

ORDINANCE NO. 280

**AN ORDINANCE OF THE TOWNSHIP OF LONGSWAMP
AMENDING ORDINANCE NO. 2006-238 TO INCLUDE
ADDITIONAL REGULATIONS FOR SEWAGE MANAGEMENT
FOR SPECIFIC PROPERTIES IN THE TOWNSHIP FOR THE CYCLE 1
2015 AND CYCLE 2 2016 PUMPING CYCLES; REQUIRING A
MODIFIED 2015 CYCLE; REQUIRING SEO INSPECTIONS AND
REAFFIRMING THE REMAINING PROVISIONS OF ORDINANCE
NO. 2006-238**

WHEREAS, the Township of Longswamp ("Township") has adopted a Sewage Management Ordinance that pertains to periodic pumping and maintenance of on-site septic systems within the Township on three year cycles; and

WHEREAS, the Township has adopted an Act 537 Sewage Plan for sewer planning within the Township with a goal of environmental protection and to manage growth and development within the Township; and

WHEREAS, the Township has submitted various Act 537 Plans to the Department of Environmental Protection (the "Department") and the infrastructure for public sewage treatment facilities is not available within the municipality due to environmental constraints; and

WHEREAS, despite said submissions, the Township currently operates pursuant to a Consent Order and Agreement ("COA") to manage potential onlot sewer system malfunctions and suspected malfunctions as described by the Department's requirements; and

WHEREAS, in order to avoid substantial costs and unmitigated growth in the Township, the Board through the Department has provided within its Act 537 Plan additional sewage management requirements in the area of the Township that has been identified as "high needs"; and

WHEREAS, the Township has determined that specific properties in Cycle 1 and Cycle 2 as shown on the attached Exhibit "A" will be required to comply with additional sewage management regulations in areas that the Department considers to be a high concentration of potential malfunctions or suspected malfunctions; and

WHEREAS, the Township has determined that in order to comply with the COA and its Act 537 Plan additional sewage management requirements are in the best interest of the Township and will assist in the Township Board of Supervisors' central goals of protecting the health, safety and welfare of Township residents; and

WHEREAS, the additional requirements set forth in this Ordinance are designed to mitigate costs of the Act 537 Plan and to avoid unnecessary and/or premature public sewer construction, the Township seeks to adopt a shortened pumping schedule for the specific properties designated in Cycle 1 for the year of 2015, and to require additional inspections by the Township Sewage Enforcement Officer (SEO) during the Onlot Sewage Disposal System maintenance/pumping for specific properties in Cycle 1 and Cycle 2 to better define the sewer needs and actual malfunctions within the Township; and

WHEREAS, based upon the above, the Township seeks to amend Ordinance No. 2006-238 as it pertains to specific properties for the year 2015 and 2016 and into the future as necessary to satisfy the Department regarding appropriate Act 537 Planning for the Township; and

NOW therefore, the Longswamp Township Board of Supervisors hereby adopts the following:

Section 1. The above recitals are incorporated herein as if more fully set forth.

Section 2. The provisions of Ordinance No. 2006-236 are reaffirmed except as provided herein. Such reaffirmation includes, but is not limited to, the definitions, penalty and enforcement provisions, inspection scope and all general cycle requirements. Ordinance No. 2006-238 is incorporated herein as if more formally set forth.

Section 3. All other properties that are classified as Cycle 1 Properties in Ordinance No. 2006-238 shall comply with said Ordinance on its regular schedule. All other cycle schedules in Ordinance No. 2006-238 shall be unaffected by this Ordinance.

Section 4. The Cycle 1 pumping schedule that commences on June 30, 2015, shall be amended to commence on the effective date of this Ordinance for the properties identified on Exhibit "A" of this Ordinance and shall conclude on September 1, 2015. Therefore, all properties identified on Exhibit "A" must comply with this Ordinance on or before September 1, 2015.

Section 5. In addition to the provisions of Section 8 of Ordinance No. 2006-238 the Township's Sewage Enforcement Officer (SEO) shall accompany any Pumper/Hauler to a property required to have the SEO on site during pumping, as listed on Exhibit "A", to physically observe the On-Lot Sewage Disposal System to determine whether a malfunction, as defined by Department, exists at the property. In coordinating such inspections, the Owner shall perform the following:

- a. At least seventy-two (72) hours before a Pumper/Hauler is scheduled to arrive at the Property for maintenance, the Owner shall notify the Township SEO to conduct an inspection in the manner set forth in Section 6 of Ordinance No. 2006-238.
- b. For purpose of this Ordinance Owner shall mean any Person, whether record owner, tenant, or agent responsible for ensuring compliance as mandated by Ordinance No. 2006-238.

Section 6. Malfunction as described by the Department shall be all circumstances listed on Exhibit "B", which is incorporated herein as supplied by Department guidance.

Section 7. For the Properties identified on Exhibit "A", even in the case of a requested determination for exemption from pumping is set forth in Section 8(B) of Ordinance No. 2006-238, the SEO shall be required to be on site during the determination and to observe the Onlot Sewage Disposal System as described in Section 5 and document the same.

Section 8. The Township shall invoice the cost of the SEO inspection to all owners in the area depicted on Exhibit "A". Said monies shall be due and payable on the date set forth on said invoice. The failure to pay the same shall result in the Township's ability to follow standard municipal practices including liens and/or judgments.

Section 9. In the event a malfunction is determined, the SEO shall follow all rules, regulations, Ordinance or statues regarding enforcement of the abatement.

Section 10. All inspections performed by the SEO shall be documented and the Township and Owner shall receive a record of such inspection. Such inspection report shall be incorporated into the Township's Act 537 Plan.

Section 11. The failure of an Owner to comply with the provisions of this Ordinance in the time and manner set forth herein shall be considered in violation of Ordinance No. 2006-238 regardless of whether the Pumper/Hauler turns in a receipt for pumping. Inspections by the SEO shall be a mandatory provision of this Ordinance for compliance.

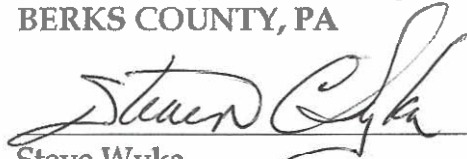
Section 12. Severance Clause. Should a court of competent jurisdiction declare any section, paragraph, clause or phrase of this Ordinance unconstitutional or invalid, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

Section 13. Repealer Clause. All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

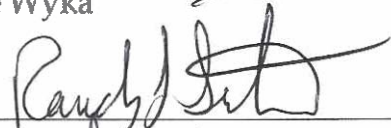
Section 14. Effective Date. This Ordinance shall become effective on the earliest date allowed by law.

DULY ENACTED AND ORDAINED, as an Ordinance by the Board of Supervisors of Longswamp Township, Berks County, Pennsylvania, in lawful session duly assembled this 10th day of February, 2015.

**Board of Supervisors Longswamp Township,
BERKS COUNTY, PA**



Steve Wyka



Randy Sicher



Michael Sacks

Attest:

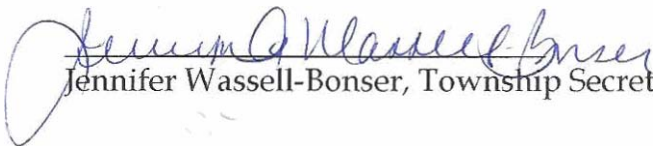
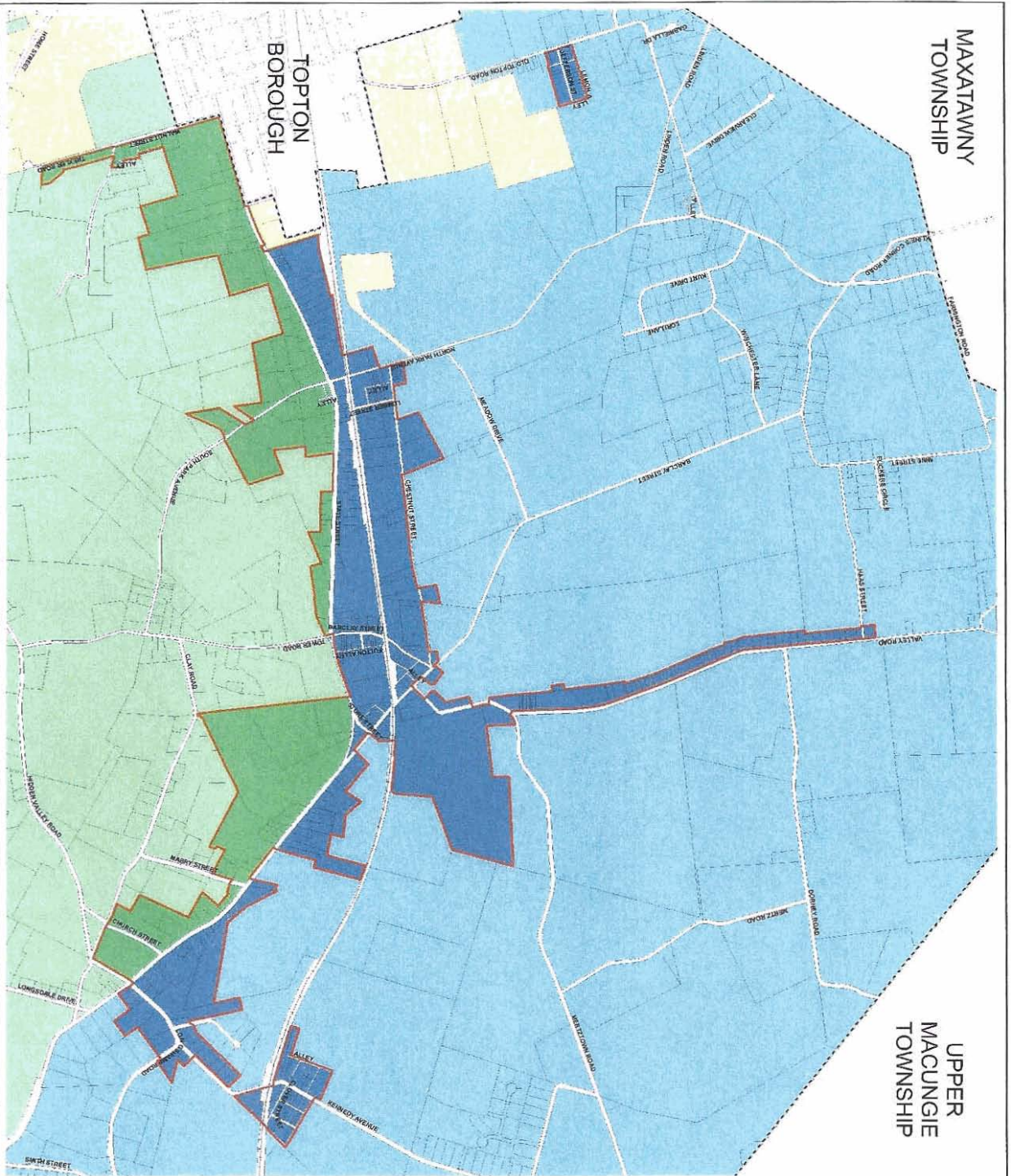

Jennifer Wassell-Bonser, Township Secretary

EXHIBIT A

MAXATAWN
TOWNSHIP

UPPER
MACUNGIE
TOWNSHIP

EXHIBIT A
SEWAGE MANAGEMENT
CYCLE PLAN
LONGSWAMP TOWNSHIP
BERKS COUNTY
PENNSYLVANIA



- LEGEND:**
- HIGH NEED AREAS DESIGNATED IN THE TOWNSHIP ACT 537 PLAN
 - RAILROAD
 - MUNICIPAL BOUNDARY
 - CYCLE 1
 - PROPERTIES IN CYCLE 1 WITH SHORTENED PUMPING SCHEDULE AND REQUIRED TO HAVE SEO ON SITE DURING PUMPING
 - CYCLE 2
 - PROPERTIES IN CYCLE 2 REQUIRED TO HAVE SEO ON SITE DURING PUMPING
 - CYCLE 3
 - PROPERTY CONNECTED TO PUBLIC/COMMUNITY SANITARY SEWER



PREPARED BY:
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PROJECT 1.06.36
REVISED NOVEMBER 20, 2006
DECEMBER 5, 2006
FEBRUARY 10, 2015

EXHIBIT B

Exhibit "B"

DRAINFIELD MALFUNCTION IDENTIFICATION

A. Public Health Needs

1. Public health needs are considered to be those health hazards and water pollution problems that involve discharging untreated or inadequately treated sewage to the surface of the ground or to the waters of the Commonwealth (including groundwater). Most commonly, these needs are found to be malfunctioning onlot disposal systems (OLDS) and malfunctioning community onlot disposal systems (COLDS). Onlot disposal system malfunctions are classified into three categories: confirmed, suspected and potential. Properly functioning onlot systems are added to these groups forming a fourth category. When determining the public health needs of an area using OLDS/COLDS, all systems inventoried, mapped and analyzed must be placed into one of these four categories:
 - a. **Confirmed Malfunctions:** Those malfunctions documented by dye testing, laboratory test results, observation by a certified Sewage Enforcement Officer or a professional with experience in OLDS, "Best Technical Guidance" repair permits, and seasonally wet absorption areas. Also included are piped discharges from a single structure with direct evidence of sewage (i.e. direct observation of soap suds, food residue, solids, odors, etc.), reported system backups, malfunctions with photographic documentation or other similar evidence.
 - b. **Suspected Malfunctions:** Those systems exhibiting some malfunction characteristics such as abnormally green grass in the vicinity of an absorption area, piped discharges from one (or more than one) dwelling without direct evidence of sewage (i.e. no observation of soap suds, food residue, solids, odors, etc.), absorption areas located in known unsuitable soils (observed wetlands, rock outcropping, etc.), cesspools (in high density development) and pit (not vault) privies.
 - c. **Potential Malfunctions:** Those systems that appear to be operating satisfactorily but were constructed prior to system permitting requirements (i.e. pre-regulatory systems), systems located in areas extremely unlikely to receive permitting by current standards, systems constructed in areas having soils mapped as unsuitable or with severe limitations for OLDS and systems located on exceptionally steep slopes greater than 25 percent. Included as potential malfunctions are permits issued for OLDS repairs that meet Chapter 73 standards. While this needs category does not represent "stand alone" existing needs, the information may be utilized in a needs analysis to locate areas affected by poorly defined adverse circumstances. For example, clusters of legitimate repairs will often indicate areas requiring closer scrutiny.

- d. **No Malfunction:** Those systems that appear to be operating satisfactorily, were constructed since the implementation of system permitting requirements, and appear to have been constructed in accordance with the permitting requirements in effect at the time of construction. For the purpose of needs identification, OLDS permitting under Act 537 became effective on May 15, 1972.
2. Several other situations exist that must also be inventoried, mapped and analyzed when identifying public health needs for an Act 537 Official Plan or Plan Update Revision. These include: wildcat sewers, borehole disposal, holding tanks, public complaints and sanitation related illnesses.
 - a. **Wildcat Sewer:** Collection systems (community sewers) serving more than one equivalent dwelling unit (EDU) and discharging untreated or partially treated sewage to the surface of the ground, storm sewers or other waters of the Commonwealth. An EDU is equal to a sewage flow of 400 gallons per day. The number of EDUs connected to a wildcat sewer is used to “convert” the wildcat sewer into an equivalent number of confirmed malfunctions. (For example, four residential dwellings, each with sewage flows of 400 gallons per day (GPD) will equal four EDUs. One restaurant with a sewage flow of 1,200 GPD will equal three EDUs. If all were connected to a wildcat sewer, they would be the equivalent of and reported as, seven EDUs or seven malfunctioning OLDS.)
 - b. **Borehole Disposal:** Individual or community systems discharging to a borehole, abandoned water well, drywell, ventilation shaft or other subterranean structure. As in the previous example, the number of EDUs connected to a borehole is used to “convert” borehole disposal into an equivalent number of confirmed malfunctions.
 - c. **Holding Tanks:** A watertight receptacle designed to retain sewage for disposal at another location. All holding tanks installed as repairs are counted as “needs.” Specifically excluded are holding tanks installed to serve new land development or low flow commercial facilities. While not actually spewing sewage into the environment, properly maintained holding tanks, when used in OLDS repair situations, are included in the confirmed malfunction category.
 - d. **Public Complaints:** Any legitimate complaint received by DEP or the municipality concerning improper sewage disposal. The number, nature and location of public complaints concerning improper sewage disposal are important, yet often overlooked indicators of sewage disposal problem areas.
 - e. **Sanitation Related Illness:** Any reported illness, either resulting from or suspected to be resulting from improper sewage disposal.

Records and incidents in which polluted water supplies have been suspected or confirmed as the cause of disease is documentation establishing a community's wastewater treatment needs. Confirmed or suspected vector borne disease that may be attributed to surface ponding of sewage also should be considered.

Resources:

Bureau of Water Supply and Wastewater Management, Pennsylvania Department of Environmental Protection "Act 537 – Sewage Disposal Needs Identification" 3800 – BK – DEP 1949 REV 4/2002