

# PENN TOWNSHIP MUNICIPAL AUTHORITY

## Holding Tank Rules, Regulations and Specifications

### ARTICLE I

**SECTION 1.0 – DEFINITION OF TERMS** – Unless the context clearly and specifically indicates otherwise the meanings of the terms used in these articles shall be as follows:

- 1.1 **Authority** – shall mean Penn Township Municipal Authority, a Pennsylvania municipal authority, acting by and through its Board, or, in appropriate cases, by and through its authorized representatives.
- 1.2 **Commercial Use** – shall include any building, structure or facility used solely for commercial, manufacturing, professional service or similar business use and shall include no facility used for residential purposes.
- 1.3 **DEP** – shall mean the Pennsylvania Department of Environmental Protection of the Commonwealth of Pennsylvania or its successor.
- 1.4 **Holding Tank** – shall mean a watertight receptacle, whether permanent or temporary, which receives and retains sewage and is designed and constructed to facilitate the ultimate disposal of the sewage at another site. Holding tanks include but are not limited to the following:
  - (a) **Chemical Toilet** – shall mean a toilet using chemicals that discharge into a holding tank.
  - (b) **Retention Tank** – shall mean a holding tank to which sewage is conveyed by a water carrying system.
  - (c) **Vault Pit Privy** – shall mean a holding tank designed to receive sewage where water under pressure is not available.
- 1.5 **Improved Property** – shall mean any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall be or may be discharged.

- 1.6 **Institutional Use** – shall include any building, structure or facility used solely as municipal buildings, fire halls, libraries, museums, grange halls, churches, or other similar kind of public use, but shall not include uses such as schools or hospitals.
- 1.7 **Ordinance No. 2018-02** – shall mean Penn Township Ordinance No. 2018-02.
- 1.8 **Owner** – shall mean any person vested with ownership, legal or equitable, sole or partial, of any improved property.
- 1.9 **Person** – shall mean any individual, partnership, firm, company, association, society, corporation, or other group or entity.
- 1.10 **Recreational Use** – shall include any recreational facility such as a Department of Environmental Protection permitted campground and outdoor public or private recreational areas such as playgrounds, baseball fields or picnic areas. It shall not include hunting or fishing camps or seasonal cottages.
- 1.11 **Residential Use** – shall mean any room, group of rooms, building or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of Persons living together or by a Person living alone, excluding institutional dormitories, but including personal care boarding homes licensed by the Commonwealth.
- 1.12 **Sewage** – shall mean any substance that contains any excrement, waste products or other discharge from the bodies of human beings or animals and any noxious or deleterious substances that is harmful or inimical to public health, to animal or aquatic life, or to water for a domestic water supply or for recreational use.
- 1.13 **Township** – shall mean the Township of Penn, Snyder County, Pennsylvania, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

All other definitions set forth in the Pennsylvania Sewage Facilities Act and regulations of the Department of Environmental Protection, and their amendments, are incorporated by reference.

**ARTICLE II**  
**RULES AND REGULATIONS**

**SECTION 2.0 – HOLDING TANKS PERMITTED** – Use of holding tanks for sewage disposal purposes shall be allowed within the Township under Ordinance No. 2018-02 for the following uses, under and subject to the requirements and regulations set forth in these articles and other applicable laws and regulations:

- (a) Institutional, recreational, or commercial use where the sewage flow does not exceed 400 gallons per day.
- (b) As necessary to abate a public nuisance or public health hazard.
- (c) As otherwise allowed under the applicable DEP regulations and approved by the DEP.

**SECTION 2.1 – PERMITS REQUIRED** - No holding tank may be used within the Township to receive and retain sewage under Ordinance No. 2018-02 without approval by DEP, the township Sewage Enforcement Officer, and a permit issued by the Authority. No holding tank permit will be issued for any improved property, if public sewer is available to serve the property, or an on-lot sewer system can be constructed to serve the property. Unless the above conditions are complied with, no holding tank permits will be issued.

**SECTION 2.2 – PROHIBITED ACTIVITY** - No holding tank for which a permit has been issued under these articles shall be maintained or used except in conformity with the regulations set forth in these articles and as may be required by other applicable laws or regulations. No holding tank installed for use on the effective date of these articles shall be altered, modified, or reused (if use has been abandoned for more than one year), without complying with the regulations set forth in these Rules and Regulations and any other applicable laws and regulations.

**SECTION 2.3 – USE AND MAINTENANCE OF HOLDING TANKS AND DISPOSAL OF SEWAGE** - The use, maintenance and disposal of contents of all holding tanks shall conform to the following requirements:

- (a) The holding tank shall be maintained and used in accordance with conditions set forth in the permit and all applicable regulations.
- (b) Holding tanks shall be equipped with a float audio and visual alarms set to cause an alarm at a ninety percent (90%) full level.

- (c) The contents of the holding tank shall be pumped and collected regularly and as necessary to maintain a proper working sewage system and shall be properly transported to a permitted disposal site in accordance with applicable regulations. All holding tanks shall, however, be required to be pumped at least once a year, and the owner shall be required to provide written verification to the Authority of compliance with this requirement.
- (d) Pumping receipts shall be remitted to the Authority annually.
- (e) Information concerning person(s) collecting, transporting and disposing of sewage contents, contracts for disposal services, and disposal site(s) shall be provided to the Authority. Only those persons authorized by the Authority shall be permitted to collect transport and dispose of sewage contents.
- (f) Any changes or modifications to the holding tank or the use served shall be reported to the Authority.
- (g) Inspection of holding tanks by the Authority and the Authority's Inspector shall be permitted as necessary and at least once per year at the expense of persons responsible for use and maintenance.
- (h) The Authority must be provided in writing with current information about any change in ownership of the property or persons responsible for use and maintenance of the holding tank.
- (i) With the exception of holding tanks being used for residential purposes at the time these articles are enacted, in the event the use of the property served by the holding tank changes to or includes a residential use, then installation of an approved sewage disposal system which meets applicable standards and regulations shall be required, and the use of the holding tank shall cease.

#### **SECTION 2.4 – CONDITIONS FOR USE AND MAINTENANCE OF ALL HOLDING**

**TANKS** – The holding tank shall at all times be properly maintained and kept in good working condition and so that, among other things, leaks and spills are avoided and so that a nuisance or health hazard is not created. The following conditions must be followed:

- (a) Holding tanks must be pumped at least once a year, and the owner shall be required to provide written verification to the Authority of compliance with this requirement.
- (b) Leaks, spills and malfunctions shall be reported to the Authority immediately, and corrective action shall be taken in accordance with applicable DEP regulations.
- (c) The Authority and the Authority's Inspector shall be permitted to inspect holding tanks at any time for proper operation, maintenance, and content disposal. The owner shall also secure and maintain liability insurance coverage for the use and operation of the holding tank with the Authority being an additional insured there under. The amount of insurance shall be \$1,000,000.00 per incident.

**SECTION 2.5 – EXEMPTIONS** – These Rules and Regulations shall not apply to potable water that is collected in any type of container, vessel, etc.; cisterns, runoff reservoirs; propane and septage.

**SECTION 2.6 – REMEDIES, VIOLATIONS, AND PENALTIES**

- (a) The holding tank permit may be revoked by the Authority.
- (b) Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of these articles that is violated shall also constitute a separate offense
- (c) Any other remedy allowed at law, including equitable or legal injunctive relief in a court of competent jurisdiction, including an action to abate a nuisance, and such other penalties as authorized by the Second-Class Township Code or Act 537, both as amended.

**SECTION 2.7 – PERMIT DENIAL OR REVOCATION** – Any person denied a permit or whose permit has been revoked may take an appeal in accordance with the applicable provisions of the Pennsylvania Sewage Facilities Act, as amended, and regulations promulgated thereunder.

## **ARTICLE III**

### **SPECIFICATIONS FOR CONNECTING TO A HOLDING TANK**

**SECTION 3.0 – HOLDING TANK PERMIT APPLICATION** – An application for a holding tank permit shall be submitted on a form provided by the Authority. Such form may be modified by the Authority from time to time.

#### **SECTION 3.1 – PERMIT APPLICATION AND FEES**

- (a) The holding tank permit application shall be submitted on forms prescribed by the Authority. Additional information shall be provided as may be required by the Authority and its Engineer.
- (b) Holding tank permit applications will not be accepted without written approval from both DEP and the Township Sewage Enforcement Officer.
- (c) An application fee as established by the Authority shall be paid at the time of application to the Authority.

#### **SECTION 3.2 – STANDARDS FOR ISSUING HOLDING TANK PERMITS**

- (a) The proposed use is one allowed under these Rules and Regulations and other applicable laws and regulations.
- (b) It is determined that the average daily sewage flow will not exceed 400 gallons based upon DEP regulations.
- (c) The applicant has completed and signed a Holding Tank Cleaning Contract with the Authority and has made adequate and proper arrangements for the collection and disposal of the sewage.
- (d) The proposed use of the holding tank does not create an undue risk of pollution or harm to the public health and welfare.
- (e) The holding tank meets the requirements of the applicable DEP regulations. A permit may be issued subject to conditions as may be necessary for the protection of watercourses, groundwater, water supplies and environment, and for protection of the public health, safety and welfare.

**SECTION 3.3 – OWNER RESPONSIBILITY** – The owner of the property on which a holding tank is being used and maintained shall be responsible, along with the person in possession or in control of the operation and maintenance of the holding tank, for compliance with the regulations relating to holding tank use, maintenance and contents for disposal.

**SECTION 3.4 – FUNCTIONS OF AUTHORITY INSPECTOR** – The Authority Inspector shall:

- (a) Review holding tank applications.
- (b) Impose conditions on permits as necessary and appropriate.
- (c) Inspect holding tanks as appropriate and otherwise required to determine compliance with applicable rules, regulations and specifications.
- (d) Provide to the Authority with written reports regarding inspections.
- (e) Review the pumping receipts from each permitted holding tank.

**SECTION 3.5 – FUNCTIONS OF THE AUTHORITY** – The Authority Administrative Secretary or such other person as the Authority may designate shall:

- (a) Maintain records regarding the holding tanks permitted, their location, persons owning the property on which they are located, persons otherwise designated as persons responsible for their use and maintenance, and the use for which permitted.
- (b) Maintain records regarding the persons collecting, transporting and disposing for each permitted holding tank and disposal site used.
- (c) Maintain the pumping receipts from each permitted holding tank.
- (d) Maintain Authority and the Authority’s Inspector’s investigation reports for each permitted holding tank.
- (e) Maintain records of complaints and report the same to the Authority and the Authority’s Inspector for inspection.
- (f) Maintain a current list of persons permitted to collect, transport and dispose of sewage from holding tanks.