

**JACKSON TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA**

RESOLUTION No.11-03

**A RESOLUTION SETTING FORTH REGULATIONS
RELATIVE TO HOLDING TANKS**

WHEREAS, the Township of Jackson Cambria County, Pennsylvania, (referred to as the Municipality herein) desires to establish procedures for the use and maintenance of existing and new sewage holding tanks which comply with applicable federal and state laws; and

WHEREAS, the Municipality recognizes that such procedures are necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this Municipality;

NOW, THEREFORE, IT IS HEREBY ORDAINED as follows:

1. No sewage holding tank shall be installed or used in this Municipality unless a holding tank permit is issued in accordance with this Resolution.
2. A holding tank permit may only be issued when the following conditions are met:
 - (A) Holding tanks are authorized without submission of Sewage Facilities Planning Modules and PADEP approval when the use is for an institutional, recreational or commercial establishments with a sewage flow of 800 gallons per day or less, or for temporary use at a residential structure when public sewage is to be available in less than 2 years and a construction contract has been awarded.
 - (B) Holding tanks shall be permitted when necessary to abate an immediate nuisance or public health hazard.
 - (C) Holding tanks shall be authorized in accordance with the provisions set forth in Chapter 71.63 of the Sewage Facilities Act and regulations promulgated thereunder at 25 Pa, Code Section 71.63(c).
 - (D) Holding tank permits may only be issued for tanks complying with the technical standards for construction, as set forth in 25 Pa. Code Sections 73.31 and 73.62, or amendments or recodification of those sections.

3. The permittee of any holding tank permit must agree and/or shall be deemed to agree to the following and the same are made as express conditions of the permit and its continuing validity:
- (A) The permittee shall construct the holding tank in compliance with the technical standards of the Sewage Facility Act and Regulations set forth by the Department of Environmental Resources or any similar agency in accordance with the said Act.
 - (B) The permittee shall maintain the holding tank in conformance with this Resolution, provisions of any applicable law, and any applicable rules and regulations of the Commonwealth of Pennsylvania.
 - (C) Subject to the Municipality's ultimate responsibility as set forth in 25 Pa. Code Section 71.63(b) or subsequent amendments or recodification thereof, the permittee shall collect, transfer and dispose of the contents only at such sites as may be directed by the Municipality and approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.
 - (D) The permittee shall have a written Holding Tank Cleaning Contract with a licensed/approved hauler, with disposal being only at such sites as may be directed by the Municipality and approved by the PADEP, and shall retain pumping receipts and provide copies of the contracts and receipts to the Municipal Secretary as evidence that the holding tank has been pumped out on a regular basis. The Municipality shall retain such receipts for five (5) years.
 - (E) The permittee shall permit the Municipality and its appropriate agents to inspect, at such times as the Municipality deems appropriate, the holding tank and the permittee shall reimburse the Municipality for the actual costs and fees relating to the inspection(s). The Municipality shall prepare such inspection reports and shall retain such reports for five (5) years.
 - (F) The permittee shall reimburse the Municipality for any costs incurred in pumping should the tank not be properly maintained and/or should it be deemed necessary by the municipal sewage enforcement officer to pump the tank to avert a public nuisance or to correct a malfunction.
 - (G) The permittee shall reimburse the Municipality for any costs incurred in repairing, removing, or replacing the said holding tank should the tank not be properly maintained, and the permittee shall reimburse the municipality for any costs of cleaning the property site as a result of any contamination created by material disposed of in the holding tank or as a result of any defects in the holding tank, and the permittee shall indemnify and hold the Municipality harmless from any and all costs of such removal, repair, replacement, or remediation of the site and shall in

addition indemnify and hold the Municipality harmless from and against any counsel fees, court costs, fines, penalties, or interest imposed upon the Municipality by any federal, state or local agency as a result of or in relation to defects in the operation, condition, or maintenance of the said holding tank

4. The Municipality shall have a right to require that the permittee provide a performance bond to guarantee the permittee's performance of duties set forth in this Resolution. The amount of such bond shall be set by the Supervisors from time to time to reflect their best estimate of the cost of remediating any failure to comply with the terms of the permit.
5. The Municipality, upon written notice from the municipal sewage enforcement officer that an eminent health hazard exists due to the failure of a property owner to maintain (pump out, repair or replace a holding tank as provided under the terms of this Resolution, shall have the authority to perform or contract to have performed the work required by the sewage enforcement officer. The owner shall be charged for the work performed and the Municipality shall have the right to file a Municipal Lien against the property on which the holding tank is located in an amount equal to the amount expended by the Municipality pursuant to this section.
6. Holding tank permits shall be obtained from the Municipality's certified Sewage Enforcement Officer or the licensed person who is designated by the Municipality to function within its limits as agent for the Municipality to carry out the provisions of this Resolution. The Municipality shall have the right to develop license application forms and to impose a license fee, from time to time, in an amount reasonably required to cover the Municipality's costs of administering this program.
7. Any person failing to comply with any of the provisions of this Resolution shall be subject to a fine of not less that One Hundred (\$100.00) Dollars and not more than Three Hundred (\$300.00) Dollars, plus costs, for each day during which the violation continues, or in default thereof to be confined in the county jail for not more than thirty (30) days. Each day of noncompliance shall constitute a separate offense.
8. All ordinances/resolutions or parts of ordinances/ resolutions inconsistent with the provisions of this Resolution are hereby repealed to the extent of such inconsistency.
9. If any section or clause of this Resolution is judged invalid, such adjudication shall not effect the validity of the remaining provisions which shall be deemed severable herefrom.

I hereby certify that this is a true and correct copy of a Resolution is duly enacted on August 28, 2003 by the Township Supervisors of Jackson Township, Cambria County, Pennsylvania at a public meeting, which was duly advertised.

David M. Hirko - Secretary

(SEAL)

David J. Bracken - Chairman
Jackson Twp. Board of Supervisors

HOLDING TANK CLEANING CONTRACT

1. The parties hereto are:

(a) The Township or Borough of _____, _____ County, Pennsylvania, hereinafter called "Municipality".

(b) The owner(s) of the affected property having a holding tank for the disposal of sewage, hereinafter called "Owner",

(Names)

(Address)

(c) The holding tank cleaner, hereinafter called "Cleaner",

(Names)

(Address)

(d) The disposal site approved by the Department of Environmental Resources, hereinafter called "Disposal Site":

(Names)

(Location - Address)

2. The Municipality has adopted an Resolution governing the utilization of holding tanks, pursuant to the Sewage Facilities Act of 1966, as amended, (35 P.S. 750, et seq.), in accordance with which Owner is using the holding tank on his property.

3. The Municipality hereby delegates to Cleaner responsibility for the regular collection and disposal of the contents of Owner's tank.

4. Cleaner hereby accepts sole responsibility and agrees to provide the service of regularly collecting the contents of Owner's holding tank and disposing of the same as approved by the Department of Environmental Resources upon reasonable notice from Owner or Municipality of the need for cleaning the holding tank.

5. In exchange for services provided by Cleaner, Owner will compensate Cleaner at the rate of \$_____ per cleaning in accordance with regular billing practices adopted by Cleaner.
6. Determining the need for cleaning shall, in the first instance, be the responsibility of Owner. In the event Owner should fail, refuse or neglect to notify Cleaner, then the Municipality shall notify Cleaner that the holding tank needs cleaned, who will then promptly collect the contents of the tank and dispose of same at the Disposal Site, at Owner's expense.
7. Owner will permit the entry on the property by the Municipality's authorized agents and employees for purposes of inspection of the holding tank from time to time as reasonably as may be necessary to determine the adequacy of the functioning of cleaning of the tank; and further, Owner will permit the entry of the Cleaner and its agents and employees for purposes of providing the cleaning service.
8. Disposal Site will accept deliver of the contents of Owner's holding tank and will dispose of same as permitted by the Sewage Facilities Act of 1966, as amended, and regulations of the Department of Environmental Resources.
9. This contract is perpetual, not terminable and non-cancellable by any party hereto; provided, however, that, subject to the approval and joinder of the Municipality any other party hereto may substitute another similar contract executed by all other parties thereto, meeting in form and substance, the requirements of Municipality's Holding Tank Ordinance, and the provisions of applicable statutes and state regulations. Upon joinder of the Municipality the substituted contract shall supercede the existing contract.
10. In construing this contract, references to the male gender shall include female and neuter genders, or both, where appropriate in context, and references to the singular shall include the plural where appropriate in context.
11. This contract states the entire agreement between the parties hereto on the subject matter hereof, and shall inure to the benefit of and be binding upon the parties hereto, their heirs, successors and assigns.
12. This contract and any rights created hereunder are non-assignable, except to the extent allowed in paragraph 9 hereof.
13. This contract shall become effective on the date it shall have been executed by all parties hereto.

Date:

**(1) Municipality
Township/Borough of _____**

By: _____

(2) Cleaner

By: _____

(3) Owner(s)

25 PA Code § 73.31. Standards for septic tanks.

(a) *Capacity.*

(1) The minimum liquid septic tank capacity for any installation is 900 gallons.

(2) 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.

(3) The minimum septic tank capacity shall be calculated from the following table using estimated sewage flows from paragraph (2), or § 73.17(a)—(c) (relating to sewage flows):

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

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

(b) *Construction.*

(1) Tanks shall be watertight and constructed of sound and durable material not subject to excessive corrosion or decay.

(i) Precast concrete tanks shall have a minimum wall thickness of 2 1/2 inches and be adequately reinforced.

(ii) Precast slabs used as covers shall have a thickness of at least 3 inches and be adequately reinforced.

(iii) Tanks having a liquid capacity of 5,000 gallons or less may not be constructed of blocks, bricks or similar masonry construction.

(iv) 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.

(v) Steel tanks shall meet United States Department of Commerce Standards 177-62.

(2) The depth of liquid in any tank or its compartments shall be:

(i) Not less than 2 1/2 nor more than 5 feet for tanks having a liquid capacity of 600 gallons or less.

(ii) Not less than 3 feet nor more than 7 feet for tanks having a liquid capacity of more than 600 gallons.

(3) No tank or compartment may have an inside horizontal dimension less than 36 inches.

(4) 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.*

(1) The bottom of the inlet shall be a minimum of 3 inches above the bottom of the outlet.

(2) 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.

(3) 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.

(4) 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.

(5) The outlet baffles or vented tees of the last compartment or tank shall be equipped with a solids retainer.

(d) *Treatment tank access.*

(1) 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.

(2) 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.

25 PA Code § 73.62. Standards for holding tanks.

(a) A holding tank shall be constructed to meet the specifications of § 73.31(b)(1) (relating to standards for septic tanks).

(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.

25 PA Code § 73.63. Standards for privies.

(a) *Location.*

(1) 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.

(2) The structure shall be accessible to the user, and at least 50 feet away from any building served.

(3) Consideration shall be given to the direction of prevailing winds to reduce odor nuisances.

(b) *Construction.*

(1) The superstructure shall be constructed of substantial materials.

(2) The vault shall be large enough to provide for several years' use and be constructed to meet the specifications of § 73.31(b) (relating to standards for septic tanks).

(3) The vault shall be equipped with a roof-ventilating stack that is screened to prevent entrance of flies.

(4) An exterior cleanout shall be provided for the vault.

(5) The superstructure shall be flytight, well ventilated and fastened solidly to the vault.

(6) The door shall be self-closing and provided with weatherstripping to make it insect proof.

(7) The seat and cover shall be constructed of smooth and easily cleanable material, and the cover shall be self-closing.

(8) 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.