of different color or shades of color interspersed with the dominant soil color which results from prolonged saturation of the soil.

SOLIDS RETAINER—A deflection device at the outlet tee or baffle of a septic tank designed to deflect buoyed solids from escaping the tank.

SPRAY FIELD—Piping, spray heads and ground surface to the outside edges of the wetted perimeter, used for the application and treatment of the sewage effluent in an individual residential spray irrigation system.

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.

TREATMENT TANK—A water-tight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. The term includes the following:

- a. **Septic tank**—A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.
- b. **Aerobic sewage treatment tank**—A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.

UNDISTURBED SOIL—Soil or soil profile, unaltered by removal or other man-induced changes, except for agricultural activities, that would adversely affect the siting or operation of onlot systems.

WATERS OF THIS COMMONWEALTH—Rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and other bodies or channels of conveyance of surface and underground water, or of their parts, whether natural or artificial, within or on the boundaries of this Commonwealth.

WORKING DAY—Calendar days as specified in 1 Pa.C.S. § 1908 (relating to computation of time) excluding Saturdays and Sundays, or a day made a legal holiday by the statutes of the Commonwealth or of the United States. The period shall be

calculated to exclude the first and include the last day of the period.

Section 15-2 Scope and time periods

- a. This chapter is adopted in accordance with the duties imposed upon the Department under the act and The Clean Streams Law and applies to municipalities, local agencies and delegated agencies administering the planning provisions of the act and to persons subdividing land or planning, designing or installing sewage facilities.
- b. This chapter governs the sewage planning requirements for sewage facilities being proposed by municipalities to resolve existing sewage disposal problems, to provide for the sewage disposal needs of new land development and otherwise to provide for future sewage disposal needs of a resident or landowner in a municipality.
- c. Time periods referred to in this chapter will be computed under 1 Pa.C.S. § 1908 (relating to computation of time).

ARTICLE B OFFICIAL PLAN REQUIREMENTS

Section 15-11 General requirement

Municipalities are required to develop and implement comprehensive official plans which provide for the resolution of existing sewage disposal problems, provide for the future sewage disposal needs of new land development and provide for the future sewage disposal needs of the municipality. Official plans shall be developed, submitted to the Department for approval and implemented by municipalities under the act and this chapter.

Section 15-12 Municipal responsibility to revise plans

- a. Municipalities shall review and revise their official plans whenever the municipality or the Department determines that the plan is inadequate to meet the existing or future sewage disposal needs of the municipality or portion thereof.
- b. Two or more municipalities may jointly submit a single official plan. The plan may be prepared by one of the municipalities and submitted on behalf of participating municipalities if the plan is adopted by resolution of the governing body of each municipality to which it relates.

- c. The existence, absence or content of a municipal or county subdivision ordinance or regulation will not relieve the municipality of its duty to revise its official plan as required by the act and this chapter.
- d. The proposed plan content shall be consistent with the requirements of the act.
- e. The completed plan shall be submitted within the time limits established by the Department under section 15-13(a) (relating to Department responsibility to require official plan revisions).
- f. In a civil or administrative action taken under this chapter, the municipality shall have the burden to establish that its official plan or proposed revision complies with the requirements of this chapter.

Section 15-13 Department responsibility to require official plan revisions

- a. The Department will require a municipality to revise its official plan when it determines that the plan does not meet the requirements of sections 15-61 to 15-65 (relating to official plan requirements for alternative evaluations) or the plan, or its parts, is inadequate to meet the sewage needs of the municipality, its residents or property owners or because of newly discovered facts, conditions or circumstances which make the plan inadequate. Official plan revisions shall be submitted within 120 days of the Department's determination under this section, unless the Department finds that additional time is necessary to complete the planning consistent with this chapter.
- b. The Department will notify the municipality in writing of:
 - i. The reasons for requiring a plan revision.
 - ii. Minimum plan content requirements as contained in section 15-21 (relating to content of official plans) and sections 15-61 to 15-65.
 - iii. Time limitations for plan completion, including interim deadlines and compliance schedules the Department deems necessary.
 - iv. The status of the existing official plan.
- c. The Department may require two or more municipalities to develop and submit jointly a single official plan. The

Department will allow the preparation of a joint municipal plan if the plan is adopted by each participating municipality.

Section 15-14 Private request to revise official plans

- a. A person who is a resident or legal or equitable property owner in a municipality may file a private request with the Department requesting that the Department order the municipality to revise or implement its official plan if the resident or property owner can show that the official plan is not being implemented or is inadequate to meet the resident's or property owner's sewage disposal needs. This request may be made only after a prior written demand upon and written refusal by the municipality to so implement or revise its official plan or failure of the municipality to reply in either the affirmative or negative within 60 days or, failure of the municipality to implement its official plan within the time limits established in the plan's implementation schedule or failure to revise its official plan within the time limits established in this chapter. The request to the Department shall contain a description of the area of the municipality in question and a list of reasons that the plan is believed to be inadequate. The person shall notify the municipality, official planning agency within the municipality and planning commission with area wide jurisdiction in writing of the filing of the request with the Department at the same time notice is sent to the Department. This notification shall include a copy of the documentation supporting the private request which was submitted to the Department.
- b. Private requests to revise an official plan shall contain evidence that the municipality has refused in writing to revise its plan, is not implementing its plan or has failed to act within the time limits established in section 15-13(a) (relating to Department responsibility to require official plan revisions) for plan updates or section 15-53(b) (relating to municipal administration of new land development planning requirements for revisions) for new land developments.
- c. Upon receipt of a private request for revision, the Department will notify the municipality and appropriate official planning agencies within the municipality, including a planning agency with area wide jurisdiction if one exists, under the Pennsylvania Municipalities Planning Code (53 P. S. §§ 10101—11202) and the existing county or joint county department of health of receipt of the private request and will inform them that written comments shall be submitted to the Department within 45 days after the Department's receipt of the private request for revision.

- d. In arriving at its decision, the Department will consider the following:
 - i. The reasons advanced by the requesting person.
 - ii. The reasons for denial advanced by the municipality.
 - iii. Comments submitted under this section.
 - iv. Whether the proposed sewage facilities and documentation supporting the proposed sewage facilities are consistent with this part.
 - v. The existing official plan developed under this chapter.
- e. The Department will render its decision, and inform the person requesting the revision and the appropriate municipality, in writing, within 120 days after either receipt of the comments permitted by this section or 120 days after the expiration of the 45-day comment period when no comments have been received or within an extended period if agreed to in writing by the person making the request.
 - i. The Department's decision will specify the nature of the revision to the municipality's official plan that the municipality will be required to implement or the reasons for refusal. If the Department orders a requested revision, the order will specify time limits for plan completion, including interim deadlines and compliance schedules the Department deems necessary.
 - ii. If the Department refuses to order a revision requested under subsection (a), it will notify the person who filed the request, in writing, of the reasons for the refusal.
 - iii. The Department may not refuse to order a requested revision because of inconsistencies with any applicable zoning, subdivision or land development ordinances, but will make its order subject to any limitations properly placed on the development of the property by the municipality under its zoning, subdivision or land development ordinances or by court orders.

Section 15-21 **Content of official plans**

- a. A municipality shall submit a Task/Activity Report or other appropriate form prior to preparation of an official plan to determine which of the planning elements listed in this section are necessary to meet the specific needs of that municipality. It

is recommended that the municipality meet with the Department prior to submitting the Task/Activity Report to the Department. A determination does not constitute a final Department action until the completed plan is submitted by the municipality and acted upon by the Department. If applicable to the specific planning needs of the municipality, as determined by the Department, the completed plan submitted to the Department shall:

- i. Describe and analyze the physical and demographic characteristics of the planning area through the following:
 - aa. An identification and mapping of the planning area boundaries and political subdivision boundaries.
 - bb.) An identification and mapping of the physical characteristics of the planning area, including streams, lakes, impoundments, natural conveyance channels and drainage basins.
 - cc. A survey and a map and analysis of soils and geological features.
 - dd. A listing of current population information and historical population data.
 - ee. An identification of wetlands as defined in 25 PA Code 105 (relating to dam safety and waterway management).
 - ff. Identification of the source of the potable water supply including the available capacity of public supplies and aquifer yield for groundwater supplies.
- ii. Evaluate existing sewage facilities in the planning area through the following:
 - aa. An identification, mapping and description of municipal and nonmunicipal, individual and community sewerage systems in the planning area including:
 - (1) The location of treatment plants, main intercepting lines, pumping stations and force mains, including their size, capacity, point of discharge and drainage basin served.
 - (2) A description of problems with the existing facilities, including existing or projected overload under Chapter 94 (relating to municipal wasteload management) or violations of a National Pollutant Discharge

Elimination System permit, a Clean Streams Law permit or other permit, rule or regulation of the Department.

- (3) A description of operation and maintenance requirements and the status of compliance with these requirements and the requirements of sections 15-71 to 15-75 (relating to sewage management programs).
- bb. An identification, mapping and description of areas that use individual and community onlot sewage systems in the planning area, including:
- (1) The types of systems in use.
 - (2) A description of problems with the systems, including violations of local ordinances, the act, the Clean Streams Law or a rule or regulation promulgated thereunder.
 - (3) A comparison of the types of onlot sewage systems installed in an area with the types of systems which are appropriate for the area according to soil, geologic conditions and sections 15-152- 15-173 (relating to standards for onlot sewage treatment facilities).
- iii Delineate and describe through a text, map and analysis:
- aa. Areas with existing development or platted subdivisions.
 - bb. Land use designations established under the Pennsylvania Municipalities Planning Code (53 P. S. § § 10101—11202), including residential, commercial and industrial areas.
 - cc. Future growth areas and population projections.
 - dd. Zoning; subdivision regulations; local county or regional comprehensive plans; and existing plans of a Commonwealth agency relating to the development, use and protection of land and water resources.
 - ee. Areas where community sewage systems are planned to be available within a 5-year and a 10-year period.
- iv. Identify alternatives which are available to provide for new or improved sewage facilities for each area of need including, but not limited to:

- aa. The potential for extension of existing municipal or nonmunicipal sewage facilities to areas in need of new or improved sewage facilities.
- bb. The potential for the continued use of existing municipal or nonmunicipal sewage facilities through one or more of the following:
 - (1) Repair.
 - (2) Upgrading.
 - (3) Improved operation and maintenance.
 - (4) Other applicable actions that will resolve or abate the identified problems.
- cc. The need for new community sewage systems.
- dd. The need for a sewage management program to assure the future operation and maintenance of existing and proposed sewage facilities.
- ee. Evaluate each alternative listed in response to paragraph (iv), including, but not limited to:
 - (1) Consistency between the proposed alternative and the objectives and policies of:
 - (A) Applicable plans developed and approved under sections 4 and 5 of the Clean Streams Law (35 P. S. §§ 691.4 and 691.5) or section 208 of the Clean Water Act (33 U.S.C.A. § 1288).
 - (B) Municipal wasteload management under Chapter 94.
 - (C) Plans developed under Title II of The Clean Water Act (33 U.S.C.A. §§ 1281—1299) or Titles II and VI of the Water Quality Act of 1987 (33 U.S.C.A. §§ 1251—1376).
 - (D) Comprehensive plans developed under the Pennsylvania Municipalities Planning Code.
 - (E) Antidegradation requirements as contained in Chapters 93, 95 and 102 (relating to water quality standards; waste water treatment requirements; and erosion and sediment control) and the Clean Water Act.

- (F) State water plans developed under the Water Resources Planning Act (42 U.S.C.A. §§ 1962—1962d-18).
 - (G) Title 4 of the *Pennsylvania Code*, Chapter 7, Subchapter W (relating to agricultural land preservation policy).
 - (H) Plans adopted by the county and approved by the Department under the Storm Water Management Act (32 P. S. §§ 680.1—680.17).
 - (I) Wetland protection under Chapter 105 (relating to dam safety and waterway management).
 - (J) Protection of rare, endangered or threatened plant and animal species as identified by the Pennsylvania Natural Diversity Inventory.
 - (K) Section 507 of Title 37 of *Pennsylvania Consolidated Statutes* (relating to cooperation by public officials with the Commission).
- (2) The resolution of inconsistencies identified in this section.
 - (3) Applicable water quality standards, effluent limitations or other technical requirements contained in sections 15-61 to 15-65 (relating to official plan requirements for alternative evaluations) and this part.
 - (4) Cost estimates for construction, financing, ongoing administration, operation and maintenance.
 - (5) Subject to the limitations of subsections (b) and (c), funding methods available to finance all aspects of each of the proposed alternatives, establishment of the financial alternative of choice and a contingency financial plan to be used if the preferred method of financing is not able to be implemented.
 - (6) Ability to implement, including:
 - (A) Activities necessary to abate critical public health hazards pending completion of sewage facilities or sewage management programs.
 - (B) Phased development of the facilities or sewage management program.

- (C) Time schedules for implementing each phase.
- (D) Administrative organization and legal authority necessary for plan implementation.
- ff. Select one alternative to solve the need for sewage facilities in each area studied and support this choice with documentation that shows that the alternative is technically, environmentally and administratively acceptable.
- gg. Include a summary of the plan which identifies:
 - (1) Major problems evaluated in the plan.
 - (2) Alternatives chosen to solve these problems.
 - (3) Municipal commitments necessary to implement the plan.
 - (4) A schedule for implementation.
- hh. When the information required as part of an official plan or revision has been developed separately, incorporate the information by reference.
- b. Feasibility evaluations required by subsection (a)(iv)(ee) and (ff) shall be limited to areas identified in the plan as needing improved sewage facilities within a 5-year period from the date of plan submission and which are scheduled for completion of sewage facilities within 5 years or less.
- c. Dates for the future initiation of feasibility evaluations required by subsection (a)(iv)(ee) and (ff) shall be included in the implementation schedule for areas proposing completion of sewage facilities for periods in excess of 5 years.

Section 15-22 **Coordination of official plans with Federally funded sewage facilities planning**

Planning for Federally funded sewage facilities under Subchapter II of the Clean Water Act (33 U.S.C.A. § § 1281—1299) or State Revolving Funding under Title VI of the Water Quality Act of 1987 (33 U.S.C.A. § § 1382—1387) shall meet the requirements of section 15-31 (relating to municipal responsibility to review, adopt and implement official plans) and be approved by the Department as a revision to the municipal official plan.

Section 15-31 Municipal responsibility to review, adopt and implement official plans

- a. A municipality shall develop and evaluate alternatives in official plans and official plan revisions and shall determine, prior to adopting the plan, which technical and administrative alternatives are proposed to be implemented.
- b. A municipality shall request, review and consider comments by appropriate official planning agencies of a municipality, including a planning agency with area wide jurisdiction if one exists, under the Pennsylvania Municipalities Planning Code (53 P. S. § § 10101—11202) and the existing county or joint county department of health. Evidence that the official plan has been before these agencies for 60 days without comment is sufficient to satisfy the requirements of this subsection.
- c. A municipality shall submit evidence that documents the publication of the proposed plan adoption action at least once in a newspaper of general circulation in the municipality. The notice shall contain a summary description of the nature, scope and location of the planning area including the antidegradation classification of the receiving water where a discharge to a body of water designated as high quality or exceptional value is proposed and the plan's major recommendations, including a list of the sewage facilities alternatives considered. A 30-day public comment period shall be provided. A copy of written comments received and the municipal response to each comment, shall be submitted to the Department with the plan.
- d. An implementation schedule shall be submitted as part of the official plan. This schedule shall designate the time periods within which the specific phases of the facilities or program will be completed and the methods and sources of financing each phase.
- e. When an official plan or official plan revision identifies a conflict between a proposed alternative and the consistency requirements contained in section 15-21(a)(iv)(aa)—(cc) (relating to content of official plans), the municipality shall submit written documentation that the appropriate agency has received, reviewed and concurred with the method proposed to resolve identified inconsistencies.
- f. The municipality shall adopt the official plan by resolution, with specific reference to the alternatives of choice and a

commitment to implement the plan within the time limits established in an implementation schedule.

Section 15-32 Department responsibility to review and act upon official plans

- a. No official plan or official plan revision will be considered complete by the Department unless it contains the information and supporting documentation required by the Department, including those items required by section 15-31 (relating to municipal responsibility to review, adopt and implement official plans). If a special study is submitted in support of an existing official plan, existing official plan revision or existing update revision, the Department may waive inapplicable requirements of section 15-31.
- b. Within 120 days after submission of a complete official plan or official plan revision, with supporting documentation, the Department will either approve or disapprove the plan or revision, except as provided in section 15-54(d) (relating to Department administration of new land development planning requirements for revisions) for a plan revision for a residential subdivision plan.
- c. Upon the Department's failure to act on a complete official plan or revision within 120 days of its submission, the official plan or official plan revision will be considered approved, unless the Department informs the municipality prior to the end of 120 days that additional time is necessary to complete its review. The additional time may not exceed 60 days.
- d. In approving or disapproving an official plan or official plan revision, the Department will consider:
 - i. Whether the plan or revision meets the requirements of the act, The Clean Streams Law and this part.
 - ii. Whether the municipality has adequately considered questions raised in comments, if any, of the appropriate area wide planning agency, the county or joint county department of health, and the general public.
 - iii. Whether the plan or revision furthers the policies established under section 3 of the act (35 P. S. § 750.3) and sections 4 and 5 of The Clean Streams Law (35 P. S. §§ 691.4 and 691.5).

- iv. Whether the official plan or official plan revision is able to be implemented.
 - v. Whether the official plan or official plan revision adequately provides for continued operation and maintenance of the proposed sewage facilities.
 - vi. Whether the official plan or official plan revision contains documentation that inconsistencies identified in section 15-21(a)(iv)(aa)—(cc) (relating to content of official plans) have been resolved under section 15-31(e).
 - vii. If the official plan or official plan revision includes proposed sewage facilities connected to or otherwise affecting sewage facilities of other municipalities, whether the other municipalities have submitted necessary revisions to their plans for approval by the Department.
- e. If the official plan or official plan revision is disapproved by the Department, written notice will be given to each municipality included in the plan, together with a statement of reasons for the disapproval.
- f. In a municipality that does not have an official plan, or fails to revise or implement its official plan as required by an order of the Department or this part the following apply:
- i. The limitations on the issuance of permits under section 15-106(a) and (b) (relating to limitation on onlot system permit issuance) are in effect.
 - ii. The Department will not issue a permit under section 5 of The Clean Streams Law (35 P. S. § 691.5) for projects in those areas of the municipality for which an official plan, official plan revision or implementation of an official plan is required.
 - iii. A supplement or a revision for new land development will not be denied nor will an exception to the requirement to revise be found inadequate solely because the municipality in which the new land development is being proposed has failed to do one of the following:
 - (a) Submit an update revision or special study.
 - (b) Implement its plan as required by an order of the Department or this part. -

- iv. A supplement or revision for new land development will not be denied, nor will an exception to the requirement to revise be found inadequate, solely because an update revision or special study is under review by the Department.
- v. Every contract for the sale of a lot which is located within an area in which permit limitations are in effect and which is subject to permit limitations under this chapter shall contain a statement in the sales contract that clearly indicates to the buyer that sewage facilities are not available for that lot and that sewage facilities will not be available. This statement shall also clearly state that construction of any structure on the lot may not begin until the Department has approved a major planning requirement, including, but not limited to, a plan update revision or a special study.
- g. The limitations on permit issuance contained in section 15.23(a) and (b) do not apply when the provisions of section 15.23(d) have been met.

Section 15-41 Grants for the preparation of official plans

Under section 6 of the act (35 P. S. § 750.6) and sections 15-42 and 15-43 (relating to application for grants; and approval of grants), the Department will administer grants to municipalities, counties and authorities for preparing update revisions and special studies to the extent of the appropriations made by the General Assembly for that purpose. Municipalities, counties and authorities intending to apply for the grants shall submit to the Department an outline of the proposed plan content, time schedule for plan completion and estimated cost by planning task on a form provided by the Department or other form acceptable to the Department prior to beginning the plan. Costs for completion of planning activities outside the scope of the proposed plan content are not eligible for a grant unless proposals for inclusion of additional activities and increased costs associated with these activities have been submitted to and approved by the Department and are within the scope of the chapter.

Section 15-42 Application for grants

- a. Grant application forms and instructions will be supplied by the Department upon written request.
- b. Applications shall be accompanied by detailed invoices or other proof of payment for each activity included in the preparation of the update revision or special study.

- c. When the applicant for a planning grant is not a municipality, written proof that the municipality has authorized the applicant to receive the grant shall be submitted with the application.

Section 15-43 Approval of grants

- a. The Department will not authorize payment of a planning grant to an applicant until the Department has approved the official plan or revision which has been adopted by the municipality.
- b. When the Department has determined that the application is complete, the Department will pay grants to applicants in the order in which the applications were received.
- c. The Department will determine the amount of the grant by evaluating:
 - i. The application for planning grants.
 - ii. The extent and nature of the activities included in the official plan or revision to the official plan and the eligibility of the costs of these activities for grant payments under the act.
 - iii. The cost of performing each activity included in the official plan or revision to the official plan.
 - iv. The contents of existing plans and studies.
 - v. The conditions imposed upon the municipality by an order or notice of the Department.
 - vi. The final contents of the adopted official plan.
- d. The Department may pay planning grants for joint municipal plans submitted under section 15-12(b) (relating to municipal responsibility to revise plans) without official adoption of the plan from participating municipalities when:
 - i. The Department has determined that enough municipalities have adopted the plan consistent with section 15-32(d)(vii) (relating to Department responsibility to review and act upon official plans) to assure substantial plan implementation.
 - ii. Costs for the planning activities done for the nonparticipating municipalities are deducted from the application for the grant payment.
 - iii. The Department has notified the municipality not adopting the joint-municipal plan that its official plan is in a disapproved status; or has determined that the

municipality's official plan adequately addresses the existing and future sewage disposal needs of the municipality.

- e. The Department will not withhold planning grants for eligible costs from a municipality, its designated authority or county when the following occur:
 - i. Sufficient appropriations have been made by the General Assembly.
 - ii. The official plan has been adopted by the municipality and approved by the Department.
 - iii. The official plan complies with the terms of the act and this part.

Section 15-44 Duplicate planning

The Department will not pay grants under the act for information which has been completed previously under local, State or Federal funding programs. The plan shall incorporate this information by reference.

Article C NEW LAND DEVELOPMENT PLAN REVISIONS

Section 15-51 General

- a. A municipality shall revise its official plan when:
 - i. A new subdivision is proposed, except as provided by section 15-55 (relating to exceptions to the requirement to revise the official plan for new land development) or subsection (b).
 - ii. The official plan, or its parts, is inadequate to meet the sewage needs of the new land development.
 - iii. Newly discovered or changed facts, conditions or circumstances make the plan inadequate to meet the sewage needs of new land developments.
 - iv. A permit is required from the Department under section 5 of The Clean Streams Law (35 P. S. § 691.5).
- b. Except for new land developments proposing the use of retaining tanks, exemptions from sewage facilities planning for new land development will be processed as follows:

- i. Revisions for new land development, exceptions to the requirement to revise and supplements are not required, and permits for onlot systems using a soil absorption area or a spray field may be issued without this planning, when the Department or, in the case of supplements, a delegated agency determines that the following have been met:
 - aa. The official plan shows that those areas of the municipality are to be served by onlot sewage disposal facilities using a soil absorption area or a spray field as confirmed by signature of the municipal officials.
 - bb. The area proposed for the use of individual or community sewage systems is not underlain by carbonate geology nor is this area within 1/4 mile of water supplies documented to exceed 5 PPM nitrate-nitrogen as confirmed by the Department from a USGS geology map or sampling data.
 - cc. The area proposed for development is outside of high quality or exceptional value watersheds established under the regulations and policies promulgated under The Clean Streams Law as confirmed by the Department from the location of the new land development on a USGS topographic quadrangle map.
 - dd. Subdivided lots and the remaining portion of the original tract after subdivision are 1 acre or larger as confirmed by signature of the applicant.
 - ee. Complete soils testing and site evaluation establish that separate sites are available for both a permittable primary soil absorption area or spray field and a replacement soil absorption area or spray field on each lot of the subdivision as confirmed by a signed report of the sewage enforcement officer serving the municipality in which the new land development is proposed. The local agency or municipality may require deed restrictions or take other actions it deems necessary to protect the replacement soil absorption area or spray field from damage which would make it unsuitable for future use.
- ii. Revisions for new land development and supplements are not required for subdivisions proposing a connection to or an extension of public sewers when all of the following have been met:

- aa. The Department or delegated agency determines that existing collection, conveyance and treatment facilities are in compliance with The Clean Streams Law and the rules and regulations thereunder.
- bb. The Department or delegated agency determines that the permittees of the receiving sewerage facilities have submitted information under Chapter 94 (relating to municipal wasteload management) which documents that the existing collection, conveyance and treatment system does not have an existing hydraulic or organic overload or 5-year projected overload.
- cc. The applicant has provided written certification from the permittees of the collection, conveyance and treatment facilities to the municipality in which the subdivision is located and the Department or delegated agency with jurisdiction over the municipality in which the subdivision is located that there is capacity to receive and treat the sewage flows from the applicant's proposed new land development and that the additional wasteload from the proposed new land development will not create a hydraulic or organic overload or 5-year projected overload.
- dd. The municipality has a current approved sewage facilities plan update revision which is being implemented. For the purposes of exempting a subdivision from completing sewage facilities planning under this section, the phrase "a current approved sewage facilities plan update revision which is being implemented" shall include official plans of municipalities which are not under an order from the Department to submit an update revision or special study for the area in which the subdivision is proposed.
- iii. The Department will provide delegated agencies sufficient information to make the required determinations under paragraphs (a)(ii) and (iii), (b)(i), (ii) and (iv). When the determination under paragraph (a) or (b) is made by a delegated agency, that agency shall submit to the Department quarterly reports which include the names of the subdivisions, location of the subdivisions, number of lots and projected sewage flows for each subdivision exempted from the planning provisions under this subsection.

- iv. Information in support of a request for a sewage facilities planning exemption under this section shall be submitted on a form provided by the Department.
- v. This subsection does not apply to new land development proposals intended to be served by sewage facilities which require or which must apply for a new or modified permit from the Department under The Clean Streams Law.

Section 15-52 Content requirements—new land development revisions

- a. An official plan revision for new land development shall be submitted to the Department in the form of a completed sewage facilities planning module provided by the Department and shall include, but not be limited to, the following information:
 - i. The nature of the proposal, including:
 - aa. Type of facilities to be served, density of proposed development and whether the development is residential, commercial or industrial.
 - bb. Number of lots including equivalent dwelling units.
 - cc. Anticipated sewage flow from the proposed development. For individual or community sewerage systems, the flows shall be based on gauged flows or the flows contained in the Department's Sewerage Manual. A copy of the manual may be obtained from the Department's Bureau of Water Supply and Wastewater Management. For individual or community onlot sewage systems, the flows shall be consistent with sections 15-157 and 15-158 (relating to absorption area requirements; and sewage flows).
 - dd. Anticipated raw waste characteristics of the sewage.
 - ee. Type of sewage facilities proposed, including collection, treatment and disposal methods.
 - ff. Description of required operation and maintenance activities required by sections 15-71 to 15-75 (relating to sewage management programs).

- gg. Designation of the person responsible for operation and maintenance activities and the legal and financial arrangements necessary for assumption of this responsibility.
- ii. The relationship of the proposed development to existing sewage needs, proposed sewage facilities and sewage management programs in an area delineated by the municipality, including identification of:
 - aa. The areas included in, and adjacent to, the project which are in need of improved sewage facilities.
 - bb. Existing and proposed sewage facilities for remaining acreage or delineated lots not included in the project.
 - cc. Existing sewage facilities and sewage management programs in the area.
 - dd. Other proposed sewage facilities and sewage management programs—public and private—in the area.
 - ee. The method for integrating the proposal into the comprehensive sewage program in the area as reflected in the approved official plan.
- iii. An analysis of technically available sewage facilities alternatives identified by the municipality and additional alternatives identified by the Department, including whether each alternative:
 - aa. Meets the technical requirements of this part.
 - bb. Is consistent with local and area wide comprehensive water quality management plans for the area.
 - cc. Is consistent with sewage planning policies and decisions of the municipality.
 - ee. Is consistent with the municipalities' comprehensive land use plan for the area.
 - ff. Incorporates and is consistent with the requirements of sections 15-21 and 15-31 (relating to content of official plans; and municipal responsibility to review, adopt and implement official plans).

- iv. Selection of an alternative which adequately addresses both the present and future sewage needs of the proposal, through identification and evaluation of:
 - aa. Interim facilities.
 - bb. Replacement facilities.
 - cc. Ultimate facilities.
 - dd. Operation and maintenance activities and requirements.
- v. Selection of an alternative which assures the continued operation and maintenance of the selected sewage facilities through evaluation and identification of the following:
 - aa. Sewage management program requirements.
 - bb. Administrative capability for continued operation and maintenance.
- vi. Documentation of whether or not it may be implemented including:
 - aa. Agreements with sewer authorities, water authorities or other persons to provide services necessary for implementation of the plan.
 - bb. Designation of the institutional arrangements necessary for implementation of the plan.
- b. The Department may require additional information which is necessary for adequate review of the proposal.

Section 15-53 Municipal administration of new land development planning requirements for revisions

- a. It is the responsibility of the municipality to act upon revisions for new land development. If the new land development is requested by a private developer, the developer or his agent may complete the Department's sewage facilities planning module and submit it to the municipality for action.
- b. The municipality shall review sewage facilities planning modules upon receipt and, if appropriate comments or documents have not been received under subsections (d)(i), (iii) and (v), shall forward a copy of the sewage facilities planning modules to the sewage enforcement officer, owner of receiving sewerage facilities and appropriate planning or zoning agencies within 10 days of receipt. The municipality shall determine if

the submittal of the sewage facilities planning module is complete within 10 working days of the receipt of comments from the sewage enforcement officer and appropriate planning or zoning agencies. The municipality shall review and act upon a complete sewage facilities planning module proposing a revision for new land development within 60 days of receipt or additional time as the applicant and municipality may agree to in writing. Failure of the municipality to act within the 60-day period or an agreed-to extension will cause the revision for new land development to be deemed approved by the municipality and the complete sewage facilities planning module shall be submitted to the Department by the municipality or applicant. Documentation of the period of time the revision was in possession of the municipality shall be in the form of a completeness checklist signed by an official of the municipality confirming that the requirements of subsection (d) have been met.

- c. Municipal action shall take the form of adopting, adopting with modifications or refusing to adopt the proposal as a revision to the municipality's official plan.
- d. For the purposes of this section, no plan revision for new land development will be considered complete unless it includes the following:
 - i. The information contained in section 15-52 (relating to content requirements—new land development revisions) and the Department's sewage facilities planning module.
 - ii. Comments by appropriate official planning agencies of a municipality, including a planning agency with area wide jurisdiction if one exists, under the Pennsylvania Municipalities Planning Code (53 P. S. § § 10101—11202) and the existing county or joint county department of health. Evidence that the sewage facilities planning module has been before these agencies for 60 days without comment shall be sufficient to satisfy this paragraph.
 - iii. A written commitment from the owner of the receiving community sewerage facilities to provide service to the proposed new land development and the conditions for providing the services.
 - iv. Documentation that the proposal is consistent with the requirements of section 15-21(a)(v)(aa)(1), (2), (5) and (9) (relating to content of official plans) or that inconsistencies

have been resolved under section 15-31(e) (relating to municipal responsibility to review, adopt and implement official plans).

- v. A statement from the sewage enforcement officer for the local agency having jurisdiction for individual or community onlot sewage systems in the area where onlot systems are proposed commenting on:
 - aa. General site suitability for system usage.
 - bb. The sewage enforcement officer shall have 20 days from receipt of a sewage facilities planning module from the municipality to provide these comments, which shall be based upon onsite verification of soil tests, general site conditions and other generally available soils information. Evidence that the sewage enforcement officer has been in receipt of the sewage facilities planning module for 20 days without commenting is sufficient to satisfy this subsection.
- vi. Evidence documenting newspaper publication. The newspaper publication may be provided by the applicant or the applicant's agent, the municipality or the local agency by publication in a newspaper of general circulation within the municipality affected. When an applicant or an applicant's agent provides the required notice for publication, the applicant or applicant's agent shall notify the municipality or local agency and the municipality and local agency will be relieved of the obligation to publish. The newspaper notice shall notify the public where the plan is available for review and indicate that all comments regarding the proposal shall be sent to the municipality within which the new land development is proposed. The newspaper publication shall meet the requirement of section 15-31(c) and provide notice of the proposed plan adoption action when the proposal involves one of the following:
 - aa. Construction of a sewage treatment facility.
 - bb. A change in the flow at a sewage treatment facility of greater than 50,000 gpd.
 - cc. Will result in a public expenditure in excess of \$100,000 for the sewage facilities portion of a project.
 - dd. Will lead to a major modification of the existing municipal administrative organization or the

- establishment of new administrative organizations within the municipal government.
- ee. A subdivision of 50 lots or more.
 - ff. A major change in established growth projections.
 - gg. A different land use pattern than that established in the official sewage plan.
 - hh. The use of large volume onlot sewage systems.
 - ii. Resolution of a conflict between the proposed alternative and the consistency requirements contained in section 15-21(a)(iv)(aa)—(cc).
 - jj. The sewage facilities are proposed to discharge into high quality or exceptional value waters.
- e. Since it is the responsibility of the municipality to implement the provisions of official plan revisions, when reviewing a proposed plan revision the municipality shall consider the information requested in subsection (d) and whether the proposed plan revision is consistent with established municipal goals and capabilities.
 - f. A municipality may refuse to adopt a proposed revision to its official plan for new land development for the following reasons, including, but not limited to:
 - i. The plan is not technically or administratively able to be implemented.
 - ii. Present and future sewage disposal needs of the area, remaining acreage or delineated lots are not adequately addressed.
 - iii. The plan is not consistent with municipal land use plans and ordinances, subdivision ordinances or other ordinances or plans for controlling land use or development.
 - iv. The plan is not consistent with the comprehensive sewage program of the municipality as contained in the official plan.
 - v. The plan does not meet the consistency requirements of section 15-21(a)(iv)(aa)—(cc).
 - g. Whenever a municipality refuses to adopt a proposed revision to the official plan, it shall state the reasons for the refusal and

forward a copy of this statement to the person making the submission, and to the Department.

- h. Upon adoption of the proposed revision to the official plan, the municipality shall forward the proposed revision to the Department with the information required in section 15-52 and subsection (d) for review. Adoption of the proposed revision to the official plan shall be by resolution of the municipality.

Section 15-54 Department administration of new land development planning requirements for revisions

- a. A proposed plan revision for new land development will not be approved by the Department unless it contains the information and supporting documentation required by the act, The Clean Streams Law and regulations promulgated thereunder.
- b. A proposed plan revision for new land development will not be considered for approval unless accompanied by the information required in section 15-53(d) (relating to municipal administration of new land development planning requirements for revisions). For the purpose of this section, the Department will determine whether a submission for a residential subdivision plan is complete in accordance with section 15-53(d) within 10 working days of its receipt by the Department.
- c. When a municipality does not have an approved official plan, or fails to revise or implement an official plan when required, sections 15-32(f) and 15-106(a) and (b) (relating to Department responsibility to review and act upon official plans; and limitations on onlot systems permit issuance) apply.
- d. Within 120 days after the Department has determined that a proposed plan revision and documentation is complete, the Department will approve or disapprove the proposed plan revision, except that the Department will approve or disapprove revisions for residential subdivision plans within 60 days from the date the Department determines a submission is complete.
- e. Upon the Department's failure to act upon a proposed plan revision within 120 days of its submission, the proposed plan revision shall be deemed to have been approved, unless the Department informs the municipality prior to the end of the 120-day period that an extension of time is necessary to complete review. The additional time will not exceed 60 days.

- f. In approving or disapproving an official plan or revision, the Department will consider the requirements of section 15-32(d).
- g. When an official plan revision for new land development is disapproved by the Department, written notice will be given to each municipality included in the plan revision, with a statement of reasons for the disapproval.

Section 15-55 Exceptions to the requirement to revise the official plan for new land development.

- a. A municipality does not have to revise its official plan when the Department determines that the proposal is for the use of individual onlot sewage systems serving detached single family dwelling units in a subdivision of ten lots or less and the following apply:
 - i. The proposal, in addition to the existing or proposed subdivision of which it is a part, will not exceed ten lots.
 - ii. The subdivision has been determined to have soils and site conditions which are generally suitable for onlot sewage disposal systems under section 15-62 (relating to individual and community onlot sewage systems).
 - iii. For the purposes of determining whether a proposal qualifies for an exception under this section, the enumeration of lots shall include only lots created after May 15, 1915.
 - iv. The proposal is consistent with the requirements of section 15-21(a)(iv)(cc) (relating to content of official plans).
- b. Documentation supporting a request for exception under this section shall be submitted to the Department using the Department's sewage facilities planning module and shall include:
 - i. A statement by the governing body of the municipality acknowledging that they and an existing municipal planning or zoning agency, or both, have reviewed the proposal and found it to be consistent with the municipality's official plan.
 - ii. Evidence of review by the municipality's sewage enforcement officer.
- c. The municipality shall review sewage facilities planning modules upon receipt. If appropriate documentation and comments required by subsection (b) were not included in the planning module, the municipality shall forward a copy of the

sewage facilities planning module to the sewage enforcement officer and appropriate planning or zoning agency within 10 days of receipt. The municipality shall review and act upon an application for an exception to the requirement to revise an official plan within 60 days of receipt of a complete sewage facilities planning module or additional time that the applicant and municipality may agree to in writing. Failure of the municipality to act within the 60-day period or an agreed-to time extension shall cause the application for the exception to the requirement to revise to be deemed approved by the municipality and the complete application shall then be submitted to the Department by the municipality or the applicant. Documentation of the period of time the application for the exception to the requirement to revise was in possession of the municipality shall be in the form of a completeness checklist signed by a municipal official confirming that the requirements of subsections (a) and (b) have been met.

- d. The Department may act on requests for exceptions to the requirement to revise official plans within 30 days of the Department's receipt of the properly completed and submitted components of the Department's sewage facilities planning module, and proper written documentation. If the Department fails to act within the 30-day period, the exception to the requirement to revise the official plan shall be deemed to be applicable.

Section 15-58 Delegation of new land development planning

- a. The Department may, by agreement, delegate to a local agency, multimunicipal local agency or county or joint county department of health the power and duty to require the submittal of and review, and to approve or disapprove sewage facilities planning modules for new land development which are submitted on planning module forms and other documents provided by the Department. Additionally, the following apply:
 - i. Sewage facilities planning modules approved by a delegated agency under this section do not constitute a revision or exception to the requirement to revise under this chapter but shall be a supplement to the official sewage facilities plan.
 - ii. Delegated agencies may assess fees for the review of supplements under this section. Fees received under this section shall be used solely for the purpose of administering the delegated powers and duties related to the new land development planning provisions of this section.

- iii. The Department may limit the review of supplements in the delegation agreements to specific classifications of sewage facilities or new land developments.
- iv. When delegation is requested, section 15-127(c) and (d) (relating to reimbursement) shall be met as a prerequisite to the delegation.
- v. Delegation of the review and approval of supplements for new land development may be granted by the Department if the local agency or county or joint county department of health has adequately documented the following to the Department:
 - aa. The municipalities or counties to be included in the delegation agreement have municipal or countywide subdivision and land development ordinances in effect under the Pennsylvania Municipalities Planning Code (53 P. S. §§ 10101—11202).
 - bb. The municipalities to be included in the delegation agreement have a current official sewage facilities plan which is being implemented in accordance with the content of the plan's implementation schedule and the provisions of the act, The Clean Streams Law and this part. For the purposes of determining qualifications for delegation under this section, the phrase "current official sewage facilities plan which is being implemented" shall include official plans of municipalities which are not under an order from the Department to submit an update revision or special study for the area in which the subdivision is proposed.
 - cc. The municipalities or counties to be included in the delegation agreement have municipal or countywide subdivision and land development ordinances in effect which require one of the following:
 - 1. Sewage facilities planning approval as a condition attached to final plan approval under the Pennsylvania Municipalities Planning Code.
 - 2. Documentation that sewage facilities planning is not required under this part.
 - dd. When delegation is requested for the review of new land developments proposing the use of public sewerage facilities which do not require a new or modified permit

under The Clean Streams Law, the delegation agreement includes coordination procedures to be used with the Department to assure continued compliance with the municipal wasteload management provisions of The Clean Streams Law.

- ee. The local agency and any sewage enforcement officer employed by the local agency serving the municipalities to be included in the delegation agreement have not been issued a notice of violation or order by the Department for a violation of the act or the rules and regulations thereunder for the prior 3 years as determined by the Department.
- ff. A workload analysis is completed by the entity requesting delegation which analyzes the volume of work anticipated and the staffing and support resources needed to administer the program and documents that the fees proposed to be charged by the delegated agency to administer the sewage facilities planning reviews are sufficient to allow the delegated agency to act upon supplements within the time limits established by this chapter.
- gg. The administrative procedures, rules, regulations, fee schedules and contracts for services and applicable municipal ordinances, rules and regulations proposed for use by the delegated agency in the administration of the delegated provisions of this chapter have been reviewed by the Department. Delegated agencies shall use forms provided by the Department for the submittal and review of all supplements.
- vi.. Supplements to an official plan shall be prepared by the person proposing the new land development and shall be reviewed and acted upon by the delegated agency.
- vii. The failure of or refusal of a municipality, local agency, multimunicipal local agency or county or joint county department of health to enter into a delegation agreement may not influence the eligibility of the local agency serving that municipality or the local agency itself to receive 85% reimbursement under section 15-152 – 15-173 (relating to administration of sewage facilities permitting program).

- b. The Department will review the delegated agencies' performance of the duties established by delegation agreements under this section and may revoke the agreements for cause.

Section 15-59 Delegated agency administration of new land development planning requirements

- a. When the Department has delegated the authority to review and approve subdivisions for new land developments to a delegated agency, the regulatory provisions of the Department in sections 15-54 and 15-55 (relating to Department administration of new land development planning requirements for revisions; and exceptions to the requirement to revise the official plan for new land development) shall be administered by the delegated agency except that the time limits for review shall be in accordance with subsection (c).
- b. A new land development proposal submitted as a revision or an exception to the requirement to revise may be approved by the delegated agency as a supplement to the official plan of the municipality.
- c. The delegated agency shall determine if a submission is complete within 10 working days of its receipt. Delegated agencies shall approve or disapprove supplements within 60 days of the date of a complete submission or additional time that the applicant and delegated agency may agree to in writing.
- d. If planning modules for new land development propose service by sewerage facilities requiring a new or modified permit from the Department under The Clean Streams Law, the new land development planning module shall be forwarded to the Department for final action.

Article D OFFICIAL PLAN REQUIREMENTS FOR ALTERNATIVE EVALUATIONS

Section 15-61 General

- a. Official plans and revisions to official plans shall evaluate alternatives available to provide for adequate sewage facilities as required in sections 15-21 and 15-52(a)(iii) (relating to contents of official plans; and content requirements—new land development revisions). The Department may require evaluation of additional technically available alternatives.

- b. Each alternative for the provision of adequate sewage facilities shall be evaluated for compliance with the technical and administrative planning requirements of the act and regulations promulgated thereunder.
- c. The official plan or revision shall select one alternative which is supported by documentation as described in section 15-21(a)(iv)—(vi) which assures the long term sanitary collection, treatment and disposal of sewage.
- d. Approval of official plans and revisions shall be based on:
 - i. The technical feasibility of the selected alternative in relation to applicable regulations and standards.
 - ii. The feasibility for implementation of the selected alternative in relation to applicable administrative and institutional requirements.

Section 15-62 Individual and community onlot sewage systems

- a. Official plans and official plan revisions proposing individual and community onlot sewage systems shall evaluate general site suitability to establish their use as a feasible alternative, as specified in subsection (b).
- b. When an official plan or revision proposes the renovation of sewage effluent by means of a subsurface absorption area or a spray irrigation system, the following shall be provided:
 - i. Anticipated raw waste characteristics of the sewage. Where industrial wastes as defined in the Clean Streams Law are expected to be present in the raw sewage, section 15-105(g)(ii) (relating to issuance of permits) applies.
 - ii. Documentation that the soils and geology of the proposed site are generally suitable for the installation of the systems including:
 - aa. Soils mapping as per the United States Soil Conservation Service mapping or the equivalent.
 - bb. Contour lines as per the United States Geologic Survey Topographic mapping or site determined contour lines.
 - cc. Soil profiles as described in sections 15-152 - 15-173 (relating to standards for onlot sewage treatment facilities) shall be performed to insure that an adequate area with suitable soils is available in the area of the

proposed system. These profiles shall be approximately equally distributed among the various soils mapped in the area. For the purpose of this section, each change of slope or change in erosion characteristic specified as part of the soil classification system of the United States Department of Agriculture, Natural Resources Conservation Service will be equivalent to a change in soil type.

- dd. A sufficient number of percolation tests to confirm that the general percolation rate for each soil type in the area where systems are to be installed is within acceptable limits as described in sections 15-152- 15-173. For the purpose of this section, each change of slope or change in erosion characteristic specified as part of the soil classification system of the United States Soil Conservation Service will be equivalent to a change in soil type.
- c. This chapter does not preclude the use of individual and community onlot sewage systems using subsurface soil absorption areas on lots less than 1 acre in size or the use of large volume onlot sewage systems. Because of the potential for the creation of a public health hazard or pollution of the waters of this Commonwealth from high density use, improper system siting or inadequate maintenance of individual and community onlot systems, particular attention shall be given in official plans and revisions to the technical and institutional feasibility of using the systems.
 - i. Additional permeability testing is required when an official plan or revision proposes the use of a large volume onlot sewage system or a community onlot system with a sewage flow in excess of 10,000 gpd, and may be required for other onlot system proposals where the total absorption area is greater than 5,000 square feet or where soil profiles or geology reveal slowly permeable conditions below the depth at which the percolation test was performed. Sufficient testing shall be conducted to:
 - aa. Determine the permeability of an identified restrictive soil, geologic or hydraulic layer.
 - bb. Determine the vertical rate and the horizontal rate of flow in or above the restrictive layers in inches per hour.

- cc. Determine the application rate required as derived from the information contained in subparagraphs (i) and (ii). When this application rate is more stringent than that derived from percolation testing, as contained in this chapter, the more stringent rate shall be used to size the system.
- dd. Determine the impact of the system on groundwater mounding.
- ii. A preliminary hydrogeologic evaluation is required when the use of subsurface soil absorption areas is proposed and one of the following exists:
 - aa. A large volume onlot sewage system will be used.
 - bb. A subdivision of more than 50 equivalent dwelling units with a density of more than one equivalent dwelling unit per acre is proposed.
 - cc. The Department has documented that the quality of water supplies within 1/4 mile of the proposed site exceed five parts per million (ppm) nitrate-nitrogen.
 - dd. The Department has determined that known geological conditions for the proposed site may contribute to the potential for groundwater pollution from the systems.
- iii. A preliminary hydrogeologic evaluation shall include as a minimum, in map and narrative report form:
 - aa. The topographic location of the proposed systems in relation to groundwater or surface water flow, or both.
 - bb. Estimated wastewater dispersion plume using an average daily flow of 262.5 gallons per equivalent dwelling unit per day or other flow supported by documentation.
 - cc. Identification and location of existing and potential groundwater uses in the estimated area of impacted groundwater.
- iv. Detailed hydrogeologic studies may be required by the Department when the preliminary hydrogeologic evaluation identifies a potential for a conflict between the proposal and existing or potential future uses of groundwater in the area. Detailed hydrogeologic studies shall identify constituents of

the sewage which may pollute groundwater and shall evaluate methods for preventing the pollution of the waters of this Commonwealth. A detailed hydrogeologic study shall be submitted using the Department's sewage facilities planning module.

- d. Municipalities shall evaluate and implement options for establishing an institutional framework to assure the proper operation and maintenance of these systems under the act and this part.

Section 15-63 Retaining tanks

- a. Retaining tanks are designed and constructed to facilitate ultimate disposal of the sewage at another site. This requires the control of retaining tanks through specific restrictions on their use.
- b. General requirements for retaining tank use are as follows:
 - i. The official plan or revision shall meet the requirements of sections 15-21 – 15-59 (relating to official plan requirements; and new land development plan revisions).
 - ii. Proposed disposal sites, the method of disposal and the retaining tank cleaner for retaining tank waste shall be approved by the Department in a manner consistent with the Solid Waste Management Act (35 P. S. § § 6018.101—6018.1003) prior to approval of the official plan or revision allowing the use of retaining tanks.
 - iii. A municipality, sewer authority or sewage management agency may delegate or contract for the collection and disposal of the contents of the retaining tanks except that the ultimate responsibility for the proper collection and disposal of the contents shall remain with the municipality, authority or agency.
 - iv. Whenever the local agency issues permits for retaining tanks, the municipality or local agency may impose other conditions it deems necessary for operation and maintenance of the tanks to prevent a nuisance or a public health hazard.
- c. Holding tanks require regular service and maintenance to prevent their malfunction and overflow and shall be used in lieu of other methods of sewage disposal only when the following additional conditions are met:

- i. The applicable official plan or revision thereto indicates the use of holding tanks for that lot and provides for replacement by adequate sewerage services in accordance with a schedule approved by the Department.
- ii. The applicable official plan or revision includes municipal financial assurances of the replacement project's implementation, such as public financing, bonding or other security of sufficient present value to assure completion or other assurances either singularly or in combination that the Department deems necessary.
- iii. The municipality, sewer authority or other Department approved entity with jurisdiction or responsibility over the site has by suitable ordinance, regulation or restriction assumed full responsibility for maintaining existing and new holding tanks. The ordinances, regulations or restrictions shall, as a minimum, include:
 - aa. Identification of the administrative entity to receive, review and retain pumping receipts from permitted holding tanks.
 - bb. An annual inspection of holding tanks within the municipality with completion and retention of a written inspection report.
 - cc. Procedures and penalties for correction of malfunctions or public health hazards from holding tanks.
- d. The restrictions in subsection (c)(i)—(iii) do not apply to holding tanks when the local agency, municipality or the Department determines that the use is necessary to abate a nuisance or public health hazard.
- e. The restrictions in subsection (c)(i) and (ii) do not apply to holding tanks when the use is for institutions, recreational vehicle dump stations or commercial establishments with a sewage flow of less than 800 gpd.
- f. A privy or chemical toilet is designed to receive sewage where there is no water under pressure and no piped wastewater. Privies shall be used in lieu of other methods of sewage disposal only when the following conditions are met:
 - i. The applicable official plan or the revision thereto indicates the use of privies for that lot and documents that soil and site suitability testing of that lot under sections 15-152—

- 15-158 has been conducted, and the site meets the requirements for the ultimate sewage disposal by one of the systems described under sections 15-192—15-196 and 15-304 (relating to construction of absorption areas; and spray fields) to assure that adequate sewage facilities will be available to that lot in the future.
- ii. The municipality, sewer authority or other Department approved entity with jurisdiction or responsibility over the site has by suitable ordinance, regulation or restriction assumed responsibility for assuring the removal of a privy and the installation of an approved onlot sewage disposal system when water under pressure or piped water is available to the lot or when the property owner installs water under pressure or piped water or plumbing to move wastewater from the structure to the privy vault or to an unpermitted disposal system on that lot.
- g. The restrictions in subsection (f) do not apply:
- i. To a privy or chemical toilet when proposed for use on a lot of record in existence prior to May 15, 1972, which is 1 acre or larger and is not served now and will not be served in the future by water under pressure, piped water or plumbing to move wastewater from the structure to the privy vault or to an unpermitted disposal system on that lot.
 - ii. To temporary use of portable retention tanks or portable chemical toilets when their use is proposed at construction sites or at the site of public gathering and entertainments.

Section 15-64 **Small flow treatment facilities**

- a. Small flow treatment facilities require adequate operation and maintenance to prevent the creation of environmental problems or public health hazards associated with improperly treated sewage. This requires the control of small flow treatment facilities through specific restrictions on their use.
- b. Small flow treatment facilities are restricted to use as a replacement or repair system which the Department determines is necessary to abate an existing nuisance or public health hazard or as a system to serve residential dwellings or commercial facilities which generate domestic wastewater not containing industrial waste.
- c. When an official plan or update revision proposes the use of small flow treatment facilities, the official plan or revision shall,

as a minimum, contain the following, in addition to the requirements of sections 15-52- 15-53 (relating to official plan requirements; and new land development plan revisions):

- i. Documentation that soils are not suitable for the installation of individual or community onlot sewage disposal systems, excluding individual residential spray irrigation systems proposed for use in areas outside the watershed of waters classified as high quality or exceptional value under 25 PA Code § § 93.6 and 93.9 (relating to general water quality criteria; and designated water uses and water quality criteria).
- ii. A preliminary hydrogeologic evaluation when the small flow treatment facility will use land disposal or a dry stream channel discharge for final disposal. This evaluation shall include:
 - aa. The most recent 7 ½' United States Geologic Survey Topographic map with the discharge accurately plotted.
 - bb. The discharge rate and quality, including seasonal variations.
 - cc. An identification on the topographic map of existing groundwater uses for 200 feet in width on each side of the channel downstream from the discharge from the system until perennial stream conditions are reached.
- iii. Documentation, using the information developed in paragraph (2), which confirms that existing or proposed drinking water uses will be protected and that effluent will not create a public health hazard or a nuisance.
- iv. Documentation that the proposed use of these small flow treatment facilities does not conflict with comprehensive sewage planning for the area.
- v. An evaluation that establishes specific responsibilities for operation and maintenance of the proposed system which shall include documentation that one or a combination of the following operation and maintenance requirements have been established or approved in writing by the municipality:
 - aa.) A maintenance agreement between the property owner and an individual, firm or corporation experienced in the operation and maintenance of sewage treatment systems.

- bb. A maintenance agreement between the property owner and municipality or its designated local agency which establishes the property owner's responsibility for operating and maintaining the system and the responsibility of the municipality or local agency for oversight of the system.
- cc. A municipal ordinance which requires that the small flow treatment facilities be operated and maintained through a maintenance agreement between the property owner and an individual, firm or corporation experienced in the operation and maintenance of sewage treatment systems.
- dd. Municipal ownership of the system.
- ee. Inclusion of the system under a sewage management agency developed in accordance with section 15-73 (relating to sewage management programs for sewage facilities permitted by local agencies) operated by the municipality.
- ff. A properly chartered association, trust or other private entity which is structured to manage the system.
- gg. Establishment of bonding, escrow or other security prior to planning approval. The bonding, escrow or other security shall be forfeited to the municipality upon notice of continuing noncompliance of the system with the operation, maintenance and monitoring standards contained in the permit or noncompliance with the municipal assurances for management of the operation and maintenance requirements established through this section. The municipality shall use the forfeited security to cover the costs of repair or future operation and maintenance of the system over its design life. The bonding, escrow or other security shall be for an amount up to a maximum of 50% for each of the first 2 years of operation. After 2 years of operation, the bond agreement must provide for a refund of a portion of the original bond so that only 10% of the cost of the equipment and installation is retained by the bond-holder. The remaining bond totaling 10% of the cost of the equipment and installation shall be maintained for the life of the system.
- vi. An evaluation of the density of development and the number and density of other similar systems in the watershed. As a result of that evaluation, the Department may impose

additional conditions or limit the construction or operation of small flow treatment facilities.

- vii. An evaluation of the alternatives available to provide sewage facilities which documents that the use of small flow treatment facilities is a technically, environmentally and administratively acceptable alternative.
- d. Small flow treatment facilities and their appurtenances shall meet applicable design, installation, operation and other standards established for small flow treatment facilities by the Department under sections 202 and 207 of The Clean Streams Law (35 P. S. § § 691.202 and 691.207) and shall obtain a Clean Streams Law permit and if there is a discharge to surface water, a National Pollutant Discharge Elimination System permit, prior to construction and operation.
- e. Plans and specifications shall be prepared by a licensed professional engineer in compliance with 25 PA Code 91 (relating to general provisions).
- f. The Department may require independent oversight of the system installation.

Section 15-65 Individual and community sewerage systems

- a. When an official plan or revision proposes the use of publicly or privately owned individual or community sewerage system, the official plan or revision shall contain the following, in addition to the requirements of sections 15-52- 15-53 (relating to the official plan requirements; and new land development plan revisions):
 - i. An evaluation of alternatives available to provide sewage facilities and proof that the proposed sewage facilities are the best short- and long-term, environmentally acceptable alternative.
 - ii. An evaluation that establishes specific responsibilities for operation and maintenance of the proposed system under sections 15-71– 15-75 (relating to sewage management programs).
- b. When the proposed discharge from the individual or community sewerage system is to a dry stream channel or land disposal site, the information as required in section 15.64(c)(ii) and (iii) (relating to small flow treatment facilities) and appropriate

Department guidance manuals shall be included with the official plan or revision.

- c. Individual and community sewerage systems and their appurtenances shall meet applicable design and other standards established by the Department under sections 202 and 207 of The Clean Streams Law (35 P. S. §§ 691.202 and 691.207) and shall obtain a Clean Streams Law permit and if there is a discharge to surface water, a National Pollutant Discharge Elimination System permit, prior to construction and operation.

ARTICLE E SEWAGE MANAGEMENT PROGRAMS

Section 15-71 General requirements

Municipalities are required to assure the proper operation and maintenance of sewage facilities within their borders. Proper operation and maintenance of sewage facilities is essential to the provision of adequate sewage treatment and disposal over the functional life of a sewage treatment system. Municipalities shall, therefore, address long-term operation and maintenance in official plans and revisions to official plans. Sections 15-31-15-32 and 15-51-15-55 (relating to official plan requirements; and new land development plan revisions) and this subchapter provide the planning requirements to identify, evaluate and implement the operation and maintenance needs of existing and proposed sewage facilities within a municipality. The establishment of a sewage management program as part of an official plan or revision to an official plan provides a method of assuring proper operation and maintenance of sewage facilities. The evaluation and implementation of operation and maintenance needs through a sewage management program shall be consistent with the provisions of this subchapter.

Section 15-72 Sewage management programs for Department permitted sewage facilities and community onlot sewage systems

When an official plan or revision to an official plan for existing needs areas or new land development proposes the construction of Department permitted nonmunicipal sewage facilities, or a community onlot sewage system permitted by a local agency (except for small flow treatment facilities which shall comply with the management provisions of section 15-64(c)(v)) (relating to small flow treatment facilities)) the official plan or revision shall evaluate

the options available to assure the long-term proper operation and maintenance of the proposed sewage facilities. The municipality, prior to adoption of that official plan or revision, shall require one or more of the following:

- a. A bond or escrow account sufficient to cover the costs of future operation and maintenance of the sewage facilities under local ordinances. Bonding, escrow or other security shall be forfeited to the municipality upon notice by the Department of continuing noncompliance of the system with the operation and maintenance standards established through a condition in the permit issued by the Department or local agency. The municipality shall use the forfeited security to cover the costs of repair or future operation and maintenance of the system over its design life or until the system is in compliance and being properly operated and maintained. The bonding, escrow or other security shall be for an amount up to a maximum of 50% for each of the first 2 years of operation. After 2 years of operation, the bond agreement shall provide for a refund of a portion of the original bond so that only 10% of the cost of the equipment and installation is retained by the bondholder. The remaining bond totaling 10% of the cost of the equipment and installation shall be maintained for the life of the system.
- b. A maintenance agreement between the property owner and an individual, firm or corporation experienced in the operation and maintenance of sewage treatment systems.
- c. A maintenance agreement between the property owner and municipality or its designated local agency which establishes the property owner's responsibility for operating and maintaining the system and the responsibility of the municipality or local agency for oversight of the system.
- d. A municipal ordinance which requires the system to be operated and maintained through a maintenance agreement between the property owner and an individual, firm or corporation experienced in the operation and maintenance of sewage treatment systems.
- e. Establishment of a properly chartered association, trust or other private legal entity to assure long-term administration of an operation and maintenance program.
- f. Municipal ownership of the sewage facilities upon completion.
- g. Establishment of, or inclusion of, the sewage facilities under a management agency through existing municipal codes,

including but not limited to, municipal authorities, sanitary boards and boards of health.

- h. Establishment of, or inclusion of, the sewage facilities under a management agency through the adoption of local ordinances under municipal codes.
- i. One or a combination of the requirements in paragraphs (a)—(h) or other actions permitted by and consistent with the act and The Clean Streams Law found necessary by the municipality to insure proper installation, maintenance and operation of the proposed sewage facilities.

Section 15-73 Sewage management programs for sewage facilities permitted by local agencies

- a. When sewage facilities are permitted by local agencies, the municipality is responsible for taking actions necessary to assure continued compliance of these sewage facilities with the act, The Clean Streams Law and regulations promulgated thereunder.
- b. When an official plan or official plan revision shows, or the Department determines, that existing sewage facilities permitted by the local agency need periodic inspection, operation or maintenance to provide long-term proper operation, or are not properly functioning because of inadequate operation and maintenance, the municipality shall revise its official plan to establish a sewage management program for these types of facilities. The update revision shall include the following as a minimum:
 - i. Identification of the specific legal authority to be used by municipal officials and their designated employees to enter lands and make inspections of onlot sewage facilities. The policy concerning a schedule of inspections and methods of notification of landowners of this policy shall be included.
 - ii. Standards consistent with section 8(b)(9) of the act (35 P. S. § 750.8(b)(9)) for operation, maintenance, repair or replacement of sewage facilities which include:
 - aa. Removal of septage or other solids from treatment tanks once every 3 years or whenever an inspection program reveals that the treatment tanks are filled with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of the liquid depth of the tank.

- bb. Maintenance of surface contouring and other measures, consistent with sections 15-152- 15-173 (relating to standards for onlot sewage treatment facilities) to divert stormwater away from the treatment facilities and absorption areas and protection of the absorption areas from physical damage.
 - cc. Requirements for the use of water conservation devices to reduce hydraulic loading to the sewage system.
 - dd. Requirements for the operation and maintenance of electrical, mechanical and chemical components of the sewage facilities; collection and conveyance piping, pressure lines and manholes; alarm and flow recorder devices; pumps; disinfection equipment and related safety items.
 - ee. Requirements for septage pumpers/haulers which are consistent with the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).
 - ff. Requirements for holding tank maintenance.
 - iii. A discussion of the specific requirements of the sewage management program and administrative or legal functions needed to carry out the program.
 - iv. Establishment of a fee schedule for the cost of municipal services related to implementing the provision of the sewage management program.
 - v. Identification of the authority to be used to enforce the requirements of the sewage management program or restrain violations of the program.
 - vi. Identification of penalty provisions for violations of the program requirements.
 - vii. Draft ordinances, regulations or policies which relate to the sewage management program.
 - viii. Other requirements consistent with the act and The Clean Streams Law.
- c. When the official plan update identifies a local agency as the entity responsible for administering a municipal sewage management program and when the local agency identified in the official plan update agrees to administer the program, the local agency is eligible for reimbursement of eligible costs for

administrative and personnel expenditures to implement sewage management programs under section 15-127 (relating to reimbursement).

- d. When the official plan identifies the municipality as the entity responsible for administering a municipal sewage management program and when that municipality's onlot system permitting program is administered by a multimunicipal local agency or a county or joint county department of health, the municipality is eligible for reimbursement of eligible costs for the administrative and personnel expenditures to implement a sewage management program. Application for eligible costs shall be submitted by the municipality in accordance with the provisions of section 15-127.

Section 15-74 Department responsibilities to require sewage management programs

- a. The Department will require municipalities to revise their official plan to evaluate the feasibility of establishing a sewage management program or the inclusion of sewage facilities in an existing sewage management program whenever the Department determines that one of the following exists:
 - i. Existing sewage facilities within the municipality are not being properly operated and maintained under this part.
 - ii. A revision for new land development is submitted which does not adequately address the administrative, technical or legal functions needed to carry out operation and maintenance of the proposed facilities.
 - iii. The official plan or revision shows that existing or new sewage facilities need periodic inspection, operation or maintenance to provide long-term proper operation.
- b. The Department may provide technical and administrative guidance to local municipalities to assist them in the development of sewage management programs for existing needs areas and new land development proposals.

Section 15-75 Private request to require a sewage management program

A person who is a resident or a legal or equitable property owner in a municipality may file a private request with the Department requesting that the Department order the municipality to revise its official sewage plan under section 15-14 (relating to private request

to revise official plans) when the resident or property owner can show one of the following:

- a. That existing sewage facilities within the municipality are not being properly operated and maintained under this part.
- b. That a revision for new land development does not adequately address the administrative, technical or legal functions needed to carry out operation and maintenance of the proposed facilities.

ARTICLE F FEES

Section 15-81 General requirements

Delegated agencies and the Department may charge fees for the review of sewage facilities planning modules for new land development.

Section 15-82 Delegated agency fees

Delegated agencies shall establish fees for the review of sewage facilities planning modules for new land development in fee schedules formally adopted by the delegated agency and available to the public. Fees may be charged for each review of a planning module.

Section 15-83 Department fees

- a. Fees charged by the Department for the review of sewage facilities planning modules for new land development shall be as follows and will be shown on and be specific to each type of planning module component:
 - i. For onlot proposals not qualifying under section 15-55 (relating to exceptions to the requirement to revise the official plan for new land development) as an exception to the requirement to revise, the fee is \$30 per equivalent dwelling unit or lot.
 - ii. For surface discharge proposals with flows greater than 2,000 gpd or onlot proposals requiring a permit under The Clean Streams Law, the fee is \$1,500. For proposals submitted by and proposing discharges by political subdivisions, the fee is \$500.

- iii. For public sewerage proposals, the fee is \$50 per equivalent dwelling unit or lot, whichever is greater.
 - iv. For all other proposals, the fee is \$35 per equivalent dwelling unit or lot, whichever is greater.
 - v. For proposals consisting of one lot subdivided from a parent tract existing as of December 14, 1995, there is no fee. The subdivision of a second lot from that tract shall disqualify the applicant from the fee exemption.
- b. A subsequent submission which proposes substantial changes to the original submittal following a planning module denial shall be considered a new submission for the purpose of fee assessment. Denial of a planning module does not include the planning module completeness review procedure.
 - c. Fees may not be charged for activities relating to determinations by the Department under section 15-51(b) (relating to general).

**ARTICLE G ADMINISTRATION OF SEWAGE FACILITIES
 PERMITTING PROGRAM**

Section 15-85 Scope

- a. The following sections are adopted in accordance with the duties imposed upon the Department under the act and the Clean Streams Law and apply to local agencies and sewage enforcement officers administering the act and to persons installing individual or community onlot sewage systems.
- b. Sections 15-85 to 15-86 relate to general provisions. Sections 15-104 to 15-116 relate to the permitting requirements of the act (35 P. S. § 750.7). Sections 15-124 to 15-127 relate to the administration of permits for individual and community onlot sewage systems (35 P. S. § 750.8 and 750.10). Sections 15-134 to 15-141 relates to certification of sewage enforcement officers (35 P. S. § § 750.8 and 750.11).
- c. These sections governs the issuance of permits for retaining tanks, or for individual and community onlot sewage systems which employ renovation of sewage effluent in a soil absorption area or spray field, except for large volume onlot sewage systems. The use of large volume onlot sewage systems creates a danger of pollution of the waters of this Commonwealth, regulation of large volume onlot sewage systems by the

Department is necessary to avoid the pollution, and large volume onlot sewage systems require permits issued by the Department under sections 201, 202, 207 and 402 of the Clean Streams Law (35 P.S. §§ 691.201, 691.202, 691.207 and 691.402). No local agency or sewage enforcement officer may issue a permit for an individual or community onlot sewage system which does one of the following:

- i. Discharges directly to the surface of the ground or to the surface waters of this Commonwealth except when the proposed sewage system is an individual residential spray irrigation system which conforms with the standards established under section 15.143 and above (relating to standards for onlot sewage treatment facilities).
- ii. Is a large volume onlot sewage system.
- iii. Is proposing or designed for the disposal of substances defined as industrial wastes under the Clean Streams Law.
- iv. Violates this chapter, or the act or the Clean Streams Law.

ARTICLE H PERMIT REQUIREMENTS

Section 15-104 General

- a. A local agency shall employ or contract with at least one sewage enforcement officer and one alternate sewage enforcement officer who have been certified by the Certification Board under sections 15-135- 15-141 (relating to certification of sewage enforcement officers). References to sewage enforcement officer in this part also apply to alternate sewage enforcement officers.
- b. A local agency shall employ an adequate number of sewage enforcement officers or contract with individuals, firms or corporations to adequately perform the services of sewage enforcement officers to administer the applicable provisions of this chapter within the time periods in this chapter and in accordance with this chapter and sections 15-152- 15-173 (relating to standards for onlot sewage treatment facilities).
- c. No local agency may issue a permit for the installation of an individual or community onlot sewage system except by and through a certified sewage enforcement officer employed or contracted by the local agency.
- d. The local agency by action of its sewage enforcement officer shall issue a permit for an individual or community onlot

sewage system when the proposed system is in compliance with the act and this part.

- e. The actions of local agencies include actions of their designated sewage enforcement officers.
- f. A property owner proposing a bonded disposal system under section 15-218 (relating to bonded disposal systems) shall bear the cost of activities associated with conducting, observing or confirming percolation tests.

Section 15-105 Permit issuance

- a. No person may install, award a contract for construction or construct an individual or community onlot sewage system, or install, construct, occupy or use a building to be served by that system without first obtaining a permit from the local agency, except as provided in subsections (c)—(e).
- b. A permit shall be required by the local agency for alterations or connections to an existing individual or community onlot sewage system when the alteration or connection requires the repair, replacement or enlargement of a treatment tank or retention tank, or the repair, replacement, disturbance, modification or enlargement of a soil absorption area or spray field, or the soil within or under the soil absorption area or spray field. A permit also shall be required for any modification or repair to an onlot sewage system per the local agency fee schedule and as indicated on *PADEP Application for an Onlot Sewage Disposal System Permit* form 3800-FM-WSFR02907/2005, as amended.
- c. Multiple installations of chemical toilets or other portable toilets proposed for temporary use at a construction site, a recreation activity or a temporary facility shall be covered by one permit.
- d. A permit is not required for the installation of a recycling toilet, incinerating toilet, composting toilet or other type of water conservation device where the existing onlot system will not be altered.
- e. Except when a local agency or municipality requires a permit by ordinance, no permit or official plan revision is required for the installation of an individual onlot sewage system for a residential structure occupied or intended to be occupied by the property owner or a member of the property owner's immediate family on a contiguous tract of land 10 acres or more if the owner of the property was the owner of record as of January 10,

1987. For the purposes of this subsection, the term “immediate family” means a brother, sister, son, daughter, stepson, stepdaughter, grandson, granddaughter, father or mother of the property owner.

- f. The installation of a permit-exempt system under subsection (e) is not required to be approved by or meet the standards of the Department or local agency under their rules and regulations for the siting, design or installation of onlot sewage systems, except for the siting requirements of subsection (g), unless a permit is required by a regulation or ordinance of a local agency or municipality, or the person qualifying for the permit exemption chooses to not use the permit exemption. A permit exemption may also be granted where a 10-acre parcel or lot is subdivided from a parent tract after January 10, 1987. When one permit exemption has been granted for a lot, tract or parcel under this section, any lot, tract or parcel remaining after subdivision of the lot or parcel which received the permit exemption or any lots or parcels subdivided from either lot, tract or parcel in the future will not be eligible for a 10-acre permit exemption and shall meet the planning, permitting, siting and construction standards of the Department relating to onlot sewage systems. Owners of a lot, tract or parcel which otherwise qualified for the permit exemption, who do not choose to use the permit exemption remain exempt from the planning requirements of the act with respect to that lot, tract or parcel.
- g. Owners of property qualifying for a permit exemption under subsections (e) and (f) shall install permit-exempt systems in accordance with the following siting requirements.
 - i. The perimeter of the septic tanks and absorption area shall be located at least 200 feet from the perimeter of any property line, nonutility right-of-way, 100-year floodplain or any river, stream, creek, impoundment, well, watercourse, storm sewer, lake, dammed water, pond, spring, ditch, wetland, water supply or any other body of surface water and 10 feet from any utility right-of-way.
 - ii. Before a person who meets the requirements of subsections (e) and (f) for a permit-exempt system installs a system, the person shall notify the local agency of the installation and shall provide documentation relating to the siting requirement of this subsection which is satisfactory to the local agency. The local agency may charge a fee, not to exceed \$25, to verify that the system is located in accordance with the siting requirements.

- h. A permit is not required when a new dwelling is proposed to replace a previously existing dwelling when the local agency determines that the size and anticipated use of the new dwelling, as determined under sections 15.157 and 15.158 (relating to requirements for absorption areas; and sewage flows), are the same as or less than those of the previously existing dwelling and the previously existing dwelling was in use within 1 year of the anticipated date of completion of construction of the new dwelling. This exception does not apply when an active investigation of a malfunction is under way by the local agency or the Department.

Section 15-106 Limitation on onlot system permit issuance

- a. The local agency may not issue permits for individual or community onlot sewage systems unless the following exist:
 - i. The proposed system is consistent with the method of sewage disposal contained in the approved official plan, special study or update revision of the municipality in which the system is to be located.
 - ii. The municipality is implementing its official plan, special study or update revision in accordance with a schedule approved by the Department.
 - iii. The municipality has received approval of a revision for new land development or exception to the requirement to revise from the Department, a supplement for new land development has been approved by the delegated agency serving the municipality or the Department or delegated agency has determined that no planning is required under section 15-51(b) (relating to general).
- b. Permits may not be issued when the municipality has one or more of the following:
 - i. No approved official plan.
 - ii. Not received Department approval of an update revision or special study to the official plan.
 - iii. Not implemented its plan as required by this part or by an order of the Department.
- c. Permit limitations under this section shall be restricted to those areas of the municipality identified in writing to the municipality by the Department as posing a serious risk to the

health, safety and welfare of persons within or adjacent to the municipality because of the municipality's failure to revise or implement its plan. The limitations shall remain in effect until the municipality has submitted the official plan, update revision or special study to the official plan to, and received the approval of the Department, or has commenced implementation of its plan, update revision or special study in accordance with a schedule approved by the Department.

- d. The limitations on permit issuance contained in this section do not apply:
 - i. To those areas of the municipality where the Department or the local agency finds that a replacement soil absorption area or spray field could be installed on the lot if the original system failed. This determination shall be based on the results of a minimum of two complete soils and site evaluations confirmed by the local agency's sewage enforcement officer.
 - ii. To those areas of the municipality outside of the areas delineated in an order of the Department as requiring an update revision.
 - iii. To existing subdivisions or sections thereof where the Department or delegated agency finds that either lots or homes in the subdivision or sections thereof have been sold in good faith to a purchaser for value prior to May 15, 1915, and not for the purpose of avoiding the permit limitation provisions of this section. This paragraph does not relieve the municipality of its planning responsibilities as specified in the act.
 - iv. When the Department or the local agency finds it necessary to issue permits for the abatement of pollution or the correction of health hazards, or both.
 - v. To interim repairs to or the replacement of existing malfunctioning onlot sewage systems.

Section 15-107 Applications for permits

- a. Application for a permit to install an individual or community onlot sewage system shall be made by the owner, owner in equity or a person who is an authorized agent of the owner or owner in equity to the local agency, on a form provided by the Department. For purposes of this section, an authorized agent shall have written permission to apply for a permit, signed by

the owner or owner in equity of the lot for which the application is made.

- b. The local agency may require additional information consistent with the act needed to assure that the system or the site will comply with the requirements of the act and this part.
- c. An application for an onlot sewage disposal system permit must be accompanied by the approved local agency checklist for the sewage system design.
- d. The local agency shall maintain and make available for public inspection a permanent record of all permit applications submitted, indicating the date received, type of submission and date of disposition.

Section 15-108 Issuance of permits

- a. A permit shall be issued when the local agency has determined that the application is complete and meets the requirements of the act and this part.
- b. The local agency shall issue or deny a permit for a conventional system in writing within 7 days after receiving a complete initial application.
- c. If the local agency determines that an initial application is incomplete or that it is unable to verify the information contained in an application, the local agency shall notify the applicant in writing within 7 days of receipt of the application. The notice shall include the reasons why the application is not acceptable. When the required information is received, the local agency shall act upon the application within 15 days.
- d. A person desiring to install an experimental onlot sewage system shall submit complete preliminary design plans and specifications to the sewage enforcement officer and the Department for review and comment at least 60 days prior to submitting an application for a permit. The Department will determine if classification as an experimental system is appropriate for the submission and provide review comments within 60 days to the sewage enforcement officer.

- e. Applications for alternate system permits submitted to municipalities or local agencies which are not delegated agencies, shall be reviewed for completeness, and, if found to be incomplete, the nature of the deficiency shall be communicated by the municipality or local agency to the applicant in writing within 15 days of receipt of the application.
- i. Applications for alternate system permits found to be complete shall be submitted to the Department within 5 days of the determination of completeness by the local agency or authorized representative for the Department's determination whether the classification as alternate is appropriate for the submission and the Department's review of comments.
- ii. Permits for alternate systems shall be issued or denied by the local agency within 45 days of transmittal of a complete application to the Department. The local agency shall consider the written comments submitted by the Department regarding the application.
- iii. In municipalities or local agencies which are delegated agencies or which employ or contract with sewage enforcement officers authorized to review alternate sewage systems under section 15-126(1) (relating to powers and duties of the Department), permit applications for alternate systems shall be reviewed for completeness, and, if found to be incomplete, the nature of the deficiency shall be communicated to the applicant in writing within 15 days of receipt of the application. Permits for alternate systems shall be issued or denied by the local agency within 30 days of receipt of a complete application.
- f. Failure of a local agency to act on an application does not constitute permit approval. If the local agency does not act upon an application within 7 days of receipt, or within 15 days of receipt of supplemental information under subsection (c), the applicant may request a hearing before the local agency.
- g. A local agency may not issue individual or community onlot sewage system permits for the following systems; permits for these systems are issued by the Department:
 - i. A large volume onlot sewage system.
 - ii. Subsurface disposal or other method of disposal of a substance defined as industrial waste under the Clean Streams Law.

- iii. A method of sewage disposal other than renovation of sewage in a subsurface absorption area, an individual residential spray irrigation system or temporary storage in a retaining tank.
- h. Prior to the issuance of a permit for an individual residential spray irrigation system, the local agency shall require documentation that the municipality in which the system is to be located, has taken action to assure compliance of the system with section 15-308 (relating to operation and maintenance of individual residential spray irrigation systems) for the life of the system. The assurance shall be established through one or a combination of the following options which have been established or approved in writing by the municipality:
 - i. A maintenance agreement between the property owner and an individual, firm or corporation experienced in the operation and maintenance of sewage treatment systems.
 - ii. A maintenance agreement between the property owner and municipality or its designated local agency which establishes the property owner's responsibility for operating and maintaining the system and the responsibility of the municipality or local agency for oversight of the system.
 - iii. A municipal ordinance which requires individual residential spray irrigation systems to be operated and maintained through a maintenance agreement between the property owner and an individual, firm or corporation experienced in the operation and maintenance of sewage treatment systems.
 - iv. Municipal ownership of the system.
 - v. Inclusion of the system under a sewage management agency developed in accordance with section 15-73 (relating to sewage management programs for sewage facilities permitted by local agencies) operated by the municipality.
 - vi. A properly chartered association, trust or other private legal entity which is structured to manage the system.
 - vii. Bonding, escrow or other security established prior to the issuance of a permit for an individual residential spray irrigation system and forfeited to the municipality upon notice of continuing noncompliance of the system with the operation and maintenance standards in section 15.308 and monitoring standards in section 15-125(a)(xxiv) (relating to powers and duties of local agencies). The municipality shall

use the forfeited security to cover the costs of repair or future operation and maintenance of the system over its design life. The bonding, escrow or other security shall be for an amount up to a maximum of 50% for each of the first 2 years of operation. After 2 years of operation, the bond agreement shall provide for a refund of a portion of the original bond so that only 10% of the cost of equipment and installation is retained by the bondholder. The remaining bond totaling 10% of the cost of equipment and installation shall be maintained for the life of the system.

- (a) When a local agency has issued a permit under this section and the Department disagrees with the basis for the issuance of the permit, the Department will not require the revocation of that permit unless the Department has provided to the local agency justification for its decision based on the specific provisions of statute or regulation.

Section 15-109 Denial of permits

- a. Notice of denial of a permit shall be in writing to the applicant and shall include the reasons for denial and advise the applicant of the right to a hearing before the local agency. The local agency shall provide the Department with a copy of the notice of denial within 7 days of issuance.
- b. The sewage enforcement officer shall accept prior testing data and information obtained by a previous sewage enforcement officer, provided that the site and prior testing is certified by the previous sewage enforcement officer and meets all of the criteria contained in paragraphs (i)—(x) and the current sewage enforcement officer certifies the data to the local agency using a “Verification of Prior Testing” Form provided by the Department. There shall be a presumption that, unless the prior sewage enforcement officer’s certification has been revoked or suspended by the Department or the prior sewage enforcement officer’s certification has been voluntarily surrendered to the Department or Certification Board, the testing data and information obtained by the prior sewage enforcement officer is valid unless the currently employed sewage enforcement officer finds that one or more of the criteria in the following paragraphs are not met:
 - i. The soil testing performed on the property in question has not been cited in a revocation, suspension or other agreement to surrender certification which indicates

violations of soil testing procedures by the previous sewage enforcement officer.

- ii. The exact location of the test to be used for issuance of a permit shall be verifiable by at least one of the following methods:
 - (a) Location of the test pit and percolation hole remnants on the lot by the current sewage enforcement officer.
 - (b) The existence of recorded measurements from at least two permanent landmarks on the property in question establishing the original test location.
 - (c) A scale drawing of the lot or property in question indicating the location of the tests by reference to at least two permanent landmarks.
 - (d) Identification of the exact location of the tests by the prior sewage enforcement officer, provided that the certification has not been revoked, suspended or voluntarily surrendered to the Department or Certification Board.
- iii. Verification that the percolation test and soils evaluation were conducted in accordance with the applicable regulations.
- iv. Soils description and percolation test data are available and recorded on the prescribed form, or its equivalent, in sufficient quantity and quality to be interpreted by others.
- v. The soil probes were conducted within 10 feet of the proposed absorption area.
- vi. The percolation test on the lot was performed on the site of the proposed absorption area.
- vii. The person who originally observed, confirmed or conducted the testing was certified under the current certification requirements of the act.
- viii. No inaccuracies or falsifications of the test data are apparent or identifiable.
- ix. No changes to the site have occurred since the time of the original testing which will materially affect the siting or operation of an individual or community onlot sewage disposal system.

- x. Receipt of a notarized statement from the property owner which indemnifies and holds harmless the new sewage enforcement officer, municipality and local agency for the actions of the new sewage enforcement officer in verifying the prior testing data and information obtained by a previous sewage enforcement officer.
- c. If, after conducting a verification of prior testing under subsection (b), the currently employed sewage enforcement officer denies an application for a permit or rejects the previous tests performed within the immediately preceding 6 years, retesting and reapplication fees shall be waived to the applicant and the local agency shall pay for any equipment and operators required for a retest and for any necessary redesign of the system if:
 - i. The tests were certified by signature of a sewage enforcement officer.
 - ii. Local agency records document that the sewage enforcement officer who certified the tests was employed or under contract with the local agency at the time the testing was conducted and certified.
 - iii. The testing documents soils and site suitability for onlot sewage disposal.
- d. Subsection (c) does not apply if the local agency documents that one of the following exists:
 - i. Changes have occurred in the physical condition of lands which will materially affect the siting or operation of an individual or community onlot sewage disposal system covered by a permit as verified by the sewage enforcement officer conducting the testing in accordance with the criteria outlined in subsection (b).
 - ii. The original soils testing was performed by a sewage enforcement officer whose certification was one of the following:
 - (a) Revoked by the Department and any subsequent appeal denied.
 - (b) Voluntarily surrendered to avoid prosecution or a hearing.

- (c) Suspended by the Department for violations related to the siting, design or installation inspection of onlot systems.
- iii. The soils testing and redesign required by the new sewage enforcement officer has been conducted by the local agency using its staff and equipment or contracted services.
- iv. The testing under review was conducted more than 6 years prior to the date of the submittal of a permit application for the lot in question.
- e. A person aggrieved by the action of a sewage enforcement officer in the issuance or denial of a permit, or another action taken under section 7 of the act (35 P. S. § 750.7) other than a permit revocation, may within 30 days of receipt of notice of the action, file a request for a hearing before the local agency. The request shall be in writing.

Section 15-110 Expiration and transfer of permits

- a. A permit shall expire if construction or installation of an individual or community onlot sewage system and the structure for which the system is to be installed has not begun within 3 years after permit issuance. A new permit shall be obtained prior to beginning the construction or installation. When issuing a new permit the local agency may require information necessary to confirm the validity of the original application as provided by section 15-109(b) (relating to denial of permits).
- b. A permit may be transferred from the permit holder to a new property owner with the transfer of the property. Transfers are not valid until approved in writing by the local agency, and until new property owners receive a copy of the application under which the permit was issued.

Section 15-111 Revocation of permits

- a. A permit shall be revoked by the local agency at any time for one or more of the following reasons:
 - i. When a change has occurred in the physical conditions of lands which will materially affect the operation of an individual or community onlot sewage disposal system covered by a permit issued by the local agency under this chapter.

- ii. When one or more tests material to the issuance of the permit has not been properly conducted.
 - iii. When information relevant to the issuance of the permit has been falsified.
 - iv. When the original decision of the local agency otherwise failed to conform with the act and this part.
 - v. When the permittee has violated the act, this part or the requirements of the permit.
- b. The notice of revocation of a permit shall be in writing to the permit holder and shall include the reasons for revocation, notice of the permit holder's opportunity to request a hearing before the local agency within 10 days of receipt of the revocation notice, and notice that no further construction or use of either the sewage system or the structure for which it is intended may take place until a new permit is issued or the revocation is reversed by the local agency.
- c. If a permit holder fails to file a written request for a hearing under this chapter within 10 days after receipt of notice of revocation, revocation shall be final.

Section 15-112 Review of denials and revocations

- a. The local agency shall hold a hearing for denials or revocations within 30 days after receipt of a written request for a hearing. Hearing requests shall state concisely all reasons for the appeal. The Department shall be notified of the hearing by the local agency at least 3 days prior to the hearing date. This notification shall include a statement of the reasons for the appeal.
- b. Hearings under this section and a subsequent appeal shall be conducted under 2 Pa.C.S. §§ 551—555 (relating to the Local Agency Law). The local agency shall defend its actions during the course of a subsequent appeal.
- c. The Attorney General and the Department shall be notified in writing by the appellant of an appeal challenging the constitutionality of the act or the validity of this part.

Section 15-113 Inspection

- a. The permittee and/or agent of the permittee shall contact the local agency prior to commencement of construction activities to schedule a pre-construction meeting to review applicable

- construction procedures associated with the onlot sewage disposal system permit.
- b. No part of an individual or community onlot sewage system may be covered until a final inspection is conducted and final written approval is given by the local agency. Upon completion of construction the permittee and/or agent of the permittee shall contact the local agency to schedule a final inspection of said system.
 - c. The sewage system shall be inspected, approved and covered before the structure is occupied by a person.
 - d. The applicant shall notify the local agency when the installation of the sewage system is completed and ready for inspection.
 - e. The applicant may cover the individual or community onlot sewage system upon receipt of written approval by the local agency. If 15 hours have passed, excepting Sundays and holidays, since the local agency received the notification of completion required by subsection (c), the applicant may cover the sewage system unless final written approval to cover has been refused by the local agency.
 - f. The local agency may inspect and make tests before, during or after construction and may by order require a sewage system to be uncovered at the expense of the applicant, if the sewage system has been covered contrary to this chapter.
 - g. When the inspection reveals that the installation of the sewage system is contrary to the permit application or in violation of the act or this part, the permit shall be revoked and the provisions of sections 15-111(b) and (c) and 15-112 (relating to revocation of permits; and review of denials and revocations) apply.

Section 15-114 Conditions related to the installation of permit exempt systems

A person installing a permit-exempt system shall indemnify and hold harmless the Commonwealth, the local agency, the sewage enforcement officer serving the municipality in which the system is located and the municipality where the system is located from and against damages to property or injuries to any persons and other losses, damages, expenses, claims, demands, suits and actions by any party against the Commonwealth, the local agency, sewage enforcement officer and the municipality in connection with the malfunctioning of the onlot sewage system installed under the

permit exemption provisions of this chapter. It is the sole responsibility of the property owner who installed or contracted for the installation of a sewage system under the permit exemption provisions of this chapter or the property owner who accepted responsibility for the system upon purchase of the property under the disclosure provisions of section 15-115(a) (relating to sales contracts) to correct or have corrected any system malfunction which contaminates surface water or groundwater or discharges to the surface of the ground. Malfunctions of systems installed under this chapter which contaminate groundwater or surface water or discharge to the surface of the ground shall constitute a nuisance and shall be abatable in a manner provided by law.

Section 15-115 Sales contracts

- a. Every contract for the sale of a lot which is served by an individual sewage system which was installed under the 10-acre permit exemption provisions of section 15-108(e)—(g) (relating to permit issuance) shall contain a statement in the contract that clearly indicates to the buyer that soils and site testing were not conducted and that the owner of the property or properties served by the system, at the time of a malfunction, may be held liable for any contamination, pollution, public health hazard or nuisance which occurs as the result of the malfunction of a sewage system installed in accordance with the 10-acre permit exemption provisions of section 15-108(e)—(g).
- b. Every contract for the sale of a lot served by a holding tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system and which is designed and constructed to facilitate ultimate disposal of the sewage at another site, shall contain a statement in the contract that clearly indicates that the property is served by such a tank and shall provide a history of the annual cost of maintaining the tank from the date of its installation or December 15, 1995, whichever is later.
- c. Every contract for sale of a lot which is served by an individual sewage system which was installed under section 15-116 (relating to well isolation distance exemption) with an isolation distance less than the distance specified by section 15-154 (relating to minimum horizontal isolation distances) shall contain a statement in the contract that clearly indicates to the buyer that the isolation distances required by regulation between the individual onlot system components and the well on the property being sold were not met.

- d. Every contract for the sale of a lot which is within an area in which permit limitations are in effect shall contain a statement in the contract that clearly indicates to the buyer that sewage facilities are not available for that lot and construction of a structure to be served by sewage facilities may not begin until the municipality completes a major planning requirement.
- e. Every contract for the sale of a lot for which a required revision for new land development, exception to the requirement to revise or a required supplement has not been approved shall contain a statement that clearly indicates to the buyer that sewage facilities are not available for that lot and that sewage facilities will not be available nor may construction begin until sewage facilities planning has been approved.
- f. Every contract for the sale of a lot for which there is no currently existing community sewage system available shall contain a statement in the contract clearly indicating to the buyer that there is no community sewage system available, that a permit for an individual sewage system will have to be obtained and the buyer should contact the local agency charged with administering the act before signing the contract to determine the procedure and requirements for obtaining a permit for an individual sewage system if one has not already been obtained.
- g. A contract for the sale of a lot which does not conform to the requirements of this section is not enforceable by the seller against the buyer. Any term of the contract purporting to waive the rights of the buyer to the disclosures required in this section is void.

Section 15-116 Well isolation distance exemption

- a. Any minimum distance requirement between a private well and a proposed absorption area specified in sections 15-152-15-308 (relating to standards for onlot sewage treatment facilities) is not applicable if the local agency finds that the installation of a proposed individual sewage system does not pose a threat of pollution to any well on the same lot within the distance specified by regulation. The minimum distance between a proposed individual sewage system on the applicant's lot and any wells on any other lot, regardless of the ownership of that lot, shall meet the minimum horizontal isolation distances in section 15-154 (relating to minimal horizontal isolation distances) except as provided in section 15-144(b) (relating to policy).

- b. If a repair to a malfunctioning onlot system is being considered under section 15-144(b), the requirements of this section may be waived at the sole discretion of the local agency.
- c. The applicant shall submit a formal written request for a well isolation distance exemption to the local agency. The request shall include:
 - i. Appropriate groundwater studies.
 - ii. Payment of fees or costs incurred by the local agency to review the groundwater study.
- d. Upon receipt of the items required in subsection (c), a local agency, other than a delegated agency, shall act upon an application for an exemption under this section within 45 days after receipt of a request for an exemption. A delegated agency shall act on any application for an exemption under this section within 30 days after receipt of a request for exemption.
- e. The local agency, municipality, sewage enforcement officer and Department will incur no liability as a result of the local agency granting an exemption under this section.

**ARTICLE I ADMINISTRATION OF PERMITTING
 REQUIREMENTS**

Section 15-124 Powers and duties of sewage enforcement officers

- a. A sewage enforcement officer has the power and duty to issue, deny and revoke permits, and to take all other actions necessary to administer and enforce section 7 of the act (35 P. S. § 750.7), except that a sewage enforcement officer may not conduct hearings under section 16 of the act (35 P. S. § 750.16).
- b. A sewage enforcement officer shall issue permits only within the jurisdiction of the local agency in which the sewage enforcement officer is employed. When a sewage enforcement officer encounters a conflict of interest as specified in subsections (f)—(k), the local agency shall employ a certified sewage enforcement officer not having a conflict of interest regarding the system or lot.
- c. The local agency shall notify the sewage enforcement officer and the Department in writing of the specific conditions of employment, including, but not limited to, the following:

- i. The geographic boundaries.
 - ii. The specific permit applications to be processed.
 - iii. The rate of compensation to the sewage enforcement officer.
 - iv. The duration of employment.
- d. A sewage enforcement officer shall accept payment only from the local agency for services performed in conjunction with administration of the act.
- e. A sewage enforcement officer shall only accept an application or other processing fees for the local agency under the following conditions:
- i. The fee is in the amount prescribed by the local agency's adopted fee schedule.
 - ii. The fee is rendered in accordance with the local agency's adopted receipt system as required by section 15-125(a)(vii) (relating to powers and duties of local agencies).
 - iii. The sewage enforcement officer has received written direction from the local agency to accept these fees on behalf of the local agency.
- f. A sewage enforcement officer may advise an applicant regarding available options for the planning, design and construction of an individual or community onlot disposal system, but may not select the final system design, as specified in subsection (g) except as provided by subsection (i).
- g. A sewage enforcement officer may not plan, design, construct, sell or install an individual or community onlot sewage system within the geographic boundaries of the sewage enforcement officer's authority, as specified by the local agency.
- h. A sewage enforcement officer may not, orally or in writing, suggest, recommend or require the use of any particular consultant, soil scientist or professional engineer, or any individual or firm providing these services where these services may be required or are subject to review under this article.
- i. A sewage enforcement officer may not perform consulting or design work or related services required or regulated under the act within the municipality or local agency by which the officer is employed or with which the officer has a contractual relationship unless the services are set in the fee schedule of

the local agency, the fees are paid directly to the local agency and the records and products relating to consultation or design work are reviewed by and any subsequent permit is issued by another sewage enforcement officer employed by or under contract with the same local agency.

- j. A sewage enforcement officer may not conduct a test, issue a permit, participate in the official processing of an application or official review of a planning module for an individual or community onlot sewage system in which the sewage enforcement officer, a relative of the sewage enforcement officer, a business associate of the sewage enforcement officer or an employer of the sewage enforcement officer, other than the local agency, has a financial interest.
- k. For purposes of subsection (j), a financial interest includes full or partial ownership, agreement or option to purchase, leasehold, mortgage or another financial or proprietary interest in; or serving as an officer, director, employee, contractor, consultant, or another legal or fiduciary representative of a corporation, partnership, joint venture or other legal entity which has a proprietary interest in one or more of the following:
 - i. One or more lots to be served by the system.
 - ii. The development or sale of the lots to be served by the system.
 - iii. A contract, either written or oral, to perform a service in the development of one or more of the lots to be served by the system. The service may be before or after the fact of development and may include professional as well as other services.
 - iv. A contract, either written or oral, to sell, plan, design, construct, install or provide materials or component parts for the system.
 - aa. Prior to issuing a permit, the sewage enforcement officer shall conduct personally, observe or otherwise confirm in a manner approved by the Department all tests used to determine the suitability of a site for an individual or community onlot sewage system. A sewage enforcement officer shall accept testing conducted by a prior sewage enforcement officer for the local agency provided the site, data and prior testing meet the criteria specified in section 15-113(b)—(d). When a sewage enforcement officer accepts testing by a prior officer, a copy of the

Department's "Verification of Prior Testing" form or other form as may be specified by the Department, shall be attached to each copy of the permit application.

- l. Prior to issuing a permit, the sewage enforcement officer shall confirm that the application is complete and that the proposed system design is in compliance with the requirements of the act and this part.
- m. The sewage enforcement officer shall give timely written notice to applicants or permittees of approval, denial or revocation of a permit under this chapter.
- n. The sewage enforcement officer shall advise the local agency of a violation of the act or this part, known to the sewage enforcement officer, which occurs within the local agency's jurisdiction.
- o. The sewage enforcement officer shall advise the local agency of its responsibility to restrain a violation of the act or this part and shall independently take action within the scope of his authority necessary to restrain or correct the violation.
- p. The sewage enforcement officer shall submit the Department's copy of the completed Application For Sewage Disposal System, with necessary attachments, within 7 days of acting upon the application.

Section 15-125 Powers and duties of local agencies

- a. The local agency has the power and duty to:
 - i. Employ or contract with sewage enforcement officers to administer section 7 of the act (35 P. S. § 750.7) and this part.
 - ii. Employ or contract with other technical and administrative personnel necessary to support the activities of the sewage enforcement officer.
 - iii. Set rates of compensation for the sewage enforcement officer and other employees necessary for the administration of the act by the local agency.
 - iv. Maintain offices and purchase equipment and supplies necessary for the administration of the act.
 - v. Establish a schedule of fees for the processing of applications and other services provided by the local agency.

This fee schedule may establish different charges for various activities and types of systems consistent with the administrative costs of reviewing applications, conducting necessary tests and investigations and supervising the installation of the system.

- vi. Collect the appropriate fees as designated in the established fee schedule. The local agency shall maintain records of income, expenses and transactions of the local agency in a manner consistent with accepted accounting practices.
- vii. Establish a system of receipts for monetary transactions. The receipt system shall provide to the local agency and to the applicant a record of the amount tendered to the local agency and the specific purpose of the transaction.
- viii. Adopt and maintain standards and procedures for applications and permits for individual and community onlot sewage systems identical to those of the Department, as contained in this part.
- ix. Adopt and maintain other regulations the local agency deems necessary for the administration and enforcement of section 7 of the act as long as they are consistent with the act and this part.
- x. Submit reports and data to the Department as required by this part or an order of the Department.
- xi. Submit to the Department annually the name and address of its certified sewage enforcement officer and alternate sewage enforcement officer.
- xii. Make or cause to be made inspections and tests necessary to carry out sections 7, 8, 12, 13, 13.1, 14, 15 and 16 of the act. For this purpose, the authorized representatives of the local agency have the right to enter upon lands.
- xiii. Proceed under sections 7, 8, 12, 13, 13.1, 13.2(b) 14, 15, and 16 of the act to restrain violations of the act and this part, and to abate nuisances in accordance with existing statutes, or as defined in the act.
- xiv. Notify the Department in writing within 15 days of a change in the sewage enforcement officer or his address.
- xv. Cease issuing permits in designated areas when ordered to do so by the Department under section 10(7) of the act (35 P.

S. § 750.10(7)), after notice and opportunity for a Departmental hearing. The local agency may issue permits in these areas for the abatement of existing health hazards and public nuisances.

- xvi. When applicable, establish a program for requiring, verifying, forfeiting, administering and enforcing the provision of financial assurances under section 15-292 (relating to standards for financial assurances). Costs for administering this program shall be included in the fee schedule of the local agency.
- xvii. Adopt by resolution a list of individuals who are sewage enforcement officers employed by companies or corporations under contract with the local agency to perform the services of sewage enforcement officers.
- xviii. Set and collect fees necessary to support the administrative and personnel costs of a maintenance inspection and enforcement program.
- xix. Charge for engineering or consulting services required by the local agency to complete its review of a permit application. The application or review fees charged for these services shall be reasonable and in accordance with the ordinary and customary charges by the engineer or consultant for similar service in the community, and fees may not exceed the rate or cost charged by the engineer or consultant to the local agency when fees are not reimbursed by or otherwise imposed on applicants.
 - aa. If the applicant disputes the amount of the fees or charges, the applicant shall, within 10 working days of the date of billing, notify the local agency that the fees or expenses are disputed as unreasonable or unnecessary, in which case the local agency may not delay or disapprove an application for any approval or permit due to the applicant's dispute over fees or charges.
 - bb. If, within 20 days from the date of billing, the local agency and the applicant cannot agree on the amount of fees or charges which are reasonable and necessary, the applicant and local agency shall comply with the procedure established in section 8(b)(4) of the act (35 P. S. § 750.8(b)(4) to resolve the fee or charge dispute.
- xx. Complete and provide to the applicant the results of any site suitability review, soil probe testing and soil percolation

testing within 20 working days of the local agency's receipt of a permit application.

- aa. The testing and results of the testing may be deferred to a later date that the applicant may request in writing or by a later date agreed to by the sewage enforcement officer and the applicant, which is confirmed in writing by the sewage enforcement officer.
- bb. A one-call system serial number shall be obtained prior to soil testing by the permit applicant or the contractor retained by the applicant to perform the test excavation. This notification shall take place no less than 3 and no more than 10 working days prior to the excavation. The deadline for permit review by the local agency in this subsection does not apply to an applicant who fails to comply with the one-call system notification requirement.
- cc. It is the obligation of the applicant to have the site prepared in the manner required by written instructions provided to the applicant after receipt of at least 48 hours' notice from the local agency or sewage enforcement officer of the anticipated time the soils tests will be performed. Written instructions shall include provisions for deferral of testing due to weather.
- dd. Failure of the local agency to comply with these time limits shall entitle the applicant, upon request, to a refund of fees paid by the applicant for soil testing that was not performed by the local agency, and the applicant shall be entitled to submit results of soils tests, on forms provided by the Department conducted in a manner consistent with this article by a certified sewage enforcement officer, who need not be employed by or under contract with the local agency. These test results shall be accepted by the local agency and its sewage enforcement officer, who shall rely upon the results of these tests in acting on an application.
- ee. An applicant who, after receiving the notice of testing, fails to have the site prepared for soil testing in a manner required by the local agency, does not have the right to submit the results of soils testing performed by a certified sewage enforcement officer not employed by or under contract with the local agency, nor is the applicant entitled to a refund of fees paid for soil testing as provided in this section.

- ff. Neither the municipality, local agency, local agency's sewage enforcement officer nor the Department will be held liable on a cause of action arising out of soil tests performed under this section by a certified sewage enforcement officer not employed by or under contract with the local agency.

- xxi. Make inspections of and verify measurements made by applicants on public or private properties which are determined by the local agency's authorized representative to have natural or manmade features from which specific isolation distances are required prior to the approval of onlot sewage disposal system usage in subdivisions or individual lots. The local agency's authorized representative shall have the right to enter upon lands for these purposes.

- xxii. Determine if a proposed individual residential spray irrigation system will create a nuisance or adversely impact existing and proposed drinking water supplies and report this information to any affected municipality served by the local agency.

- xxiii. Assure that an individual residential spray irrigation system discharge is sampled at least once per year by the property owner through a testing laboratory for fecal coliforms, carbonaceous biological oxygen demand, suspended solids and disinfectant residual or effectiveness. Individual effluent samples may not exceed a BOD₅ of 25 mg/l and suspended solids concentration of 30 mg/l. Free chlorine residual shall be maintained at a range of 0.2—2.0 PPM unless a higher level is required to control disease producing organisms. This disinfection shall produce an effluent which will contain a concentration not greater than 200 fecal coliform organisms per 100 milliliters in a single sample. The local agency shall review the results of these samples and the most recent system inspection conducted under section 15-308 (relating to operation and maintenance) and take any necessary action to resolve operational or maintenance problems identified through the sample results. Additional sampling may be required by the local agency if the annual sample indicates a violation of the limitations specified in this paragraph.

- xxiv. A county health department and joint county departments of health may also administer the continuing maintenance provisions of section 15-72 (relating to sewage management programs) when the municipality relinquishes and the

county health department or joint county department of health accepts the authority and conforms with section 15-72.

- b. The local agency may offer a program to provide financial assurance, for a fee, for systems installed under section 15-214 (relating to general requirements for bonded disposal systems). Financial assurance provided by the local agency shall comply with section 15-292.
- c. The local agency may not orally or in writing, suggest, recommend or require the use of a particular consultant, soil scientist or professional engineer, or an individual or firm providing these services when these services may be required or are subject to review under this part.

Section 15-126 Powers and duties of the Department

- a. The Department is empowered to review the performance of local agencies and their sewage enforcement officers in the administration of sections 7, 8, 12, 13, 13.1, 13.2(b), 14, 15 and 16 of the act (35 P.S. § 750.7, 750.8, 750.12, 750.13, 150.13a, 750.13b(b) and 750.14—750.16).
- b. The Department and its authorized representatives may enter upon lands, make inspections and require the submission of papers, books and records by the local agency, or its sewage enforcement officer.
- c. If the Department finds that a local agency has failed to effectively administer section 7, 8, 12, 13, 13.1, 13.2(b), 14, 15 or 16 of the act or this part, the Department, in addition to other remedies it may seek at law or in equity, may order the local agency to take actions the Department deems necessary to obtain effective administration. These actions may include, but are not limited to:
 - i. Negotiation with other local agencies for cooperation in area wide administration.
 - ii. Modification of administrative, testing or reporting procedures.
 - iii. Retention of expert consultants.
 - iv. Employment of additional personnel.
 - v. Satisfactory participation by the local agency's sewage enforcement officer in special training programs designed to

- strengthen a specific weakness in the administration of the act and this part.
- vi. Coordination of permit issuance for sewage systems with building permit issuance or with subdivision approval under local ordinances that the local agency may be administering at the time of the order.
 - d. The Department has the duty to establish a training program for sewage enforcement officers. The Department will require timely and satisfactory completion by sewage enforcement officers of training courses sponsored by the Department. Satisfactory completion means attendance at all sessions of training and attainment of a minimum grade of 70% on tests given as part of the training course.
 - d. The Department is empowered to revoke or suspend the certification of sewage enforcement officers for cause, or to reinstate the certification under this part. The actions of the Department will become final only after provision of notice and an opportunity for hearing before the Certification Board, under section 15-141 (relating to Certification Board hearings and procedures).
 - f. The Department will suspend a sewage enforcement officer's certification if the Department determines that the sewage enforcement officer has done one of the following:
 - i. Demonstrated incompetence to act as a sewage enforcement officer as evidenced by errors in planning, administration or permit issuance duties which evidence a failure or inability to understand and apply the requirements of the act and this part.
 - ii. Failed to complete satisfactorily a sewage enforcement officer's training course required by the Department under subsection (k).
 - iii. Demonstrated negligence or provided false information related to the administration of the act or this part or committed violations of this part which are not related to the issuance of a permit.
 - g. The Department may reinstate the certification of a person within 2 years from the date of suspension or after 2 years following the effective date of a revocation. Prior to reinstatement, the Department will require, as a minimum, that the person take and pass the appropriate certification

examination administered by the Certification Board. The Department may require satisfactory completion of a special training program designed to strengthen a specific weakness in the sewage enforcement officer's administration of the act or this part. The program may entail the use of testing procedures including, but not limited to:

- i. Field evaluation of technical performance.
 - ii. Written or oral examination of standards and procedures.
- h. The Department will revoke the certification of a sewage enforcement officer whenever the Department determines that the sewage enforcement officer has done one of the following:
- i. Demonstrated a willful disregard of, or willfully or repeatedly issued permits in violation of the act or this part.
 - ii. Failed repeatedly to attend mandated sewage enforcement officer's training required by the Department under subsection (k).
 - iii. Failed to comply with the applicable terms of a Departmental order for effective administration of sections 7, 8, 12, 13, 13.1, 13.2(b), 14, 15 and 16 of the act.
 - iv. Issued a permit at a time when his certification was suspended.
 - v. Willfully issued a permit outside of the geographic boundaries of authority specified by the local agency.
 - vi. Issued a permit which he believed to be in violation of the act or this part before being directed to do so by the local agency under a hearing.
 - vii. Failed to advise the local agency of a violation of the act, this part or the responsibility of the local agency to restrain the violation.
 - viii. Failed to take the necessary action to restrain a violation of the act or this part.
 - ix. Knowingly and willfully submitted false information to the Department or to the local agency in a report or form required by the act, this part or by order of the Department or the local agency.

- x. Committed an act requiring suspension under subsection (f) and had his certification suspended previously.
 - xi. Issued a permit in violation of section 15-124 (relating to powers and duties of sewage enforcement officers).
 - xii. Had his certification suspended for more than 2 years.
 - xiii. Demonstrated negligence or knowingly provided false information related to the administration of the act or this part or knowingly committed violations of the act or this part which are not related to the issuance of a permit.
- i. The Department will consider complaints filed by local agencies or the public relating to the performance of local sewage enforcement officers as part of the Department's evaluation of the local agency and sewage enforcement officer.
 - j. The Department may establish minimum training requirements using a Department curriculum of training as a prerequisite for applicants for certification as sewage enforcement officers. The curriculum may include a period of training under another certified sewage enforcement officer selected by the Department as a prerequisite to certification for candidates who pass the certification test.
 - k. The Department may require a certified sewage enforcement officer whose performance has been evaluated and found deficient to complete a training course which may include a curriculum of training or a period of training under the direction of another certified sewage enforcement officer selected by the Department for a time period established by the Department.
 - i. The Department may require this training as an alternative to suspension or as a requirement for reinstatement of a suspended certification.
 - ii. The local agency employing the training sewage enforcement officer shall authorize that officer to provide the training services within the jurisdiction of that local agency.
 - iii. The costs of Department-required training incurred by the training sewage enforcement officer and the local agency employing the training sewage enforcement officer shall be paid by the Department from funds made available under section 13.2 of the act (35 P. S. § 750.13b).

- l. The Department may delegate the review of certain alternate sewage systems as designated by the Department to sewage enforcement officers, within the area of their jurisdiction, qualified by the Department to review the systems.
- m. The Department has the duty to require local agencies to take necessary action to provide timely service, including, but not limited to, utilizing the services of an alternate sewage enforcement officer, employing temporary sewage enforcement officers and entering into contracts for service.

Section 15-127 Reimbursement

- a. Reimbursement may not exceed the total program cost minus total program income.
- b. Except as provided in subsection (c) the Department will reimburse local agencies to the extent of the appropriations made by the General Assembly for that purpose. Reimbursement shall be made annually in an amount equal to 1/2 of eligible expenses of administering and enforcing sections 7, 8, 12, 13, 13.1, 14, 15 and 16 of the act (35 P.S. § § 750.7, 750.8, 750.12, 750.13, 750.13a and 750.14—750.16), as defined by subsections (h)—(j).
- c. A local agency complying with the act in a manner deemed satisfactory by the Department will be reimbursed in an amount equal to 85% of the cost of the expenses incurred in the administration and enforcement of the act from funds specifically appropriated by the General Assembly for this purpose if the local agency submits documentation which supports that it qualifies for the increased reimbursement as provided in subsection (d). Eligible expenses are defined in subsections (h)—(j).
- d. To qualify for 85% reimbursement, a local agency shall:
 - i. Document the acceptance, delegation or transfer of the administration of sections 7, 8, 12, 13, 13.1, 14, 15 and 16 of the act from one or more municipalities.
 - ii. Employ or contract with at least one sewage enforcement officer actively engaged in activities related to the administration of the act in that local agency at least 1,200 hours per year, including leave and holidays.

- iii. Employ or contract with adequate administrative support staff.
 - iv. Employ or contract with one alternate sewage enforcement officer.
 - v. Employ or contract with a qualified soil scientist.
 - vi. Submit to the Department for review and comment administrative procedures, permit procedures, ordinances of the member municipalities related to the administration of the act, rules, regulations, permit-related fee schedules and contracted services proposed for use in the local agency.
 - vii. Employ or have a contractual arrangement with sufficient technical staff to provide for local agency response to signed written requests for service within the time frames established by the administrative procedures and regulations of the local agency.
- e. Applications for reimbursement shall be in quadruplicate, on the appropriate form supplied by the Department, and received by the Department of Environmental Protection, Post Office Box 8466, Harrisburg, Pennsylvania 17105-8466, no later than March 1 each year for expenses incurred during the prior calendar year. Upon cause shown, the Secretary may extend the March 1 deadline for the filing of applications for reimbursement for not more than 60 days.
- f. Applications for reimbursement shall include the following:
- i. An itemized statement in the form of an employee time and activity record.
 - ii. A report of total fees, fines and other money collected by the local agency during the calendar year in the enforcement of the act.
 - iii. The Department central file copies of the Application for Sewage Disposal System permit denials, final inspections and expirations during the prior calendar year.
 - iv. Municipal ordinances, acts, regulations or procedures used in enforcing the act for local agencies applying for reimbursement for the first time or when major changes are made.

- v. Copies of additions, deletions and amendments made during the preceding calendar year to municipal ordinances, acts or procedures used in enforcing the act.
- vi. Proof of payment of expenses claimed, as specified in subsection (k).
- vii. A copy of the schedule of fees charged to the permit applicant.
- g. An employee time and activity record shall be kept by the local agency. This is an itemized record noting the employee's name, the date of duty and application number for each task performed, the complaint or malfunction investigated, related administrative or clerical duties performed, hours spent, miles traveled and applicable hourly rate of pay, not including fringe benefits.
- h. Costs associated with the following are eligible for reimbursement, when related to enforcement and administration of the sewage facilities permitting program:
 - i. Permit application processing activities, including soil evaluation and testing procedures.
 - ii. Administrative, management or clerical activities.
 - iii. Postage, office supplies and duplicating.
 - iv. Non-mechanically powered tools for the sewage enforcement officer's use.
 - v. Costs of purchasing office equipment and maintaining offices, including building maintenance and utilities prorated on an equitable basis with other services.
 - vi. Employer costs for social security, workers' compensation, unemployment compensation and the following fringe benefits:
 - aa. Health care.
 - bb. Pension programs.
 - cc. Life insurance.
 - dd. Errors and omissions insurance written specifically and billed separately to cover the sewage enforcement officer's enforcement responsibilities where the defense of official immunity, under 42 Pa.C.S. § 8546 (relating to defense of

official immunity), is not applicable to the sewage enforcement officer.

- vii. Mileage expenses at the Commonwealth rate for application processing, complaint and malfunction investigations, and required Department training courses or other related meetings or functions required by the Department. The reimbursement of mileage expenses at the Commonwealth rate includes the cost to maintain automotive insurance coverage, and shall be the exclusive means for reimbursement of the costs.
- viii. Expenses for sewage enforcement officers to attend required Department training courses or other related meetings or functions required by the Department including:
 - aa. Regular rate of pay for the actual hours of attendance at the course.
 - bb. Lodging, meals and subsistence at the Commonwealth rate when the course is outside a 50-mile radius of both the sewage enforcement officer's place of employment and residence and no course has been scheduled within that 50-mile radius.
- ix. Chemical and bacteriological supplies and analysis for confirming violations.
- x. The legal daily rate and mileage expenses for subpoenaed witnesses at a hearing.
- xi. Legal services costs incurred for:
 - aa. Prosecuting or restraining violations and defending against appeals.
 - bb. Preparing ordinances consistent with and necessary for enforcement of the act and this part.
 - cc. Preparing for and conducting hearings.
- xii. The legal daily rate and mileage expenses for subpoenaed witnesses at a hearing before a magistrate, when the witnesses are essential to substantiate a violation.
- xiii. Fees for special consultants retained by the local agency for technical consultation on specific permits.

- xiv. Investigations and inspections related to complaints and malfunctions.
 - aa. Costs associated with the staffing and administration of a sewage management program under sections 15.71-15.75 (relating to sewage management programs) are eligible costs.
- i. Ineligible costs include, but are not limited, to the following:
 - i. Retainer fees.
 - ii. Legal fees resulting from an appeal or suit against the Commonwealth.
 - iii. Expenses for use of earth moving or excavating equipment.
 - iv. Clothing purchase or allowance.
 - v. Development or duplication of maps.
 - vi. Payment for surveillance activities by employees other than sewage enforcement officers.
 - vii. Sewage enforcement officer certification or renewal fees and other related expenses, such as mileage and travel expenses to the certification examination.
 - viii. Activities and costs associated with improper administration of the act.
 - ix. Cost to the local agency to maintain insurance coverage in the following areas:
 - aa. Errors and omissions except as provided in subsection (h)(vi)(d).
 - bb. Liability.
 - x. Expenses for activities resulting from the submission of additional information to supplement a reimbursement application or from activities performed as a result of a Department audit.
 - xi. Expenses for employee attendance at local agency meetings which do not pertain to administration of section 7, 8, 12, 13, 13.1, 14, 15 or 16 of the act.
 - xii. Fixed or indirect costs other than those in subsection .

- j. Proof of payment of expenses claimed shall, at a minimum, include the following:
 - i. Payroll records or copies of both sides of cancelled checks stating the gross amount paid or a statement from the sewage enforcement officer certifying that he has received salaries or wages from the municipality of which he is a full-time employee.
 - ii. One copy of the time and activity record or receipted itemized invoices.
 - iii. Proof of attendance at training courses required by the Department. Reimbursable expenses for attendance at the courses shall be identified separately under “other expenses” in the reimbursement application.
 - iv. Copies of hotel receipts for overnight lodging.
 - v. Minutes of local agency meetings for which employee attendance is claimed as a reimbursable expense which reflect discussions involving the administration of section 7, 8, 12, 13, 13.1, 14, 15 or 16 of the act.
- k. The Department may withhold reimbursement for falsification of information included in or submitted in support of the application, or for intentional omission of information required to be submitted with the application.

CERTIFICATION OF SEWAGE ENFORCEMENT OFFICERS

Section 15-134 Requirement for certification

No person may issue a permit for an individual or community onlot sewage system unless that person has been found qualified after examination and has been issued a Sewage Enforcement Officer Certificate by the Certification Board.

Section 15-135 Conditions of certification or reinstatement of certification

- a. The Certification Board shall issue a sewage enforcement officer certificate to a person who meets the following:
 - i. Is a natural person or individual. Associations, partnerships or corporate entities are not qualified for certification.

- ii. Has passed an applicable examination prepared by the Department.
 - iii. Has not had his certification revoked previously. After 2 years from a previous revocation, the Certification Board may reexamine and reinstate the certification of a person if that person requests reinstatement. In determining fitness for reinstatement, the Certification Board shall consider the nature and gravity of the misconduct which resulted in the previous revocation and the recommendation of the Department.
 - iv. Has not had his certification lapsed due to failure to complete mandatory training during a previous renewal cycle unless the training has been subsequently completed.
- b. Certification shall be for a period of up to 2 years. Upon the payment of a fee of \$50 by the certificate holder, the Certification Board shall renew a valid certificate of a qualified applicant, except that applicants for renewal who are employed by the Commonwealth in administering the act and whose activities under the act are limited solely to Commonwealth service are not subject to the fee requirements of this subsection. Fees collected in excess of the actual administrative cost to the Certification Board to process certification renewals shall be dedicated to training sewage enforcement officers.
- c. If the Certification Board does not meet within 30 days of receiving the examination results from the certification testing contractor, an applicant for certification who meets the requirements of subsection (a) will be deemed certified, except that an applicant who is in violation of the regulations under the act or who is restrained from certification by section 15-126 (relating to powers and duties of the Department) will not be deemed certified.

Section 15-136 Certification examination

- a. The Department will prepare an examination to be used by the Certification Board in determining the fitness of candidates for certification and will establish the passing grade for the examination and for each part of the examination in the areas of sewage facilities planning, program administration, technical criteria and enforcement.
- b. The Department will submit the examination to the Certification Board, which shall by letter to applicants at least 25 days prior to each examination announce the location, time, scope and

passing grade for the examination. Annually, the Board will publish in the *Pennsylvania Bulletin* the dates, sites, scope and passing grade for all examinations scheduled in that calendar year.

- c. The Certification Board will schedule a date for the examination at least four times in each calendar year.
- d. An individual who takes, but does not successfully pass the examination on three occasions, is not permitted to retake the examination administered by the Certification Board for 1 year, and until the applicant has completed a training course approved by the Department. Thereafter, a candidate may take the examination only once in a calendar year until the examination is passed.

Section 15-137 Applications for certification

- a. Correctly completed applications and an application fee of \$25 shall be received by the Board at least 30 days prior to the scheduled examinations. In addition, the applicant shall provide documentation of the successful completion of required precertification training courses to the Board no later than the commencement of the scheduled examination for which the precertification training course was held.
- b. Incomplete or erroneous applications shall be returned to the applicant.
- c. The application fee is a processing fee and will not be refunded.

Section 15-138 Certification renewal

- a. Application for renewal will be sent to certified sewage enforcement officers at least 2 months prior to renewal date. In addition to the application, a curriculum of mandatory training will be sent to any sewage enforcement officer who has not completed the required training.
- b. An applicant for renewal of certification shall submit a signed application for renewal, with fee, to the Certification Board by the renewal date. When the application for renewal is submitted later than the renewal date, but no later than 2 years after the renewal date, the Certification Board may renew a certification for good cause shown.

- c. If the applicant has not completed a training course required by the Department for certification renewal by the renewal date, the certificate will lapse.
- d. If a sewage enforcement officer's certification lapses, a new certification shall be obtained under section 15-135 (relating to conditions of certification).

Section 15-139 Change of address

- a. The Certification Board will compile and keep current a register showing the names and addresses of certified sewage enforcement officers. Copies of this register will be furnished on request.
- b. The sewage enforcement officer shall promptly notify the Certification Board of a change of address.

Section 15-140 Secretary of the Certification Board

The Certification Board may select a Secretary who is not a member of the Board. The Secretary shall maintain the records and papers of the Board, prepare subpoenas and notices, certify actions and perform other services that the chairman and the Certification Board shall direct.

Section 15-141 Certification Board hearings and procedures

- a. Actions by the Department to revoke or suspend sewage enforcement officer certifications become final only after notice and opportunity for a hearing before the Certification Board. The filing of an appeal with the Certification Board does not operate as an automatic supersedeas of the action of the Department. If no request for a hearing is filed with the Secretary of the Certification Board within 30 days of receipt of notice of the action by the certificate holder, the action becomes final. Requests for a hearing shall set forth with specificity the grounds for the appeal, including objections to the Department's action. If the request for a hearing does not specify the grounds for the appeal, the certificate holder shall, upon notification from the Secretary of the Certification Board, be given the opportunity to file an amended request for a hearing within 30 days of receipt of the notification. The amended request shall conform to the content requirements for a request for a hearing. The Certification Board may dismiss an appeal if a certificate holder fails to file an amended request for

- a hearing or to comply with the requirements for filing an amended request for a hearing. The adjudications of the Certification Board shall otherwise be in accordance with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).
- b. In hearings before the Certification Board, 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) applies, unless it is inconsistent with this chapter. Discovery in hearings before the Certification Board shall be permitted as provided in the Pa.R.C.P.
 - c. In proceedings before the Certification Board, the burden of proceeding and the burden of proof is the same as at common law, in that the burden normally rests with the party asserting the affirmative of an issue. The affirmative of the issue shall be established by a preponderance of the evidence. The Certification Board may require the other party to assume the burden of proceeding with the evidence in whole or in part, if that party is in possession of facts or should have knowledge of facts relevant to the issue.
 - d. Actions and adjudications of the Certification Board shall be by a vote of a majority of members present at a meeting called for consideration of the action or adjudication. Three members of the Certification Board constitute a quorum.
 - e. The Certification Board may hear matters brought before it as a whole or may appoint hearing examiners. Hearings held by hearing examiners not members of the Certification Board shall be decided by the Board based upon its review of the record and the examiner's proposed adjudication.
 - f. An applicant is not entitled to a hearing when a certificate was denied because the applicant failed to pass the certification examination or failed to successfully complete a training program required by the Department.

STANDARDS FOR ONLOT SEWAGE TREATMENT FACILITIES

Section 15-143 Scope

This section applies to sewage enforcement officers administering the act, as well as to persons installing individual onlot sewage systems or community onlot sewage systems as defined in this chapter.

Section 15-144 Policy

- a. A person planning or designing a facility or intending to utilize individual or community sewage systems is advised of the importance of good water conservation practices and the potential value of water conservation, recycle or reuse systems as a means of prolonging the life of the sewage system, as well as ensuring the availability of adequate water supplies in the future.
- b. When considering corrective measures for malfunctioning sewage disposal systems which have been constructed in accordance with this chapter or applicable regulations at the time of construction, the efforts of the local agency or the Department will not be restricted by this chapter. It will be the policy of the Department and local agencies administering this chapter to first consider all individual onlot and community onlot sewage systems described in this chapter, excluding holding tanks, in the correction of existing malfunctions and, when the systems cannot be constructed in accordance with this chapter, to provide the best technical guidance possible in attempting to resolve existing pollution or environmental health problems. When application of best technical guidance results in the absorption area or spray field encroaching on the regulated isolation distance to a well, the proper well abandonment procedure or the relocation of the well should be considered. The requirements of section 15-116 (relating to well distance exemption) may be waived at the discretion of the local agency. This policy will not limit or preclude the use of experimental systems as provided in sections 15-212 and 15-213 (relating to experimental sewage systems; and alternate sewage systems), small flow treatment systems permitted under the Clean Streams Law or, when no other alternatives are available, holding tanks.
- c. The Department recognizes the existence of technologies related to onlot sewage disposal which are not specifically addressed in this chapter as well as technologies from other disciplines which may be applied to the design or construction of an onlot sewage disposal system. Experimental sewage system permits provide a method for the testing and evaluation of new concepts and technologies applicable to onlot disposal in this Commonwealth. Experimental permits may be limited in number on a Statewide basis. The Department will determine the number of experimental permits that may be issued for a specific experimental technology or design. An experimental

onlot sewage disposal system permit shall be required for all technologies, methods, system components, systems and designs the Department deems experimental. Alternate sewage systems provide a classification for innovative and alternative technology which has been developed through the experimental program, by application of existing technologies from other disciplines or through technological advances from other areas of the United States. The alternate sewage system permit will provide a method for utilizing proven technologies within this Commonwealth without constant changes to this chapter. Systems shall be permitted only where it is demonstrated that the proposed system will protect the public health and prevent pollution of the waters of this Commonwealth.

GENERAL SITE LOCATION AND ABSORPTION AREA REQUIREMENTS

Section 15-145 General

- a. No person may install, and no sewage enforcement officer may issue a permit for or approve, a sewage system which violates this chapter.
- b. A structure may not be occupied before the sewage system is finally inspected, approved and covered. Except when the sewage enforcement officer requires a change to the installation schedule because of weather and soil conditions, the permit may be modified with conditions to be established by the local agency to allow use of a septic tank as a temporary holding tank. In these instances, sections 15-202 and 15-204(b)(1) and (2), (c)(1) and (2), 15-202 and 15-203(b) do not apply. Absorption areas shall be covered by the permittee within 5-calendar days after final inspection and approval to prevent damage.
- c. Liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. A sewage system may not discharge untreated or partially treated sewage to the surface of the ground or into the waters of this Commonwealth except as specifically permitted under sections 202 and 207 of the Clean Streams Law (35 P. S. § § 691.202 and 691.207) and individual residential spray irrigation systems

permitted by local agencies under section 7.3 of the act (35 P. S. § 750.7c).

- d. Where additional absorption area is installed to increase the total area of an existing system and flows are generated from a common treatment tank, loading per square foot of the new area and the existing area shall be equal.
- e. Discharge from roof gutters, foundation drainage, floor drains not from sewage generating connections and surface runoff may not be discharged to a treatment tank; nor may the discharges be permitted to flow over an absorption area or spray fields.
- f. The discharge of inadequately disinfected effluent or the discharge of effluent in a manner inconsistent with the system design specifications from an individual residential spray irrigation system shall constitute a nuisance.

Section 15-146 Site location

- a. A proposed absorption area or spray field having the following characteristics shall be considered unsuitable for the installation of an onlot system or an individual residential spray irrigation system and a permit shall be denied where:
 - i. The slope of the proposed absorption area or spray field is greater than 25%.
 - ii. The area is identified by completed Federal Flood Insurance mapping as a floodway. Where there is no flood mapping, a flood way extends 50 feet from the top of the stream bank as determined by the local agency. This paragraph is not applicable to spray fields.
 - iii. One or more rock outcrops exist within the proposed absorption area.
 - iv. In areas underlain by limestone, depressions left by earlier sinkholes exist either in whole or in part within the proposed absorption area or spray field.
- b. Absorption areas or spray fields may not be placed in or on fill unless the fill has remained in place and unaltered by any manmade activities for a minimum of 4 years to allow restoration of natural permeability. The fill shall be composed of clean mineral soil free of manufactured sand materials, unless

approved prior to placement by the local agency and meets the provisions of section 15-155 (relating to site investigation).

- c. Absorption areas or spray fields shall be sited only in or on undisturbed soils.

Section 15-154 Minimum horizontal isolation distances

- a. Minimum horizontal isolation distances shown in subsections (b)—(e) shall be maintained between the sewage disposal system and the features itemized except as provided by section 15-116 (relating to well isolation distance exemption). If conditions warrant, greater isolation distances may be required.
- b. The minimum horizontal isolation distances between the features named and treatment tanks, dosing tanks, lift pump tanks, filter tanks and chlorine contact/storage tanks shall comply with the following:
 - i. Property line, easement or right-of-way—10 feet.
 - ii. Occupied buildings, swimming pools and driveways—10 feet.
 - iii. An individual water supply or water supply system suction line—50 feet
 - iv. Water supply line under pressure—10 feet.
 - v. Streams, lakes or other surface waters—25 feet.
 - vi. A cistern used as a water supply—25 feet.
- c. The following minimum horizontal isolation distances shall be maintained between the features named and the perimeter of the aggregate in the absorption area:
 - i. Property line, easement or right-of-way—10 feet.
 - ii. Occupied buildings, swimming pools and driveways—10 feet.
 - iii. An individual water supply or water supply system suction line—100 feet.
 - iv. Water supply line under pressure—10 feet.
 - v. Streams, water courses, lakes, ponds or other surface water—50 feet (for the purposes of this chapter wetlands are not surface waters).
 - vi. Other active onlot systems—5 feet.

- vii. Surface drainageways—10 feet.
 - viii. Mine subsidence areas, mine bore holes or sink holes—100 feet.
 - ix. Rock outcrop or identified shallow pinnacle—10 feet.
 - x. Natural or manmade slope greater than 25%—10 feet.
 - xi. A cistern used as a water supply—25 feet.
 - xii. Detention basins, retention basins and stormwater seepage beds—10 feet.
 - xiii. The downslope soil profile evaluations directly below all A/B soil systems (ABS) – 50 feet.
- d. The following minimum horizontal isolation distances shall be maintained between the features named and the wetted perimeter of the spray field:
- i. Property lines, easements or right of ways—25 feet.
 - ii. Occupied buildings and swimming pools—100 feet.
- iii. An individual water supply or water supply suction line—100 feet.
- iv. A cistern used as a water supply—25 feet.
- v. Water supply line under pressure—10 feet.
- vi. Streams, watercourses, lakes, ponds or other surface waters—50 feet. For the purposes of this chapter wetlands are not surface waters.
- vii. Mine subsidence, boreholes, sinkholes—100 feet.
- viii. Roads or driveways—25 feet.
- ix. Unoccupied buildings—25 feet.
- x. Rock outcrop—25 feet.
- e. The area within the wetted perimeter of the spray field may not be sited over an unsuitable soil profile.

Section 15-155 Site investigation

- a. Absorption area- Soil tests to determine the presence of a limiting zone and the capacity of the soil to permit the passage of water shall be conducted prior to permit issuance.
 - i. On all locations where the installation of an absorption area is proposed, at least two excavations for examination of the soil profile shall be provided.
 - ii. The depth of the excavation shall be to the top of the limiting zone, or a maximum of 7 feet.
 - iii. All soil profile excavations shall be conducted within 10 feet of the proposed absorption area. A description of the soil profile shall be recorded on the site investigation and percolation test report form for onlot disposal of sewage issued by the Department.
 - iv. Where soil has been removed by grading or excavation, the surface of the undisturbed soil shall be considered to be the point from which the depth to limiting zone is measured. Excavating soil to system installation depth for the purpose of installing the system may not be considered disturbing the soil.
 - v. When the examination of the soil profile reveals a limiting zone within 20 inches of the mineral soil surface, percolation tests may not be conducted and a permit will be denied except as provided in section 15-214 (relating to general requirements for bonded disposal systems).
 - vi. Where examination of the soil profile reveals the absence of a limiting zone within 20 inches of the mineral soil surface, percolation tests shall be performed within the proposed absorption area. The average percolation rate shall be within the range indicated in section 15-157 (relating to absorption area requirements).
 - vii. The location and depth to the limiting zone of all soil profile excavations and the location of all percolation tests conducted on a lot shall be indicated on the plot plan of the Application for Sewage Disposal System issued by the Department or attached diagram.
- b. Spray field
 - i. Soil tests to determine the presence of a limiting zone shall be conducted prior to permit issuance.

- ii. A minimum of 4 soil profile evaluations shall be evenly spaced within 10 feet of the perimeter of the proposed spray field when the spray field is less than or equal to 20,000 square feet.
- iii. Spray fields in excess of 20,000 square feet shall be evaluated by evenly spacing the soil profiles within 10 feet of the perimeter of the proposed spray field at intervals of 100 feet or less.
- iv. The soil profile information collected within the proposed spray field area shall be considered in the design and permitting of the system. Additional soils profiles, both on the perimeter or within the proposed spray field, may be required when the sewage enforcement officer identifies trends in the soils profiles or surface features which document variable soils conditions in the area of the proposed spray field. These trends include, but are not limited to, unsuitable soil areas mixed with suitable soils within the proposed site and surface features such as rock outcrops, mine subsidence, boreholes and sinkholes.
- v. Soil profiles shall be evaluated to the depth of bedrock, or rock formation or 40 inches whichever is shallower.
- vi. When the examination of the soil profile reveals a limiting zone of a seasonal high water table within 10 inches of the mineral soil surface or a limiting zone as indicated by bedrock or coarse fragments with insufficient fine soil to fill voids that are located within 16 inches of the mineral soil surface, a permit for an individual residential spray irrigation system will be denied.

Section 15-156 Percolation tests

- a. Percolation tests shall be conducted in accordance with the following procedure upon submittal of a scalar pre-percolation plot plan for local agency review and approval:
 - i. Number and location- Six or more tests shall be made in separate test holes spaced uniformly over the proposed absorption area site.
 - ii. Results- Percolation holes located within the proposed absorption area shall be used in the calculation of the arithmetic average percolation rate.

- iii. Type of hole- Holes having a uniform diameter of 6 to 10 inches shall be bored or dug as follows:
 - aa. To the depth of the proposed absorption area, where the limiting zone is 60 inches or more from the mineral soil surface.
 - bb. To a depth of 20 inches if the limiting zone is identified as seasonal high water table, whether perched or regional; rock formation; other stratum; or other soil condition which is so slowly permeable that it effectively limits downward passage of effluent, occurring at less than 60 inches from the mineral soil surface.
 - cc. To a depth 8 inches above the limiting zone or 20 inches, whichever is less, if the limiting zone is identified as rock with open joints or with fractures or solution channels, or as masses of loose rock fragments including gravel with insufficient fine soil to fill the voids between the fragments, occurring at less than 60 inches from the mineral soil surface.
- iv. Preparation- The bottom and sides of the hole shall be scarified with a knife blade or sharp-pointed instrument to completely remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. Loose material shall be removed from the hole. Two inches of coarse sand or fine gravel shall be placed in the bottom of the hole to protect the soil from scouring and clogging of the pores.
- v. Procedure for presoaking- Holes shall be presoaked, according to the following procedure, to approximate normal wet weather or in-use conditions in the soil:
 - aa. Initial presoak- Holes shall be filled with water to a minimum depth of 12 inches over the gravel and allowed to stand undisturbed for 8 to 24 hours prior to the percolation test.
 - bb. Final presoak- Immediately before the percolation test, water shall be placed in the hole to a minimum depth of 6 inches over the gravel and readjusted every 30 minutes for 1 hour.
- vi. Determination of measurement interval- The drop in the water level during the last 30 minutes of the final presoaking period shall be applied to the following

standard to determine the time interval between readings for each percolation hole:

- aa. If water remains in the hole, the interval for readings during the percolation test shall be 30 minutes.
 - bb. If no water remains in the hole, the interval for readings during the percolation test may be reduced to 10 minutes.
- vii. Measurement- After the final presoaking period, water in the hole shall again be adjusted to approximately 6 inches over the gravel and readjusted when necessary after each reading.
- aa. Measurement to the water level in the individual percolation holes shall be made from a fixed reference point and shall continue at the interval determined from paragraph (6) for each individual percolation hole until a minimum of eight readings are completed or until a stabilized rate of drop is obtained whichever occurs first. A stabilized rate of drop means a difference of 1/4 inch or less of drop between the highest and lowest readings of four consecutive readings.
 - bb. The drop that occurs in the final period in percolation test holes, expressed as minutes per inch, shall be used to calculate the arithmetic average percolation rate.
 - cc. When the rate of drop in a percolation test is too slow to obtain a measurable rate, the rate of 240 minutes per inch shall be assigned to that hole for use in calculating the arithmetic average percolation rate. The absorption area may be placed over holes with no measurable rate when the average percolation rate for the proposed absorption area is within the limits established in section 15-157 (relating to absorption and spray field area requirements), Table A.
 - d. When a percolation test hole is dry at the end of a 10 minute testing interval, that hole may not be used in the calculation of the arithmetic average percolation rate. If 1/3 or more of the percolation test holes are dry at the end of a 10 minute testing interval, the proposed absorption area may not be designed or installed over these holes unless the local agency determines that an anomaly caused the fast percolation rate and a retest of the area is within the acceptable percolation rate limits.

If no anomaly is discovered, the local agency may accept the percolation test results from the remaining holes if the results are supplemented with the results of additional percolation testing conducted outside of the area in which the dry percolation holes were found.

Section 15-157 Absorption and spray field area requirements

- a. General- Absorption areas and spray fields for single family dwellings not served by a community sewage system shall be designed based on a minimum flow of 400 gpd for all dwellings having three bedrooms or less. The minimum flow of 400 gpd shall be increased by 100 gpd for each bedroom over three.
- b. Absorption areas-
 - i. Only the bottom of the aggregate area of the bed or trench shall be used in calculating absorption area requirements.
 - ii. Absorption area requirements for single family dwellings served by a community sewage system and for apartments or nonresidential establishments served by an individual onlot or community onlot sewage system shall be designed based on flows listed in section 15-158 (relating to sewage flows) for the type of facility to be served.
 - iii. For nonresidential establishments, a volume of 200 gpd shall be the minimum volume used in calculating the size of the absorption area.
- c. Required absorption area- Table A shall be used in calculating the square footage of absorption area required based on flows determined in subsections (a) and (b). Table A includes allowances for garbage grinders, automatic washing machines or dishwashers and water softeners.
- d. Substitute- When a substitute for aggregate, such as a leaching chamber, large diameter pipe, or other material or device, is used in the absorption area, subsection (b)(i) applies.

**TABLE A
Minimum Aggregate Absorption Area Requirements for Treatment Tank Effluent:**

	<i>Square Feet of Aggregate Area Per Gallon Per Day</i>	
<i>Average Percolation Rate</i>	<i>All Systems Except</i>	<i>Subsurface Sand</i>
<i>Expressed as</i>	<i>Elevated Sand Mounds</i>	<i>Filters and</i>
<i>Minute Per Inch</i>	<i>and Subsurface Sand</i>	<i>Elevated Sand Mounds</i>

	<i>Filters</i>	
Less than 3.0 ^D	Unsuitable	Unsuitable
3 - 5 ^C	Unsuitable	1.50 ^{AB}
6 - 15 ^C	1.19 ^B	1.50 ^{AB}
16 - 30 ^C	(Avg. Perc Rate - 15) x (0.040) + 1.19 ^B	1.50 ^{AB}
31 - 45 ^C	(Avg. Perc Rate - 30) x (0.030) + 1.79 ^B	(Avg. Perc Rate - 30) x (0.026) + 1.50 ^{AB}
46 - 60 ^C	(Avg. Perc Rate - 45) x (0.028) + 2.24 ^B	(Avg. Perc Rate - 45) x (0.022) + 1.89 ^A
61 - 90 ^C	(Avg. Perc Rate - 60) x (0.023) + 2.66 ^A	(Avg. Perc Rate - 60) x (0.020) + 2.22 ^A
91 - 120 ^{ACD}	Unsuitable	(Avg. Perc Rate - 90) x (0.017) + 2.82 ^A
121 - 150 ^{CD}	Unsuitable	((Avg. Perc Rate - 120) x (0.015) + 3.33) (1.05) ^A
151 - 180 ^{CD}	Unsuitable	((Avg. Perc Rate - 150) x (0.014) + 3.78) (1.10) ^A
Greater than 181 ^{CD}	Unsuitable	Unsuitable

A Pressure dosing required.

B One third reduction may be permitted for use of an aerobic tank.

C May be considered for experimental or alternate proposals.

D Unsuitable for subsurface sand filters.

- e. Spray fields- Table B shall be used in calculating the square footage of spray fields based on flows determined in Subsection (a). Table B includes allowances for garbage grinders, automatic washing machines, dishwashers and water softeners.

TABLE B

Soil Characteristics		Slope	Required Spray Field Area (Ft ²)	
<i>Depth To Rock</i>	<i>Depth To Water Table</i>		<i>3 Bedroom Home</i>	<i>Additional Area Per Bedroom</i>
16 to 20 inches	10 to 40 inches	≤12%	40,000	10,000
		>12%	80,000	20,000
	>40 inches	≤12%	15,000	3,750

		12%	30,000	7,500
20 inches	10 to 20 inches	12%	20,000	5,000
		12%	40,000	10,000
	20 inches	12%	10,000	2,500
		12%	20,000	5,000

Section 15-158 Sewage flows

- a. The flow figures in this subsection and subsection (b) are peak daily flows for the design of community onlot sewage systems. These flow figures are not intended to be used for the calculation of flows for the design of community sewerage systems or for the allocation of flows related to community sewerage systems. Design and permit sewage flows for a community sewerage system are to be calculated using the procedures established in the Department’s “Domestic Wastewater Facilities Manual.” The sewage flow from single family dwellings served by a community onlot sewage system or from apartments, rooming houses, hotels and motels served by an individual or community sewage system shall be determined from the following table:

<i>Type of Establishment</i>	<i>Gallons/Unit/day</i>	
<i>Residential</i>	<i>Gallons/unit</i>	<i>BOD/unit</i>
Hotels and motels	100	.30
Multiple family dwellings and apartments, including townhouses, duplexes and condominiums	400	1.13
Rooming houses (per unit)	200	.60
Single family residences	400*	.90

*For units of 3 bedrooms or less; for each bedroom over 3, add 100 gallons.

- b. The sewage flow, which shall exclude any industrial waste, for nonresidential establishments served by an individual or community sewage system shall be determined from the following table:

<i>Type of Establishment</i>	<i>Gallons/day BOD/day</i>	
<i>Commercial</i>	<i>Gallons/day</i>	<i>BOD/day</i>
Airline catering (per meal served)	3	.03
Airports (per passenger—not including food)	5	.02
Airports (per employee)	10	.06
One licensed operator Beauty shops	200	—

Montgomery County**Public Health Code**

Bus service areas not including food (per patron and employee)	5	.02
Country clubs not including food (per patron and employee)	30	.02
Drive-in theaters (not including food—per space)	10	.06
Factories and plants exclusive of industrial wastes (per employee)	35	.08
Laundries, self-service (gallons/washer)	400	2.00
Mobile home parks, independent (per space)	400	1.00
Movie theaters (not including food, per auditorium seat)	5	.03
Offices (per employee)	10	.06
Restaurants (toilet and kitchen wastes per patron)	10	.06
(Additional for bars and cocktail lounges)	2	.02
Restaurants (kitchen and toilet wastes, single-service utensils/person)	8.5	.03
Restaurants (kitchen waste only, single-service utensils/patron)	3	.01
Stores (per public toilet)	400	2.00
Warehouses (per employee)	35	—
Work or construction camps (semi permanent) with flush toilets (per employee)	50	.17
Work or construction camps (semi permanent) without flush toilets (per employee)	35	.02
<i>Institutional</i>		
Churches (per seat)	3	—
Churches (additional kitchen waste per meal served)	3	—

Type of Establishment

<i>Institutional</i>	<i>Gallons/day</i>	<i>BOD/day</i>
Churches (additional with paper service per meal served)	1.5	—
Hospitals (per bed space, with laundry)	300	.20
Hospitals (per bed space, without laundry)	220	—
Institutional food service (per meal)	20	—
Institutions other than hospitals (per bed space)	125	.17
Schools, boarding (per resident)	100	.17
Schools, day (without cafeterias, gyms or showers per student and employee)	15	.04
Schools, day (with cafeterias, but no gym or showers per student and employee)	20	.08
Schools, day (with cafeterias, gym and showers per student and employee)	25	.10

Recreational and Seasonal

Camps, day (no meals served)	10	.12
Camps, hunting and summer residential (night and day) with limited plumbing including water-carried toilet wastes (per person)	50	.12
Campgrounds, with individual sewer and water hookup (per space)	100	.50
Campgrounds with water hookup only and/or central comfort station which includes water-carried toilet wastes (per space)	50	.50
Fairgrounds and parks, picnic—with bathhouses, showers, and flush toilets (per person)	15	.06
Fairgrounds and parks, picnic (toilet wastes only, per person)	5	.06
Swimming pools and bathhouses (per person)	10	.06

- c. Actual water meter or sewer meter flow data indicating peak daily flows different than those shown in this section over a 1-year period for a similar nonresidential establishment may be accepted for use in sizing the onlot disposal system. If average daily flows are used, the peak daily flow shall be calculated by multiplying the average daily flow by two.
- d. Establishments with food preparation facilities are required to install adequately designed pretreatment units and traps to reduce greases and biological oxygen demand (BOD) prior to discharge to an individual or community sewage system.

BUILDING SEWERS

Section 15-162 Specifications

- a. Building sewers shall be constructed of a minimum Schedule 40 solid core PVC material acceptable to the local agency.
- b. The local agency may restrict the type of materials used by code, ordinance or resolution and shall notify the applicant when restrictions are imposed.
- c. When the average daily flow of sewage from an establishment is 1,000 gallons or less, building sewers shall be at least 3 inches in diameter unless otherwise specified by local plumbing or building codes. When the average daily flow exceeds 1,000 gpd, all building sewers shall be at least 6 inches in diameter unless otherwise specified by local plumbing or building codes.

- d. Cleanouts shall be provided at the junction of the building drain and building sewer.
- e. Cleanouts shall be provided at intervals of not more than 100 feet.
- f. Bends ahead of the treatment tank shall be limited to 45° or less where possible. If 90° bends cannot be avoided, they shall be made with two 45° bends.
- g. The grade of the building sewer shall be at least 1/8 inch per foot; however, the grade of the 10 feet of building sewer immediately preceding the treatment tank may not exceed 1/4 inch per foot.
- h. Building sewers shall be constructed with watertight joints, shall be of sufficient strength to withstand imposed loads and installed on material suitable for preventing damage from settling.
- i. The building sewer shall be installed to allow continuous venting of the treatment tank through the main building stack unless otherwise specified by local plumbing or building codes.
- j. Building sewers shall be connected to treatment tanks by means of watertight mechanical seals or hydraulic grouting. Use of Portland cement grouting is not permitted.

TREATMENT TANKS

Section 15-172 Standards for septic tanks

- a. Capacity-
 - i. The minimum liquid septic tank capacity for any installation is 900 gallons.
 - ii. For single-family dwelling units, not served by a community onlot system, a minimum daily flow of 400 gpd shall be used to determine required septic tank capacity. This figure shall be increased by 100 gallons for each additional bedroom over three. The daily flow indicated provides for use of garbage grinders, automatic washing machines, dishwashers and water softeners.
 - iii. The minimum septic tank capacity shall be calculated from the following table using estimated sewage flows from

paragraph (ii), or section 15-158(a)—(c) (relating to sewage flows):

<i>Design flow (gallons per day)</i>	<i>Tank capacity (gallons)</i>
0—500	(3.5 x flow exceeding 400 gpd) + (900)
500—5,000	(1.50 x flow exceeding 500 gpd) + (1,250)
5,000—7,500	(1.45 x flow exceeding 5,000 gpd) + (8,000)
7,500—10,000	(1.35 x flow exceeding 7,500 gpd) + (11,625)
over 10,000	(1.50 x the daily flow)

Note: Septic tanks may be connected in series to attain required capacity.

(b) Construction-

- i. Tanks shall be watertight and constructed of sound and durable material not subject to excessive corrosion or decay.
 - (a) Precast concrete tanks shall have a minimum wall thickness of 2 1/2 inches and be adequately reinforced.
 - (b) Precast slabs used as covers shall have a thickness of at least 3 inches and be adequately reinforced.
 - (c) Tanks having a liquid capacity of 5,000 gallons or less may not be constructed of blocks, bricks or similar masonry construction.
 - (d) Tanks having a capacity in excess of 5,000 gallons may be constructed onsite to meet the standards of the National Concrete Masonry Association for reinforcement and waterproofing as listed in the most recent edition of its publication “Concrete Masonry Foundation Walls,” copyright 1957 NCMA.
 - (e) Steel tanks shall meet United States Department of Commerce Standards 177-62.
- ii. The depth of liquid in any tank or its compartments shall be:
 - (a) Not less than 2 1/2 nor more than 5 feet for tanks having a liquid capacity of 600 gallons or less.
 - (b) Not less than 3 feet nor more than 7 feet for tanks having a liquid capacity of more than 600 gallons.

- iii. No tank or compartment may have an inside horizontal dimension less than 36 inches.
 - iv. Septic tank installations shall consist of tanks with multiple compartments or multiple tanks. The first compartment or tank shall have at least the same capacity as the second but may not exceed twice the capacity of the second. Tanks or compartments shall be connected in series and may not exceed four in number in any one installation.
- c. Inlet and outlet connections-
- i. The bottom of the inlet shall be a minimum of 3 inches above the bottom of the outlet.
 - ii. Inlet baffles or vented tees shall extend below the liquid level at least 6 inches. Penetration of the inlet device may not exceed that of the outlet device.
 - iii. The outlet baffles or vented tees of each tank or compartment shall extend below the liquid surface to a distance equal to 40% of the liquid depth. Penetration of outlet baffles or tees in horizontal cylindrical tanks shall be equal to 35% of the liquid depth.
 - iv. The inlet and outlet baffles or vented tees shall extend above liquid depth to approximately 1 inch from the top of the tank. Venting shall be provided between compartments and each tank.
 - v. The outlet baffles or vented tees of the last compartment or tank shall be equipped with a solids retainer.
- d. Treatment tank access-
- i. Access to each tank or compartment of the tank shall be provided by a manhole with an inside dimension of at least 20 inches square (20 x 20) or in diameter, with a removable cover. The top of the tank containing the manhole or the top of a manhole extension may not be more than 12 inches below grade level. If access is extended to grade, the access cover shall be airtight. Grade level access covers shall be secured by bolts or locking mechanisms, or have sufficient weight to prevent unauthorized access.
 - ii. The ground shall slope away from any access extended to grade level.

- e. Inspection port- A maximum 4-inch diameter inspection port with sealed cover shall be installed to grade level above the inlet tee.

Section 15-173 Standards for aerobic treatment tanks

- a. Capacity shall comply with the following:
 - i. The rated treatment capacity of an aerobic treatment tank shall be specified by the manufacturer. The manufacturer's data shall be in conformance with the approved test sequence and protocol in subsection (b).
 - ii. The minimum manufacturer's rated treatment capacity of an aerobic treatment tank approved under this section is 400 gpd.
 - iii. For single family dwelling units not served by a community system, a minimum daily flow of 400 gpd shall be used to determine required aerobic tank capacity. This figure shall be increased by 100 gallons for each additional bedroom over three. The daily flow indicated provides for use of garbage grinders, automatic washing machines, dishwashers and water softeners.
 - iv. For all other installations, the rated treatment capacity shall meet or exceed the estimated daily sewage flow as determined from section 15-158(a), (b) or (c) (relating to sewage flows).
- b. Testing and approval shall comply with the following:
 - i. Aerobic treatment tanks serving single family dwellings, or establishments, with flows of 1,500 gpd or less shall bear the seal of the NSF indicating testing and approval by that agency under Standard No. 40.
 - ii. Units tested and awarded a seal under other than the current standard shall be approved for use until expiration of the seal. Units initially submitted for testing or resubmitted for testing shall be approved under the version of Standard No. 40 in effect at that time.
 - iii. Aerobic treatment tanks serving establishments with flows exceeding 1,500 gpd shall either:
 - (a) Have NSF certification under Criteria C-9.

- (b) Have performance data certified by NSF under the provisions of that agency's Standard Performance Evaluation Method.
- c. The Department will provide local agencies with a current list of aerobic sewage treatment tanks that have been found to be in conformance with the Department's standard.
- d. Multiple aerobic treatment tanks connected for the purpose of achieving required hydraulic capacity shall only be permitted where the tanks are connected in parallel. All tanks shall have equal capacity and receive equal loading.
- e. Every aerobic sewage treatment tank shall be equipped with a visual and audible alarm system which shall be designed to respond to any electrical or mechanical failure or malfunction of the tank or any component thereof.

DOSING AND DISTRIBUTION REQUIREMENTS

Section 15-182 General

Effluent from the treatment tank shall be discharged to the dosing tank, to the distribution box or directly to the absorption area through a watertight line a minimum of 3 inches in diameter unless otherwise specified by local plumbing or building codes. All lines shall be placed on a minimum grade of at least 1/4 inch per foot, sloping away from the treatment tank. Where a distribution box is used, the lines from that box to the laterals shall meet the same standard. If a free access sand filter or buried sand filter is used, the lines from the treatment tank to the pump station and the filter tank to a lift station or chlorine contact tank or storage tank shall meet the standards of this section. Connections of lines to tanks and distribution boxes shall be made using water tight mechanical seals or hydraulic grouting. Use of Portland cement grouting material is not permitted.

Section 15-183 Gravity distribution

- a. Gravity distribution may be used in all instances, except where prohibited by section 15-184 (relating to pressurized distribution).

- b. The distribution system shall be arranged to provide for uniform distribution of the effluent.
- c. The flow shall be equally divided between individual laterals of a trench system or between seepage beds by use of a distribution box.
- d. The flow shall be divided between individual laterals in a seepage bed by a distribution box or by an unperforated pipe header connecting all laterals within the bed. Where distribution is via an unperforated pipe header, the terminal ends of all individual laterals shall also be connected with unperforated pipe.
- e. Distribution boxes shall comply with the following:
 - i. When a distribution box is used, it shall be installed level to provide equal distribution of treatment tank effluent to each line. For testing purposes, the person responsible for the installation shall provide an adequate amount of water to check the level of the inlet and outlet lines.
 - ii. Construction shall comply with the following:
 - aa. Distribution boxes shall have removable covers.
 - bb. Each lateral shall be connected separately to the distribution box.
 - c.) The bottom of all outlets shall be at the same elevation, and the bottom of the inlet shall be at least 1 inch above the bottom of the outlet. The bottom of the outlet shall be at least 4 inches above the bottom of the distribution box.
 - dd. Baffles shall comply with the following:
 - 1. A baffle shall be installed in the distribution box in the event that treatment tank effluent is discharged to the distribution box by a pump or siphon.
 - 2. The baffle shall be perpendicular to the inlet, be secured to the bottom of the box and extend vertically to a point level with the crown of the inlet pipe.
 - ee. A tee or elbow directed toward the bottom of the distribution box may be substituted for the baffle required by subparagraph (d).

- iii. Distribution boxes shall be installed on an adequate base of undisturbed or properly compacted earth or aggregate outside of the absorption area. Lightweight nonconcrete distribution boxes shall be anchored or otherwise secured to prevent shifting after installation. Adjustable distribution box weirs may be used on the outlet of the box.
- f. Laterals shall be a minimum of 3 inches in diameter unless a larger diameter is specified by local plumbing or building codes. Bends used in the disposal field shall be made with standard fittings.
- g. The maximum length of individual laterals employing gravity distribution is 100 feet.

Section 15-184 Pressurized distribution

- a. Pressurized distribution is required in the following instances:
 - i. All elevated sand mounds.
 - ii. When the percolation rate exceeds 60 minutes/inch.
 - iii. All systems having a total absorption area in excess of 2,500 square feet.
 - iv. Individual residential spray irrigation system spray fields and buried sand filters.

Section 15-185 Pressurized distribution design

- a. General requirements are as follows:
 - i. The piping used in a pressurized effluent system shall have watertight joints.
 - ii. Systems using pressure distribution shall meet the general requirements of sections 15-193, 15-194, 15-196, and 15-307.
 - iii. Delivery pipes from dosing pumps shall be installed to facilitate drainage of the distribution piping back to the dosing tank between doses.
- b. Seepage beds of 2,500 square feet or less shall meet the following design standards.
 - i. Conveyance of effluent from the dosing tank to the absorption area shall be through a delivery pipe sized to minimize friction loss. Check valves shall be prohibited on delivery

pipes. Where the system designer determines that water hammer may be a problem, thrust blocks may be installed on delivery pipes.

- ii. When equally sized absorption areas are dosed simultaneously, a header pipe shall be used to connect the delivery pipe from the tank to the manifolds. The header pipe shall be sized to minimize friction loss. Effluent application rates per square foot of absorption areas served by a common header shall have a maximum design variation of 10%. If the distance from the treatment tank to the absorption area would cause excessive backflow into the dosing tank, a transfer tank may be used between the treatment tank or storage tank and dosing tank.
- iii. Distribution of effluent to the individual laterals shall be by a central manifold extending into the absorption area from the delivery pipe or header. The manifold shall have the following minimum diameters:

<i>Sq. ft. of Absorption Area Minimum Manifold Diameter</i>	
200 to 1,199	1 1/2"
1,200 to 2,500	2"

- vi. Laterals shall be extended from both sides of the manifold by opposing tees or a double sanitary tee.
- v. Laterals shall consist of 1 1/2 inch diameter pipe, with holes placed along the bottom of the pipe; an end cap shall be cemented on the terminal end of the lateral. Minimum hole size shall be 1/4 inch.
- vi. The first hole in the lateral shall be 3 feet from the manifold. Additional holes shall be placed 6 feet on center with the last hole placed directly in the end cap.
- vii. The maximum length of a lateral from the manifold to the end cap shall be 51 feet and contain nine holes.
- viii. The location and spacing of the laterals shall conform to section 15-194(iii)—(vi) (relating to seepage beds).
- ix. Opposing laterals may not differ in length by more than 6 feet.
- x. When less than the maximum length of lateral is used, as described in paragraph (vii), the lateral shall be shortened in 6-foot sections with hole spacing maintained as required in paragraph (vi).

- xi. All systems shall be designed to maintain a minimum of 3 feet of head at the terminal end of each lateral.
 - xii. The minimum pump capacity (gpm) shall be calculated by multiplying the total number of discharge holes contained in the laterals of a proposed distribution layout by the gpm factor determined by the hole size at the design head level.
 - xiii. Total pump head shall be calculated by addition of all losses incurred due to elevation changes, pipe and fitting friction losses, and the head level to be maintained at the terminal end of the lateral as specified in paragraph (xi).
 - xiv. For purposes of calculating head loss due to friction, head loss in the standard lateral as described in paragraph (vii) shall be assumed to be 0. Head loss due to friction in pipe and fittings used in construction of the pressure system shall be calculated using a friction loss table for smooth-walled plastic pipe (C=150).
 - xv. When siphons are used in a pressure distribution system, each discharge hole shall be at least 5/16 inch in diameter. The discharge from all of the holes in the distribution system may not be less than the minimum rate of the siphon and may not vary from the average discharge rate of the siphon by more than 20%.
- c. Seepage beds of greater than 2,500 square feet shall meet the following design standards:
- i. The diameter of individual laterals, size and spacing of discharge holes, and minimum diameter of the distribution manifold may not be restricted by subsection (b) except that no discharge hole may be less than 1/4 inch for systems using pumps or 5/16 inch for systems using siphons.
 - ii. The maximum length of a lateral designed under this subsection or subsection (d) shall be 100 feet.
 - iii. Discharge rates from the individual holes of the lateral at design head shall be calculated using the sharp-edged discharge hole equation:
 - gpm=11.82(d²)
 - gpm=gallons per minute
 - (d)=diameter of hole (inches)

- (h)=head to be maintained at the terminal ends of the lateral (in feet).
- iv. All piping and fittings in the system shall be sized to minimize friction losses to provide as uniform distribution of effluent as possible.
 - v. The design head at the terminal end of the last lateral shall be at least 3 feet.
 - vi. The head loss due to friction from the beginning of the distribution manifold to the terminal end of the last lateral may not exceed 15% of the head level to be maintained at the terminal end of the lateral.
 - vii. Spacing of laterals and discharge holes in the laterals shall provide for uniform distribution of the effluent over the seepage bed.
 - viii. The arrangement of laterals and discharge holes shall result in the discharge holes being spaced at the apexes of either squares or equilateral triangles.
 - (a) The maximum spacing between discharge holes shall be 10 feet where an equilateral triangle pattern is utilized.
 - (b) The maximum spacing between discharge holes shall be 8 feet where a square pattern it utilized.
 - ix. The minimum pump capacity shall equal the total discharge from all holes in the laterals when operating at designed head.
 - x. The permittee shall conduct a test pressurization of the completed distribution system in the presence of the sewage enforcement officer prior to covering the piping system from view. During the test, the permittee shall confirm that all joints are watertight and that a discharge is occurring from each hole.
- d. Design of pressure distribution in trenches shall comply with the following:
- i. Subsection (c)(i)—(iv) and (x) applies to design of trenches utilizing pressurized effluent distribution.
 - ii. Variation in head in the laterals caused by differences in elevation or friction losses shall be compensated for by individual design of the laterals.

- iii. The effluent application rate per square foot of any two trenches served by a common dosing tank shall have a maximum design variation of 10%.
- iv. Equalization of loading may be accomplished by variation of discharge hole diameter between trenches, variation of spacing of discharge holes between trenches or another method approved by the Department or sewage enforcement officer.
- v. The maximum spacing between discharge holes is 10 feet.
- vi. The manifold for a trench system shall be placed on undisturbed soil a minimum of 6 inches above the trench bottom.
- vii. A minimum isolation distance of 3 feet shall be maintained between the manifold and the beginning of any trench. The individual laterals in the trench shall be connected to the manifold using unperforated pipe. The area beneath the manifold and connecting pipe shall consist of undisturbed or compacted soil.
- viii. The design head at the terminal end of each lateral shall be at least 3 feet.

Section 15-186 Dosing tanks

- a. Dosing tanks shall be constructed to the following specifications:
 - i. Dosing tanks shall be constructed of materials to the specifications outlined in section 15-172(b) (relating to standards for septic tanks).
 - ii. For all systems other than individual residential spray irrigation systems, the dosing tank shall be designed so that the estimated daily flow shall be discharged to the absorption area in one or more doses. Minimum dose volume shall be five times the internal liquid capacity of the delivery pipe, manifold and laterals, or 100 gallons, whichever is greater. When a siphon is used in a pressure distribution system, the minimum dose volume shall be equal to the internal liquid capacity of the delivery line plus five times the internal liquid capacity of the manifold and laterals.
 - iii. The dosing tank shall have a minimum liquid capacity equal to or greater than two times the designed dose volume.

- iv. Sufficient space shall be provided for electrical connections and proper pump control operation.
- v. Unless otherwise regulated by local electrical codes, all electrical connections shall be moisture resistant and at a point higher than the inlet pipe, or mounted above grade outside of the dosing tank or manhole extension within a tamper resistant, lockable control box.
- vi. A watertight manhole, at least 20 inches square or 24 inches in diameter, extended to grade, shall be provided for access to the dosing tank. Manhole covers shall meet the specifications of section 15-172(d).

Section 15-187 Dosing pumps, siphons and lift pumps

- a. Dosing pumps for all onlot sewage disposal systems except individual residential spray irrigation systems shall meet the following specifications:
 - i. The pump shall be sized to deliver a flow in gpm equal to or greater than the combined flows from all discharge holes in the laterals when operating at designed level of head and shall be rated by the manufacturer for handling of sewage effluent.
 - ii. The intake of the dosing pump shall be at least 6 inches from the bottom of the tank. The intake of any dosing pump shall be at a lower elevation than the lowest lateral.
 - iii. Pumps may not be suspended above the bottom of the tank by chains or similar equipment.
 - iv. A disconnect shall be incorporated into the piping within the dosing tank for ease of pump removal.
 - v. An effective warning device, as described in section 15-203(c) (relating to standards for holding tanks), shall be installed in the dosing tank to indicate failure of the pump or siphon. Electrically operated warning systems shall be on a circuit and breaker separate from the pump.
 - vi. A siphon or other discharge mechanism may be substituted for a pump where site conditions permit the use of a gravity flow device, if the average discharge rate of the device meets the requirements of paragraph (i).
 - vii. A copy of the performance curve of the pump or discharge specifications for the siphon to be used shall be attached to

the system design. A copy of the manufacturer's specification showing that the pump is designed to handle sewage or sewage effluent shall also be attached to the system design.

- viii. When an aeration tank is used which results in a periodic pump discharge from the treatment tank, the discharge mechanism may be substituted for a dosing tank and pump if the periodic discharge rate meets the criteria in subsections (a)(i) and (b)(ii) and section 15-186(ii) (relating to dosing tanks).
 - ix. Pumps or siphons serving systems having total absorption areas greater than 2,500 square feet shall have a minimum discharge capacity at least two times the estimated peak flow for the facility served.
 - x. When an establishment produces more than 50% of its total daily flow during a peak flow period, the minimum dose volume shall equal the anticipated flow during the peak period.
 - xi. Pumps employed for the purpose of lifting effluent to a higher elevation may not be deemed dosing pumps when the system does not meet the criteria of section 15-184 (relating to pressurized distribution). Pumps for this purpose shall have a discharge capacity at least two times the estimated peak flow of the facility served when operating at designed level of head, but at least 5 gpm and shall be rated by the manufacturer for handling sewage effluent.
 - xii. Siphon discharge lines shall be equipped with an observation port. The access to the observation port shall be extended to grade, capped and secured to prevent unauthorized entry.
- b. Lift pumps shall meet the following specifications:
 - i. Meet the standards in subsection (a)(i)—(v), (vii) and (viii).
 - ii. Be designed to discharge a minimum flood dose of 2 inches over the sand surface.
 - c. Dosing pumps used to pressurize a spray field distribution system shall be designed in accordance with the specifications in subsection (a)(i)—(v) and (vii).

CONSTRUCTION OF ABSORPTION AREAS

Section 15-192 General

- a. In all systems, if an absorption area is proposed, the top of the limiting zone shall be at least 4 feet below the bottom of the aggregate. Coarse aggregate used in the distribution system shall meet the requirements of the Department of Transportation specifications, Publication #408 (1994) section 703 available from the Department of Transportation. The size and grading of the aggregate shall meet AASHTO No. 57 requirements from a PADOT certified stockpile and shall be of Type B quality requirements.
 - i. Where the depth to the top of the limiting zone is 60 inches or greater, the system shall be installed so that the bottom of the aggregate is a minimum of 4 feet above the limiting zone.
 - ii. Where the depth to the top of the limiting zone is less than 60 inches, an elevated sand mound is required. Isolation from the limiting zone shall be achieved as required by section 15-196(a)(iii)—(v) (relating to elevated sand mounds).
 - iii. An absorption area may not be installed where less than 20 inches of suitable undisturbed mineral soil exists.
 - iv. When infiltration chambers or other devices which require no aggregate are used, adequate provisions to protect the infiltrative surfaces from damage by operation of pressure distribution systems shall be made.
- b. Before and after installation, equipment and vehicles shall be kept off the proposed absorption area, including the downslope area, to prevent undue compaction of the soil. Care shall be exercised during construction to prevent undue compaction and damage to the system and the downslope area.
- c. Soil moisture levels during construction of the absorption area shall be such that a sample of natural mineral soil taken from the level of the proposed installation will crumble if compressed into a ball.

Section 15-193 Standard trenches

- a. Design- The maximum slope of the undisturbed soil of a proposed absorption area where a trench system may be permitted is 25%. For slopes between 15% and 25%, detailed design in relationship to elevation shall be provided. The designer shall inspect the installation and verify that, to the best of his knowledge and belief, the system was installed in

accordance with the plans and specifications. Copies of the plans and specifications and the designer's report are to be attached to the applicant's copy, sewage enforcement officer's copy and the Department's copy of the application for sewage permit.

- b. Construction- Trenches in an absorption area shall be constructed in accordance with the following:
 - i. There shall be a minimum of two trenches per field.
 - ii. Trenches shall follow approximately the ground surface contours so that variations in trench depth shall be minimized.
 - iii. There shall be at least 6 feet of soil between the treatment tank or dosing tank and the nearest trench.
 - iv. The width of the bottom of the individual trench shall be 12 to 15 inches.
 - v. The depth to the bottom of the absorption area shall be 12 to 36 inches.
 - vi. The bottom of the absorption area shall be level to a tolerance of 2 inches per 100 feet.
 - vii. The minimum width of undisturbed earth between trenches shall be 5 feet. When elevated sand mound trenches are used, the distance between trenches shall be measured from the toe of the sand of each trench.
 - viii. The minimum depth of aggregate material under laterals shall be 6 inches.
 - ix. Laterals shall be placed in the center of the trench. The first or last discharge hole of a lateral may be no more than 5 feet nor less than 2 feet from the ends of the trench.
 - x. Laterals shall be level to a maximum tolerance of 4 inches of fall per 100 feet toward the terminal end of the lateral.
 - xi. The minimum depth of aggregate material over the laterals shall be 2 inches.
 - xii. The depth of aggregate shall be uniform throughout the absorption area.
 - xiii. The top of the aggregate material shall be covered with geotextile fabric, untreated building paper or a 2-inch layer

of hay, straw or similar material to prevent backfill material from settling into the aggregate.

- xiv. The minimum depth of earth cover over the aggregate in all installations shall be 12 inches. Where the top of the aggregate is less than 12 inches from the undisturbed soil surface, the soil cover shall extend beyond the absorption area by at least 3 feet on all sides.
- xv. The backfill material shall consist of soil suitable for the growth of vegetation, and be seeded to control erosion.
- xvi. Trench laterals shall be fitted with end caps.

Section 15-194 Seepage beds

- a. Whenever seepage beds are employed, they shall meet the requirements of section 15-193(b)(v), (vi), (viii) and (x)—(xvi) (relating to standard trenches) in addition to the following specifications:
 - i. The maximum slope of the undisturbed soil of a proposed absorption area where a seepage bed may be permitted is 8.0%.
 - ii. The required absorption area may be provided by one or more seepage beds:
 - (a) The individual beds of a single onlot system shall be separated by a minimum of 5 feet.
 - (b) When elevated sand mound beds are used, the distance between beds shall be measured from the toe of the sand of each bed.
 - iii. The bed shall contain a minimum of two laterals or two opposing sets of laterals when pressure distribution is used.
 - iv. Laterals shall be equally spaced a maximum of 6 feet on center, except as provided in section 15-185(c)(viii) (relating to pressurized distribution design).
 - v. Laterals shall be placed no further than 5 feet nor less than 2 feet from the sidewalls of the bed.
 - vi. Laterals shall be placed in the bed so that the first and last discharge holes may be no more than 5 feet nor less than 2 feet from the ends of the bed.

Section 15-195 Subsurface sand filter beds and trenches

- a. General- Subsurface sand filters without underdrains shall meet the following criteria:
 - i. Subsurface sand filters may not be utilized on soils where the limiting zone occurs at less than 6 feet below the mineral soil surface.
 - ii. The average percolation rate, as determined by section 15-156 (relating to percolation tests), shall be greater than 90 minutes per inch.
 - iii. The average percolation rate at a depth between 36 and 60 inches shall be within the range of 3—90 minutes per inch.
 - iv. The average percolation rate obtained from paragraph (iii) shall be applied to section 15-157(c) (relating to absorption area requirements) for determination of the absorption area and other system requirements.
 - v. System design shall meet the requirements of section 15-193 (relating to standard trenches) or section 15-194 (relating to seepage beds) except as modified by subsection (b).
- b. Construction- Subsurface sand filters shall be constructed as follows:
 - i. The maximum depth of the excavation shall be 5 feet.
 - ii. Sand meeting the specifications of section 15-196(c) (relating to sand specifications) shall be placed in the entire bed or trench to a minimum depth of 12 inches.

Section 15-196 Elevated sand mounds

- a. Design-
 - i. The maximum slope of the undisturbed soil, to the extremities of the berm, of a proposed absorption area where elevated sand mound trenches may be permitted is 12%.
 - ii. The maximum slope of the undisturbed soil, to the extremities of the berm, of a proposed absorption area where an elevated sand mound bed may be permitted is 12%.
 - iii. The limiting zone is the base elevation for measuring the required depth of sand to achieve a minimum of 4 feet of satisfactory material between the bottom of the aggregate and the top of the limiting zone.

- iv. A minimum of 1 foot of sand shall be placed under the aggregate in all elevated sand mound systems.
 - v. Existing mineral soil shall be utilized. No mineral soil in the area of the elevated sand mound may be removed or disturbed for the purpose of adding or mixing fill material.
 - vi. Elevated sand mound trenches shall meet the requirements of section 15-193(b) (relating to standard trenches) and this section.
 - vii. Elevated sand mound beds on slopes up to 8% shall meet the requirements of section 15-194 (relating to seepage beds) and subsection (b). Other sand mound beds shall comply with subsection (d).
- b. Construction-
- i. Vegetation shall be cut close to the ground throughout the area to be utilized for the absorption area and berm. Bushes and trees shall be cut flush with the ground surface; roots shall be left in place. Cut vegetation or organic litter shall be raked and removed from the absorption and berm areas.
 - ii. The proposed absorption area not obstructed by stumps or other obstacles shall be roughed or plowed parallel with the contour to a maximum depth of 6 inches, using a multiple share chisel plow or similar implement attached to light-weight equipment. The use of equipment other than a chisel plow implement shall be approved on a site specific basis as determined by the local agency prior to use of said equipment. Rotary tilling is prohibited.
 - iii. Under no circumstances may equipment travel on the plowed soil surface until the sand is in place.
 - iv. Immediately after plowing, sand shall be placed over the exposed plowed surface. Sand shall be placed from the upslope side of the bed using only lightweight equipment.
 - v. The slope of the sand not directly beneath the aggregate area shall be approximately 50%.
 - vi. The top of the sand directly beneath the aggregate shall be level to a tolerance of ± 2 inches per 100 feet.
 - vii. The mound shall be surrounded by a berm consisting of mineral soil containing less than 20% coarse fragments with no coarse fragments greater than 4 inches in diameter, more

stable and less permeable than the sand, and lightly compacted during construction to contain and protect the mound interior. The width of this berm shall be a minimum of 3 feet at the top of the aggregate.

- viii. Upon completion, the outside slope of the berm may be no greater than 50% and shall be seeded to assure the stability of the berm. The cover over the aggregate shall be a minimum of 1 foot of soil suitable for the growth of vegetation.
 - ix. No equipment may be permitted on the downslope side of the mound with the exception of lightweight equipment that is used to form the downslope berm. To the greatest extent possible, aggregate and the cover material shall be placed from the upslope side of the mound.
 - x. When a mound system with trenches is used, the area between the individual trenches shall be filled with mineral soil. A minimum distance of 5 feet shall separate sand of individual trenches. This measurement shall be from the toe of the sand.
 - xi. The area surrounding the mound shall be grated to provide for diversion of surface runoff waters.
- c. Sand- Sand suppliers shall provide certification in writing to the sewage enforcement officer and permittee, with the first delivery to the job site from every sand source listing the amount of sand delivered, and that all sand supplied meets the requirements posted in the Department of Transportation specifications Publication #408, section 703. The size and grading shall meet bituminous concrete sand Type B #1 or #3 requirements from a Department of Transportation certified stockpile. The sieve analysis shall be conducted in accordance with PTM #616 and #100.
 - d. Elevated sand mound beds- Elevated sand mound beds on slopes greater than 8% shall meet the requirements of section 15-194 and subsection (b). In addition, the following apply:
 - i. The absorption area shall have a minimum length to width ratio of 4 to 1.
 - ii. The long axis of the absorption area shall be perpendicular to the slope. The bed construction shall follow the ground surface contours.

- iii. Upon completion, the outside slope of the berm may be no greater than 33.3%.
- iv. Designing the location of multiple absorption areas so that one absorption area is placed hydraulically upgradient or downgradient from the other may cause the lower absorption area to fail because of excessive hydraulic loading from the upper absorption area. Unless the potential for such an impact is shown to be nonexistent by the applicant through the alternative/experimental system process, this type of absorption area placement is prohibited.

RETAINING TANKS

Section 15-202 General

Retaining tanks are individual sewage systems and require permits. They shall only be used where the Department finds and gives written notice to the approving body that the requirements of sections 15-1- 15-83 (relating to administration of sewage facilities planning program) have been met.

Section 15-203 Standards for holding tanks

- a. A holding tank shall be constructed to meet the specifications of section 15-172 (b)(i) (relating to standards for septic tanks) and section 15-154 (b) (relating to minimum horizontal isolation distances).
- b. The minimum capacity of a holding tank is 1,000 gallons or a volume equal to the quantity of waste generated in 3 days, whichever is larger.
- c. The holding tank shall be equipped with a warning device to indicate when the tank is filled to within 75% of its capacity. The warning device shall create an audible and visual signal at a location frequented by the homeowner or responsible individual.
- d. Disposal of waste from a holding tank shall be at a site approved by the Department.

Section 15-204 Standards for privies

- a. Location-
 - i. The privy shall be located so as to minimize any danger of contamination of water supplies. Where possible, the privy shall be downgrade and at least 50 feet from any source of water supply.
 - ii. The structure shall be accessible to the user, and at least 50 feet away from any building served.
 - iii. Consideration shall be given to the direction of prevailing winds to reduce odor nuisances.
- b. Construction-
 - i. The superstructure shall be constructed of substantial materials.
 - ii. The vault shall be large enough to provide for several years' use and be constructed to meet the specifications of section 15-172(b) (relating to standards for septic tanks).
 - iii. The vault shall be equipped with a roof-ventilating stack that is screened to prevent entrance of flies.
 - iv. An exterior cleanout shall be provided for the vault.
 - v. The superstructure shall be flytight, well ventilated and fastened solidly to the vault.
 - vi. The door shall be self-closing and provided with weather-stripping to make it insect proof.
 - vii. The seat and cover shall be constructed of smooth and easily cleanable material, and the cover shall be self-closing.
 - viii. An earth mound shall be placed around the privy, or a surface water diversion shall be constructed to keep surface water from flooding the vault.

Section 15-205 Chemical toilet or other portable toilet

- a. When proposed for use at temporary construction sites, facilities providing temporary recreational or sporting activities (such as a special event) or temporary seasonal facilities other than those intended for human habitation, chemical toilets or other portable toilets may be exempt from the onlot permitting requirements of sections 15-85- 15-141 (relating to

administration of sewage facilities permitting program) at the discretion of the local agency but improper installation or maintenance of these toilets shall constitute a nuisance under section 14 of the act (35 P. S. § 750.14) and be enforceable by the local agency.

- b. If multiple chemical toilets or other portable toilets are proposed for temporary use at construction sites, recreational activities or seasonal facilities, all units proposed for installation shall be included under one permit.

Section 15-206 Recycling toilet, incinerating toilet or composting toilet

- a. Recycling, incinerating and composting toilets shall bear the seal of the NSF indicating testing and approval by that agency under Standard No. 41.
- b. The device utilized shall meet the installation specifications of the manufacturer and shall be operated and maintained in a manner that will preclude any potential pollution or health hazards.
- c. When the installation of a recycling toilet, incinerating toilet or composting toilet is proposed for a new residence or establishment, an onlot sewage system or other approved method of sewage disposal shall be provided for treatment of washwater or excess liquid from the unit, except as provided in subsection (e). Both sewage disposal facilities shall be included under one permit.
- d. When the installation of a recycling toilet, incinerating toilet, composting toilet or another type of water conservation device is proposed for an existing residence or facility and no alteration of the onlot system is proposed, a permit is not required.
- e. When a composting toilet or incinerating toilet is proposed for installation on a lot meeting the requirements of section 15-203 (relating to retaining tanks), it shall be deemed equivalent to and permitted as a privy. The device shall be operated and maintained in accordance with the manufacturer's specifications. Discharges of liquids from these units, except to onlot sewage systems meeting the requirements of this part or other method of sewage disposal approved under this chapter or approved by the Department are prohibited.

EXPERIMENTAL AND ALTERNATE SYSTEMS

Section 15-212 Experimental sewage systems

- a. Experimental systems may be considered for individual or community systems in any of the following cases:
 - i. To solve an existing pollution or public health problem.
 - ii. To overcome specific site suitability deficiencies, or as a substitute for systems described in this chapter on suitable lots.
 - iii. To overcome specific engineering problems related to the site or its proposed uses.
 - iv. To evaluate new concepts or technologies applicable to onlot disposal.
 - v. To evaluate the applicability to onlot disposal of established concepts or technologies having successful use in comparable applications in the field of engineering.
 - vi. To demonstrate a design having successful use in other jurisdictions under environmental conditions similar to or more restrictive than those in this Commonwealth.
 - vii. To utilize under varying site conditions an experimental design, either in whole or in part, which has been deemed successful by the Department.
- b. A person desiring to install an experimental sewage system or alter a component of an existing system using a method, technology or design determined to be experimental by the Department shall submit complete preliminary design plans and specifications to the sewage enforcement officer and the Department for review and comment prior to submitting an application for a permit. The Department will determine if classification as an experimental system, method, technology or design is appropriate for the submission and provide review comments to the sewage enforcement officer.
- c. The following criteria shall be considered in the design of experimental systems:
 - i. The volume and rate of sewage flow, including reductions attributed to water conservation devices and recycling devices.

- ii. The chemical and bacteriological characteristics of the flow, including the varying nature, if any, of the contributing sources.
- iii. The treatment of the sewage flow, including, if appropriate:
 - aa. The type of treatment, that is aerobic, anaerobic, chemical, or other.
 - bb. The degree and extent of treatment afforded, including the chemical and biological characteristics of the effluent.
 - cc. The hydraulic design, including flow rates, retention time, settling rates, and sludge and scum storage.
- iv. The materials of construction including durability and chemical resistance of all system components.
- v. The characteristics and limitations of the disposal site, including, if appropriate:
 - aa. The depth, composition and projected effects of any limiting zone identified through extensive onsite evaluation of the soils present.
 - bb. The determination of the soil permeability through percolation tests, hydraulic conductivity tests or other acceptable testing procedures conducted on the site.
 - cc. The chemical and bacteriological characteristics of the subsurface or other waters.
 - dd. The natural and modified slope of the disposal site and contiguous areas, with particular attention to downslope areas.
 - ee. The relationship of the disposal site to existing and proposed drainage patterns, including surface and subsurface flows.
 - ff. The stability and renovative abilities of controlled fill areas.
- vi. The design of the absorption area, including:
 - aa. Dimensions.
 - bb. Method of distribution and hydraulic design considerations of the distribution system.

- cc. Rate of application.
 - dd. Relationship to other sewage disposal systems or features, water supply sources, surface waters, recharge areas, rock outcrops and other site improvements.
 - ee. Determination of hydraulic loading limitations—that is, interface acceptance rate of hydraulic conductivity of receiving soils—in accordance with accepted principles of hydraulic flow.
- vii. The effect upon the groundwater, including:
- aa. Fecal coliform.
 - bb. Chlorides.
 - cc. Nitrates.
 - dd. Nutrients.
 - ee. Other degrading material.
- viii. Other considerations as may be appropriate to comply with the act.
- d. Except as provided in subsection (f), experimental designs will be approved for use only when it has been determined that an individual or community sewage disposal system meeting the requirements of this chapter or another successful experimental design, or that sewage services meeting the requirements of the Clean Streams Law and Article II (relating to water resources), may be installed if the experiment is deemed a failure.
- e. Except as provided in subsection (f), monitoring, observation, testing or other requirements which are deemed necessary to verify the success of the experiment shall be required.
- f. A replacement area, as specified in subsection (d), and monitoring as specified in subsection (e), may not be required where the experimental design is an attempt to solve an existing pollution or public health problem.
- g. An application for an experimental system shall include the following:
- i. Detailed plans and specifications sufficient to comply with this section.

- ii. A description of the system, device or process; its capabilities; and scheduled maintenance, if any, which are necessary for continued function.
- iii. The identity of the person responsible for the design of the system; performance of scheduled maintenance, if required; and responsibility for repair or replacement in event of failure of the system.
- h. Each application for an experimental system shall be accompanied by a statement acknowledging the requirement that the sewage enforcement officer be notified of any malfunction or modification of the original system design.
- i. Prior to issuing a permit for an experimental sewage system, the sewage enforcement officer shall consider the comments of the Department.

Section 15-213 Alternate sewage systems

- a. Alternate systems shall be considered for individual onlot or community onlot systems in any of the following cases:
 - i. To solve an existing pollution or public health problem.
 - ii. To overcome specific site suitability deficiencies, or as a substitute for systems described in this chapter on suitable lots.
 - iii. To overcome specific engineering problems related to the site or its proposed use.
 - iv. To utilize under varying site conditions an experimental design, either in whole or in part, which has been deemed successful by the Department.
- b. A person desiring to install an alternate sewage system shall submit complete preliminary design plans and specifications to the sewage enforcement officer and the Department for review and comment prior to submitting an application for a permit. The Department will determine if classification as an alternate system is appropriate and provide review comments to the sewage enforcement officer.
- c. The following criteria shall be considered in the design of alternate systems:

- i. The volume and rate of sewage flow, including reductions attributed to water conservation devices and recycling devices.
- ii. The chemical and bacteriological characteristics of the flow, including the varying nature, if any, of the contributing sources.
- iii. The treatment of the sewage flow, including, if appropriate:
 - aa. The type of treatment—that is, aerobic, anaerobic, chemical or other.
 - bb. The degree and extent of treatment afforded, including the chemical and biological characteristics of the effluent.
 - cc. The hydraulic design, including flow rates, retention time, settling rates and sludge and scum storage.
- iv. Materials of construction, including durability and chemical resistance of all system components.
- v. The characteristics and limitations of the disposal site, including, if appropriate:
 - aa. The depth, composition and projected effects of any limiting zone identified through extensive onsite evaluation of the soils present.
 - bb. Determination of the soil permeability through percolation tests, hydraulic conductivity tests or other acceptable testing procedures conducted on the site.
 - cc. The chemical and bacteriological characteristics of the subsurface or other waters.
 - dd. The natural and modified slope of the disposal site and contiguous areas, with particular attention to downslope areas.
 - ee. The relationship of the disposal site to existing and proposed drainage patterns, including surface and subsurface flows.
 - ff. The stability and renovative abilities of controlled fill areas.
- vi. The design of the absorption area including:
 - aa. Dimensions.

- bb. Method of distribution and hydraulic design considerations of the distribution system.
 - cc. Rate of application.
 - dd. Relationship to other sewage disposal systems or features, water supply sources, surface waters, recharge areas, rock outcrops and other site improvements.
 - ee. Determination of hydraulic loading limitations—that is, interface acceptance rate or hydraulic conductivity of receiving soils in accordance with accepted principles of hydraulic flow.
- vii. The effect upon the groundwater, including the following:
- aa. Fecal coliform.
 - bb. Chlorides.
 - cc. Nitrates.
 - dd. Nutrients.
 - ee. Other degrading material.
- viii. Other considerations as may be appropriate to comply with the act.
- d. An application for an alternative system shall include the following:
- i. Detailed plans and specifications sufficient to comply with this section.
 - ii. A description of the system, device or process; its capabilities; and scheduled maintenance, if any, which is necessary for continued function.
 - iii. The identity of the person responsible for the design of the system and performance of scheduled maintenance, if required.
- e. Each application for an alternative system shall be accompanied by a statement acknowledging the requirement that the sewage enforcement officer be notified of any malfunction or modification of the original system design.

- f. Prior to issuing a permit for an alternative sewage system, the sewage enforcement officer shall consider the comments of the Department.
- g. The applicant shall follow the Department Alternate Systems Guidance, as amended, when designing and installing the alternate onlot sewage disposal system.

BONDED DISPOSAL SYSTEM

Section 15-214 General requirements for bonded disposal systems

- a. The local agency shall authorize the performance of a percolation test, at the owner's expense, when one is requested in writing by the owner of the property if the local agency determines soil mottling is present.
- b. If the sole reason for a property not meeting the requirements for the installation of an individual residential onlot sewage system is the presence of soil mottling, the local agency shall issue a permit for an individual residential onlot sewage system designed to meet the Department's standards when the property owner meets the following conditions:
 - i. A qualified soil scientist, qualified registered professional geologist, certified sewage enforcement officer or qualified registered professional engineer, not employed by the local agency with jurisdiction over the property in question, confirms in writing that the soil mottling observed in the test pits is not an indication of either a regional or perched seasonal high water table.
 - ii. The property owner provides evidence of financial assurance satisfactory to the local agency in an amount equal to the cost of replacement of the individual residential sewage system proposed and the reasonably anticipated cost of remedial measures to clean up contaminated groundwater to replace any contaminated water supplies and to repair or replace a malfunction of the onlot system. The local agency may not approve financial assurance in an amount less than \$20,000 or 15% of the appraised value of the lot and proposed residential dwelling. The terms of the financial assurances shall be for up to 3 years. The local agency may require a continuation of up to 2 additional years of financial assurance. The local agency may terminate the financial assurance requirement at the end of its term consistent with the act.

- iii. The property owner provides notification to the local agency 7 working days prior to conducting soil evaluations under this section and a representative of the local agency may observe the soil evaluations and may review resulting reports and correspondence.
- iv. The property owner produces evidence of a clause in the deed to the property that clearly indicates soil mottling is present on the property and that an individual residential onlot sewage system meeting the requirements of this section was installed on the property.

Section 15-292 Standards for financial assurances

- a. Financial assurance shall be sufficient to meet the requirements of section 7.2 of the act (35 P. S. § 750.7b).
- b. The local agency may establish an amount of financial assurance above the minimum established by section 15-214(b)(ii) (relating to general requirements for bonded disposal systems).
- c. A local agency may accept forms of financial assurance that establish, to the satisfaction of the local agency, its full and unconditional right to demand and receive any sum due it under section 7.2 of the act. A local agency may authorize a property owner to use the financial assurance for the sole purpose of repair or replacement of the onlot system, for remedial measures to clean up contaminated groundwater and to replace contaminated water supplies.
- d. The local agency will forfeit the financial assurance when it determines that one or more of the following apply:
 - i. The property owner has violated or continues to violate one or more of the terms or conditions pertaining to the financial assurance.
 - ii. The system has malfunctioned.
 - iii. The permittee has violated a condition of the permit or submitted false information.
 - iv. The property owner or permittee has failed to properly perform the remedial action required.

INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEM STANDARDS

Section 15-302 General

- a. Copies of the plans and specifications along with the designer's report shall be attached to the applicant's copy, local agency's copy and the Department's copy of the application for sewage permit.
- b. Standards for individual residential spray irrigation systems described in the following sections shall also be met:
sections 15-146, 15-154, 15-155, 15-157, 15-158, 15-162, 15-172, 15-173, 15-182 and 15-184.

Section 15-303 Intermittent sand filters

- a. There are two types of intermittent sand filters available for use with individual residential spray irrigation systems. The standards for free access sand filters and buried sand filters are included in this section.
- b. Free access sand filters shall meet the following standards:
 - i. Filter- The filter shall be constructed in a tank meeting the following specifications:
 - aa. The surface area of a filter tank shall be a minimum of 40 square feet for systems using an aerobic treatment tank and serving a single family residence of three bedrooms or less. The filter area shall be increased by 10 square feet for each additional bedroom over three.
 - bb. Systems proposing the use of a septic tank to serve a single family dwelling of three bedrooms or less shall be designed using two filter tanks or a single tank with two chambers. Each tank or chamber shall have a surface area of 40 square feet. The filter area of each filter shall be increased by 10 square feet for each additional bedroom over three.
 - cc. Tanks shall be watertight and made of a sound, durable material which is not subject to excessive corrosion or decay.
 - dd. Concrete tanks shall have a minimum wall thickness of 2 1/2 inches and be adequately reinforced.

- ee. If precast slabs are used as tank tops to support the access covers, the slabs shall have a thickness of at least 3 inches and be adequately reinforced.
- ff. Tanks shall be designed and constructed so that the depth from the cover to the top of the sand layer provides sufficient freeboard to allow for maintenance of the sand surface.
- gg. Access shall be provided by a minimum of two access openings. These access openings shall be a minimum of 36 inches by 36 inches and provide access to the entire surface of the filter.
- hh. The tank wall shall be extended a minimum of 6 inches above final grade.
- ii. Access covers shall be insulated against severe weather, secured by bolts or locking mechanisms, prevent water infiltration and the entrance of debris, and be lightweight to facilitate routine maintenance.
- ii. Media- Sand suppliers shall provide certification, in writing to the sewage enforcement officer and permittee, with the first delivery to the job site, that the sand to be supplied meets the following specifications:
 - aa. The fine aggregate shall have an effective size of between 0.3 to 0.6 mm, a uniformity coefficient of less than 3.5 and less than 4% of the coarse aggregate passing the #100 sieve. The sieve analysis shall be conducted in accordance with Department of Transportation PTM #616 and the uniformity coefficient shall be determined by using Department of Transportation PTM #149.
 - bb. The sand may not contain more than 15% by weight deleterious material as determined by Department of Transportation PTM #510.
- iii. Contents of certification- The written certification shall include the name of the supplier, the testing results, the testing date, the amount of material purchased under this certification and the delivery date.
- iv. Construction-. The sand filter shall be constructed according to the following standards:

- aa. A 4-inch diameter perforated underdrain pipe with a minimum 2,500 pound crush test specification shall be placed on the bottom of the tank.
- bb. Two rows of perforations between 1/2 to 3/4 inch in diameter shall be drilled in the underdrain pipe at 6 inch intervals and the pipe shall be placed so the perforations face downward and the rows are approximately 45° from each other.
- cc. Aggregate shall be placed around the underdrain to a total depth of 5 inches from the bottom of the tank. Coarse aggregate used in the underdrains and distribution system shall meet the Type B requirements posted in the Department of Transportation specifications Publication #408, section 703, Table B and uniform size and grading of the aggregate shall meet AASHTO No. 57 requirements, as described in Form 408, section 703.2, Table C from a Department of Transportation certified stockpile.
- dd. A minimum depth of 4 inches of aggregate shall be placed over the aggregate underdrain material. Coarse aggregate used in the transition layer shall meet the Type B requirements posted in the Department of Transportation specifications Publication #408, section 703, Table B. The size and grading shall meet AASHTO No. 8 requirements, as described in Form 408, section 703.2, Table C from a Department of Transportation certified stockpile.
- ee. Sand shall be placed over the aggregate to a depth of at least 24 inches.
- ff. The sand in the filter may not be greater than 36 inches deep.
- gg. The central distribution system shall be designed and installed to convey a minimum 2 inch flood dose of effluent to the surface of the sand filter. A high water alarm shall be installed in the filter tank which produces an audible and visual alarm when effluent backs up on the filter surface to 12 inches above the surface of the sand.
- hh. When two filters or chambers are required to treat septic tank effluent, the duplicate units shall, at the discretion

- of the designer, be flooded alternately, periodically by using valves, or simultaneously.
- ii. The central distribution piping may not be more than 2 inches in diameter.
 - jj. The height of the central distribution system's effluent outlet above the sand surface shall allow for the installation of a splash plate and the maximum flooding depth of the sand filter.
 - kk. A concrete splash plate or other suitable material shall be located under each effluent outlet to prevent scouring of the sand surface. Movement of the splash plate during the flooding operation shall be prevented.
- c. Buried sand filters shall meet the following standards:
- i. Location-
 - aa. When buried sand filters are proposed to be installed in areas where bedrock is encountered above the proposed depth of the sand filter, or where the seasonal high groundwater table rises above the proposed depth of the sand filter, the designer should consider measures to prevent filter and liner damage and groundwater infiltration.
 - bb. A buried sand filter may not be constructed in unstabilized fill.
 - ii. Size-
 - aa. The size of the sand filter shall be determined on the basis of the appropriate application rate and the estimated daily sewage flow in accordance with section 15-157(a) (relating to absorption area requirements) but the sand filter area shall be at least 300 square feet for use with either an aerobic treatment tank or septic tank with solids retainers units.
 - bb. For a single family residence, the minimum sand filter area shall be based on a maximum hydraulic loading of 1.15 square feet per gallon per day.
 - cc. Where aerobic treatment precedes the sand filter, a 1/3 reduction to the filter area may be used to size the filter.

- iii. Media-
 - aa. At least 2 inches of clean aggregate meeting subsection (b)(iv)(cc) shall surround underdrains and distribution pipes. A minimum of 4 inches of aggregate meeting subsection (b)(iv)(dd) shall be placed over the underdrain. A layer of porous geotextile material may be placed on top of both layers of aggregate to prevent migration of soil or sand into the aggregate.
 - bb. At least 24 inches of clean sand shall be placed over the underdrain aggregate. The sand shall meet the specifications in section 15-196(c) (relating to elevated sand mounds).
 - cc. The minimum depth of earth cover over the coarse aggregate in all installations shall be 12 inches. When the top of the aggregate is less than 12 inches from the undisturbed soil surface, the soil cover shall extend beyond the filter area by at least 3 feet on all sides. The soil over the sand filter shall be so graded that surface water will run off, consist of soil suitable for the growth of vegetation and be seeded to control erosion.
- iv. Underdrain piping-
 - aa. Underdrain piping shall be laid on a grade of 3 to 6 inches per 100 feet sloped to the outfall pipe.
 - bb. Underdrain piping shall be positioned between the distribution laterals to maximize effluent travel through the filter sand.
 - cc. Underdrain piping holes shall be equal or greater in number and size to the distribution piping holes.
 - dd. Underdrain piping shall have two rows of holes placed at approximately 45° angle from each other along the bottom half of the pipe.
 - ee. The outfall pipe from the underdrain header shall have an antiseep collar and bentonite clay plug or a leak proof boot sealed as per manufacturer's instructions to the subsurface sand filter liner.
- v. Filter base and liner- The base of the filter shall be sloped to the underdrain pipe a maximum of 1%. An impervious liner of hypalon, polyvinyl chloride or polyethylene sheeting of 20

millimeter thickness or equal shall be installed on a tamped earth base to prevent seepage to the groundwater. A concrete bottom and sides may also be used at the discretion of the designer. A 2-inch layer of sand or a layer of 10 ounce porous geotextile material shall be provided on each side of the liner to prevent punctures and tears. Seams shall be made according to manufacturer's specifications.

- vi. Distribution of effluent-. Distribution of effluent to the buried sand filter shall meet the requirements of section 15-184—15-187 (relating to pressurized distribution design; dosing tanks; and dosing pumps).

Section 15-304 Spray fields

- a. The maximum slope of the undisturbed soil where a spray field may be permitted is 25%.
- b. Individual residential spray irrigation system spray fields are not permitted on:
 - i. Soils with evidence of a seasonal high water table at less than 10 inches from the surface.
 - ii. Soils with rock formations at less than 16 inches from the surface.
 - iii. Floodplain soils or flood prone areas unless any required encroachment permits have been obtained from the Department and the encroachment is in compliance with local ordinances pertaining to flood areas.
 - iv. Agricultural areas in active production of food for human consumption.
- c. Slopes shall be as follows:
 - i. Open, grassed areas—limited to 12%.
 - ii. Forested areas—limited to 25%.
 - iii. Nonfood producing agricultural areas—limited to 4%
- d. Spray field sizing based upon soils characteristics shall be in accordance with Table B in section 15-157(e) (relating to absorption area and spray field requirements).
- e. Construction shall be as follows:

- i. The area upslope of the spray field shall be graded or bermed to divert upland drainage from the spray field site.
- ii. The downslope portion of the permitted spray field shall be graded or bermed to retain effluent on the permitted spray site.
- iii. The permitted spray field shall be covered with vegetation.
- iv. Construction activity within the spray field site shall be conducted in a manner which will minimize earth disturbance and compaction.

Section 15-305 Chlorine contact/storage tanks

- a. The minimum liquid capacity of an individual residential spray irrigation system storage tank serving a three bedroom dwelling, excluding chlorine contact volume, is 2,000 gallons. The tank size shall be increased an additional 500 gallons for each additional bedroom over three. Additional increases in size may be required where more than 5 days storage is needed due to climatic conditions or when spray fields are located in floodplain or floodprone areas.
- b. Storage tanks used in individual residential spray irrigation systems shall meet the construction standards in section 15-186(i) and (iv)—(vi) (relating to dose tank). When more than one tank is used, the tanks shall be connected together at the bottom to equalize the liquid level in the tanks.

Section 15-306 Disinfection

- a. Disinfection of effluent is required prior to spraying. The disinfection shall be by chlorination and shall produce an effluent which will contain a concentration not greater than 200 fecal coliform organisms per 100 milliliters in a single sample. Disinfection units shall be installed in accordance with the manufacturer's specifications. Disinfection units shall be reliable, able to disinfect sewage effluent and be easily maintained by the property owner.
- b. A chlorinator shall be designed to maintain a chlorine residual of 0.2 PPM to 2 PPM and provide for a 30 minute contact time.
 - i. When an erosion chlorinator is proposed, the base of the unit may be placed no deeper than 36 inches below finished grade.

- ii. When a lift pump is used to keep the unit no deeper than 36 inches below finished grade, the pump shall have a discharge rate that does not exceed the manufacturer's specifications for the erosion chlorinator and shall meet the appropriate specification of section 15-187 (relating to dosing pumps, siphons and lift pumps).
- iii. Chlorine contact time may be obtained using a separate chlorine contact tank or in-line chlorination followed by the storage tank.
- iv. Chlorinators shall be housed separately from chlorine contact tanks or storage tanks unless the tanks are specifically designed to house chlorinators.

Section 15-307 Design of pressure distribution for individual residential spray irrigation systems

- a. Design of pressure distribution in an individual residential spray irrigation system shall comply with the following:
 - i. Conveyance of effluent from the storage tank to the spray field shall be through a delivery pipe sized to minimize friction loss.
 - ii. Check valves shall be prohibited on delivery lines. Air relief valves may be placed at high points in the delivery lines to prevent air locks.
 - iii. The delivery line and laterals shall be designed so that the effluent will drain back to the storage tank or otherwise designed to prevent freezing of the lines and sprinkler heads.
 - iv. Individual laterals shall be sized to minimize friction loss. The hydraulic loss (friction and elevation changes) within a lateral shall be less than 20 % of the operating head of the sprinklers.
 - v. Design of laterals should include consideration of measures to prevent freezing of lines.
 - vi. Spacing of laterals and sprinklers shall provide for distribution of the effluent over the spray field using a design nozzle pattern that does not overlap adjacent spray nozzle wetted perimeters.
 - vii. Design of the spray field shall be based on the manufacturer's sprinkler specifications listing operating

- head, wetted diameter, nozzle size and discharge rate which shall be attached to the system design.
- viii. Sprinklers shall be installed on risers 18 inches to 5 feet above grade level.
 - ix. Sprinklers shall be kept clear of obstructing vegetation for a radius of 5 feet.
 - x. The design head of the sprinkler may not exceed the manufacturer's specifications for each system component.
 - xi. The minimum pump capacity shall equal the total discharge from all sprinklers when operating at design head.
 - xii. Total pump head shall be calculated by addition of all losses incurred due to elevation changes, pipe and fitting friction losses and the design head of the sprinkler.
 - xiii. The effluent shall be discharged to the spray field once per day. A manual override shall be installed in the system to allow interruption of this spray cycle when weather conditions are not conducive to spraying.
 - xiv. The permittee shall conduct a test pressurization of the completed spray field in the presence of the sewage enforcement officer prior to covering the piping system from view. During the test, the sewage enforcement officer shall confirm that all joints are water tight, the design head is achieved and the manual override is functional.

Section 15-308 Operation and maintenance

- a. Individual residential spray irrigation systems require periodic maintenance by the property owner and entity established under section 15-108(h) (relating to permit requirements for operation and maintenance of individual residential spray irrigation systems). Without proper maintenance, system components will fail and pollution or a public health hazard will occur. This may result in costly repairs and civil penalties. The system designer shall provide an operation and maintenance manual, which may be supplemented with manufacturer's manuals and instructions, to the permittee that includes, as a minimum, the following required standards for operation and maintenance to be met by the permittee:
 - i. Septic tanks, dosing tanks, lift pump tanks and chlorine contact/storage tanks shall be inspected every 6 months for

structural integrity of the tank, inlet and outlet baffles, solids retainer, pumps, siphons and electrical connections.

- ii. Aerobic tanks shall be inspected every 6 months for structural integrity of the tank, inlets and outlet baffles, buoyed solids retainer, pumps, siphons and electrical connections. The inspection and concurrent pumping of excess solids shall be conducted in accordance with manufacturer's and NSF requirements.
- iii. Free access sand filters, buried sand filters, chlorinators, the pressurized spray irrigation plumbing and spray nozzles and the spray fields shall be inspected periodically by the property owner and every 6 months by the maintenance entity established under section 15-108(h). Each component shall be inspected for compliance with the following standards:
 - (a) Chlorine residual sampled after the contact/retention tank shall be maintained at a concentration of at least 0.2 PPM.
 - (b) The chlorinator shall be functioning within the specifications of the manufacturer. Bridging of chlorine tablets may not be occurring.
 - (c) Solids may not be accumulated on the surface of the sand in the free access sand filter nor may 12 inches to effluent be ponded over the sand. The high water alarm shall be functional.
 - (d) The surface of the free access sand shall be raked and porous and any sand removed shall be replaced with sufficient clean sand to maintain the depth at a minimum of 24 inches.
 - (e) The plumbing in the free access sand filter tank shall be functional and free of leaks and splash plates shall be in place.
 - (f) The free access sand filter tank and cover shall be structurally sound and unauthorized access equipment shall be in place. Insulation shall be in place.
 - (g) The areas of the buried sand filter shall be free of ponded effluent and downgradient seepage.
 - (h) The plumbing to the spray field shall be functional and free of leaks.
 - (i) The spray nozzles shall be functioning within the design specifications and the extent of the designed wetted perimeter and each nozzle.

iv. A laboratory shall test the discharge to the system for fecal coliforms, carbonaceous biological oxygen demand (CBOD), suspended solids and chlorine residual to determine compliance with sections 15-85 – 15.141 (relating to the administration of sewage facilities permitting program). At least annually, a copy of the tests results along with the most recent inspection of the system by the maintenance entity established under section 15-108(h) shall be sent to the local agency.

LIQUID WASTE MANAGEMENT

Section 15-309 Scope

This section provides regulations which:

- a. Establish minimum requirements for management, transportation and disposal of liquid waste material in a manner consistent with the Montgomery County Public Health Code (MCPHC) to prevent public health hazards in Montgomery County.
- b. Establish such standards consistent with the PA. Sewage Facilities Act, the Act of 1965, P.L. 1535, No. 537, as amended (35 P.S. 750.1 et seq.), and the PA. Solid Waste Management Act, the Act of 1980, P.L. 380, No. 97, as amended, (35 P.S. 6018.101-1003 et seq.).

Section 15-310 Licensure, inspections and transportation of sewage hauling vehicles and sewage waste materials.

- a. No person shall participate in the business of pumping, removal of and/or transporting sewage, sewage sludge or any liquid waste without first having acquired from the local agency a valid license to perform such activities.
- b. All persons must apply for a license provided by the local agency to pump and transport liquid waste within Montgomery County. Applicants must adhere to all conditions set forth in the license requirements and procedure.

- c. All applications submitted to the local agency must be accompanied by the appropriate license fee, payable to the Treasurer of Montgomery County in accordance with the established fee schedule.
- d. All licenses issued shall be valid for one (1) calendar year from the date of issuance. Application shall be made for renewal of said license within forty-five (45) working days of the expiration date.
- e. All vehicles employed by the applicant shall be required to possess a valid and separate Montgomery County Health Department (MCHD) issued license.
- f. All properly licensed vehicles must display the issued MCHD registration number, per the license application, in a conspicuous location on the equipment in use.
- g. All properly licensed vehicles shall be inspected by MCHD. The inspections shall be conducted at an interval and location prescribed by the department. The frequency between inspections for any one vehicle not to exceed three (3) years.
- h. All properly licensed vehicles, in which their place of business is located within the bounds of Montgomery County, may request by appointment only, an on-premises inspection at an additional cost in accordance with the approved fee schedule.
- i. Any license to pump and or transport liquid waste may be revoked upon failure to comply with any of the rules and regulations promulgated under the aforementioned sections or a condition of the license and/or a written order through the (Local Agency Law) by the Director or his/her designee.
- j. Any failure to comply with these regulations can and may result in legal action taken against the liquid waste operator and/or the owner of the company, as authorized by Chapter 21 of the MCPHC.