

CHAPTER VIII¹
PERMIT REQUIREMENTS
FOR
RETAINING TANKS

BACKGROUND:

(1) The Department of Environmental Protection (DEP) defines "Retaining Tank" as "A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. . ."

(Pennsylvania Code Title 25, Chapter 71, Subchapter A, §71.1-25; and Chapter 73, §73.1-25)

(2) Concord Township Ordinance 178, enacted June 4, 1991 provides in SECTION 3, Rights and Privileges Granted, "That the Authority is hereby authorized and empowered to undertake within the Township the control and methods of retaining tank sewage disposal and the collection and transportation thereof."

(3) DEP requires a Sewage Management Program to assure proper operation and maintenance of sewage facilities, pursuant to the provisions of the Pennsylvania Code Title 25, Chapter 71, Subchapter E.

(4) DEP requires that retaining tanks be designed, installed, operated and maintained pursuant to the Pennsylvania Code Title 25, Chapter 71, Section 71.63, Subchapter D.

(5) DEP requires that retaining tanks be permitted and that they meet the requirements pursuant to the Pennsylvania Code Title 25, Chapter 73, Sections 73.61, 73.62, 73.63, 73.64 and 73.65.

SECTION 1. DEFINITIONS

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

A. 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, but is not limited to, the following:

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1. Chemical Toilet - A permanent or portable non-flushing toilet using chemical treatment in the retaining tank for odor control.

2. Holding Tank - A tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.

3. Privy - A tank designed to receive sewage where water under pressure is not available.

4. Incinerating Toilet - A device capable of reducing waste materials to ashes.

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

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

B. Sewage Management Program - A program authorized by the official action of a municipality for the administration, management and regulation of the disposal of sewage and meeting the requirements of DEP pursuant to Title 25, Chapter 71, Subchapter E.

C. Township - Shall mean the Township of Concord and any of its appointed representatives, including the Concord Township Sewer Department.

D. Other definitions - All other words and terms, when used in this Chapter, shall have the meanings set forth in Title 25, Chapter 71, Administration of Sewage, of the Pennsylvania Department of Environmental Resources unless the context clearly indicates otherwise.

SECTION 2. PURPOSE

The purpose of this Chapter is to provide for the management, and/or ownership and operation, maintenance, inspection, permitting and rehabilitation of every retaining tank in the Township of Concord, and establish penalties and appeal procedures necessary for the proper administration of such facilities.

SECTION 3. SCOPE

A. This Chapter applies to any person, partnership, or corporation who or which is or intends to become the owner or agent of the owner of a retaining tank.

B. This Chapter shall apply to the design, permitting and/or installation of every retaining tank as governed by DEP, and the administration and management of each such facility.

SECTION 4. APPLICABILITY

A. Any person who is the owner of any building and/or a retaining tank serving as means of sewage disposal within Concord Township is subject to all requirements in this Chapter.

B. The owner shall be responsible for obtaining all required permits from the Township, DEP and any other agencies requiring permits for an installation of a retaining tank and its operation and maintenance.

SECTION 5. RETAINING TANKS

A. The owners of all existing retaining tanks as of January 1, 1992, shall secure from the Township a Permit for continued operation, on or before March 1, 1992.

B. No permit for continued operation of a retaining tank shall be issued until the Township has determined that

1. the system and its appurtenances have been designed and installed pursuant to plans and specifications prepared by a licensed professional engineer, and approved by DEP,

2. the system will be operated and maintained in the future pursuant to the DEP requirements of a Sewage Management Program, Title 25, Chapter 71, Subchapter E,

3. the system is permitted pursuant to the Concord Township Official Act 537 Plan or an Approved revision to that Official Plan,

4. the owner of the system has entered into a written agreement with the Township with appropriate bond or escrow account, respecting operation and maintenance activities and requirements, sewage management program requirements, and method for integrating the system into the comprehensive sewage program of the Township of Concord,

5. the owner shall have filed with the Township a full and complete permit application form, and paid the required Permit Fee.

C. All Permits for Continued Operations shall expire each year on December 31 of each year.

D. The permit application shall be on a form provided by the Township and shall include, but not be limited to, the following information:

1. identification and mapping of the location of the system on a site plan, and with a recorded deed reference,
2. description of operation and maintenance requirements of the system,
3. designation of person responsible for operation and maintenance activities and the legal and financial arrangements necessary for assumption of this responsibility,
4. a copy of the plans and specifications of the system meeting the applicable standards established by DEP,
5. a copy of all reports, notices of violations and correspondence received from DEP since the system went into operation,
6. a copy of any and all contracts entered into between the owner and any other person, firm or legal entity respecting operations and/or maintenance of the system and for septage removal,
7. written permission of the owner, permitting the Township, its authorized servants, agents and employees, to enter upon the property to inspect the system, observe its operation, and secure such test samples as deemed appropriate by the Township and to permit such inspections and test sampling at least quarterly thereafter,
8. any and all additional information required to demonstrate the owner's compliance with DEP regulations, Title 25, Chapter 71, Subchapter D, Section 71.65,
9. the owner's agreement and plan to integrate his sewage needs into the comprehensive sewage program in the area,
10. any and all additional information deemed necessary by the Township for adequate review of the proposal.

SECTION 6. NEW RETAINING TANK SYSTEMS - PERMIT

A. No retaining tank shall be installed, operated or maintained in Concord Township after January 1, 1992, unless and until the owner shall secure from the Township:

1. a Permit for Installation, and
2. a Permit for Operation.

B. No Permit for Installation shall be issued unless and until the Township shall determine that:

1. the proposed system is permitted pursuant to the Concord Township Official Act 537 Plan or an approved revision to that Official Plan,

2. the proposed system and its appurtenances meet the applicable design and other standards established by DEP under Sections 202 and 207 of the Clean Streams Law (35 P.S. §691.202 and 691.207) and DEP issues a Clean Streams Law Permit,

3. the proposed system is to relieve an existing health and safety problem or for the interim use during construction of the ultimate facility,

4. the owner of the system has entered into a written agreement with the Township with appropriate bond or escrow account, respecting operation and maintenance activities and requirements, sewage management program requirements, and method for integrating the system into the comprehensive sewage program of the Township of Concord,

5. the owner shall have filed with the Township a full and complete Permit Application form, and paid the required Permit Fee.

C. The Permit Application for Permit for Installation shall be on a form provided by the Township and shall include, but not be limited to, the following information:

1. type and manufacturer of retaining tank including collection and disposal methods, including model numbers of all components,

2. anticipated raw waste characteristics of the sewage,

3. identification and mapping of the location of the system, on a site plan and with a recorded deed reference,

4. description of operation and maintenance requirements of the system,

5. designation of person responsible for installation and the legal and financial arrangements entered into to assure installation,

6. a copy of the plans and specifications of the system meeting the applicable standards established by DEP,

7. a copy of any and all contracts entered into between the owner and any other person, firm or legal entity respecting operations and/or maintenance of the system and septage removal,

8. written permission of the owner, permitting the Township, its authorized servants, agents and employees, to enter upon the property to inspect the system, observe its operation, and secure such test samples as deemed appropriate by the Township and to permit such inspections and test sampling at least quarterly thereafter,

9. any and all additional information required to demonstrate the owner's compliance with DEP regulations, Title 25, Chapter 71, Subchapter D, Section 71.65,

10. the owner's agreement and plan to integrate his sewage needs into the comprehensive sewage program in the area,

11. any and all additional information deemed necessary by the Township for adequate review of the proposal.

D. The permit application for a Permit for Operation shall be on a form provided by the Township and shall include, but not be limited to the information under Section 5.B of this Chapter.

SECTION 7. PERMIT FEES

The Township establishes the following required fees, reserving the right to hereafter periodically revise, amend and change any or all of the required fees:

A. Holding Tanks

1. fee for Permit for the initial application of new and existing holding tanks to cover application review and inspections for the initial application, shall be \$500.00,

2. fee for Permit for Continued Operations of a holding tank to cover application review and inspections for continued operation, shall be \$250.00.

B. Other Retaining Tank Systems

1. Chemical Toilet - \$50 per year per toilet
2. Privy - \$50 per year per seat
3. Incinerating Toilet - \$50 per year per toilet
4. Composting Toilet - \$50 per year per toilet
5. Recycling Toilet - \$50 per year per toilet

C. All Systems

1. Reimbursement to the Township for any and all actual expenses incurred by the Township in excess of the above Permit Fees.

SECTION 8. INSPECTION, TESTING AND CERTIFICATION

A. 1. During the first or initial year of operation of the system, the owner shall cause to be made, at least quarterly, an inspection by an authorized factory representative of the manufacturer of the system or by a registered professional engineer retained by the owner and approved by the Township.

2. The results and/or reports of each inspection shall be submitted by the owner to the Township at its monthly public meeting following the owner's receipt of the report and/or certification.

3. In the event that any report and/or any certification shall indicate that the system is not operating in compliance with DEP regulations and/or permits or with Township regulations and/or permits, the owner shall:

(a) advise the Township in writing what measures will be taken to correct the system,

(b) undertake the complete any and all required maintenance and repairs necessary to correct the system within thirty (30) days of the report or certification, and

(c) obtain and submit to the Township a certification from a registered professional engineer that the required maintenance and repairs have been completed and that the system is functioning in accordance with DEP and Township regulations and permits.

B. The Township shall have the right to inspect and test the system as often as deemed necessary to verify that the system is designed, installed, operated and

maintained in compliance with DEP and Concord Township requirements and permits, including without limitation:

1. inspections prior to start of construction of the system, during construction and upon completion of construction to determine that installation has been in accordance with all permits issued,
2. inspection at the time the system is "started-up" and placed in operation to determine that it is operating in accordance with all permits issued,
3. inspection at least annually to determine that the system is being maintained and operated in accordance with all permits issued,
4. inspection following required maintenance and repairs to the system by the owner to correct deficiencies in the system referred to in "A- 3" above to determine that the required Maintenance and repairs have been made and that the system is functioning in accordance with DEP and Township regulations and permits,
5. inspection at any time that the owner fails or refuses to conduct the inspections and/or testing required by paragraph "A" above, and/or fails or refuses to submit to the Township the reports or certifications required by paragraph "A" above.

C. The inspections to be made by the Township shall be of the entire system and its appurtenances (collection, treatment and disposal), including electrical, mechanical and chemical components; collection conveyance piping, pressure lines and manholes; alarm and flow recorder devices; pumps; disinfection equipment and related safety items.

Inspections may include inspection of surface contouring and other measures (consistent with DEP regulations at Chapter 73 - relating to standards for sewage disposal facilities) to divert storm water away from the treatment facilities.

D. During the period of time when the system is inoperable, owner shall make the necessary arrangements to remove the sewage and arrange for its appropriate disposition by a licensed hauler at a properly certified and licensed sewage disposal facility.

SECTION 9. PENALTIES

A. Any person being the owner(s) or agent of the owner of a retaining tank found to be in violation of any provision of this Chapter shall be served by Concord Township with written notice stating the nature of the violation and providing a

reasonable time limit for the satisfactory correction thereof. The offender shall, within a period of time stated in such notice, permanently cease all violations.

B. Any offender who shall continue any violation beyond the time limit provided for in Section 9.A) shall be guilty of a summary offense, and on conviction thereof, shall be fined in the amount not exceeding \$250.00 for each violation. Each day on which any such violation shall continue shall be deemed a separate offense. Fines shall be paid to the treasury of Concord Township. Such fines and penalties may be collected by suit or summary proceedings brought in the name of Concord Township.