

CHAPTER 18
SEWERS AND SEWAGE DISPOSAL

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PART 1**Sewer Permits; Fees****§ 101. Permit Required. [Ord. 67-2, 12/13/1967, § 1]**

No person shall install an individual or community sewage disposal system, or construct any building in Smith Township, Washington County, Pennsylvania, in which an individual or community sewage disposal system is to be installed, without first obtaining a permit that the site, plans and specifications of such system are in compliance with Pennsylvania Sewage Facilities Act of 1966, P.L. 1535, as amended, and the rules and regulations adopted pursuant to the Act.

§ 102. Fee. [Ord. 67-2, 12/13/1967, § 2; as amended by Ord. 1985-2, 8/12/1985]

A fee as established by the Cooperative Sanitation Council within Washington County shall be paid to such person or persons who may be designated to act for and in behalf of the Township at the time of making application for an individual or community sewage disposal system.

PART 2**Holding Tanks****A. Commercial Uses.****§ 201. Purpose. [Ord. 92-6, 10/12/1992, § 1]**

The purpose of this Part is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage from commercial uses and is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of Smith Township.

§ 202. Definitions. [Ord. 92-6, 10/12/1992, § 2]

The following words and/or phrases used herein are defined as follows:

BOARD — The Board of Supervisors of Smith Township, Washington County, Pennsylvania.

HOLDING 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 minimum capacity of said tanks are to be 1,000 gallons. Holdings tanks include, but are not limited to, the following:

- A. **CHEMICAL TOILET** — A toilet using chemicals that discharge into a holding tank.
- B. **RETENTION TANK** — A holding tank where sewage is conveyed thereto by a water carrying system.
- C. **VAULT PIT PRIVY** — A holding tank designed to receive sewage where water under pressure is not available.

IMPROVED PROPERTY — 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 is being or may be discharged.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON — Any individual, partnership, company, association, corporation or other group or entity.

SEWAGE — Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the

§ 209. Duties of Improved Property Owners. [Ord. 92-6, 10/12/1992, § 9]

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this or any other ordinance of the Township and all other rules, regulations and laws of Smith Township and of any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Board or Board-approved persons to collect, transport and dispose of the contents therein.

§ 210. Penalties. [Ord. 92-6, 10/12/1992, § 10; as amended by Ord. 97-5, 11/19/1997]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

§ 211. Abatement of Nuisances. [Ord. 92-6, 10/12/1992, § 11]

In addition to any other remedy provided by this Part, any violation of this Part shall constitute a nuisance and shall be abated by the Township by seeking appropriate equitable and/or legal relief from a court of competent jurisdiction.

**B. Residential Uses.
[Ord. 94-2, 3/31/1994, § 1]****§ 221. Purpose.**

The purpose of this Part is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage from residential uses and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township.

§ 222. Definitions. [Ord. 94-2, 3/31/1994, § 2]

Unless the context specially and clearly indicates otherwise, the meaning of terms used in this Part shall be as follows:

AUTHORITY — Supervisors of Smith Township, Washington County, Pennsylvania.

HOLDING TANK — A watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying

§ 227. Exclusiveness of Rights and Privileges. [Ord. 94-2, 3/31/1994, § 7]

1. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the authority and the disposal thereof shall be made only at such site(s) as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.
2. The authority will receive, review and retain pumping receipts from permitted holding tanks.
3. The authority will complete and retain annual inspection reports for each permitted tank.

§ 228. Duties of Improved Property Owner. [Ord. 94-2, 3/31/1994, § 8]

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this or any ordinance of the Township, the provisions of any applicable law and the rules and regulations of the authority and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the authority or its agent to inspect holding tanks on an annual basis.
- C. Permit only the authority or its agent to connect, transport and dispose of the contents herein.

§ 229. Penalties. [Ord. 94-2, 3/31/1994, § 9; as amended by Ord. 97-5, 11/19/1997]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

§ 230. Abatement of Nuisances. [Ord. 94-2, 3/31/1994, § 10]

In addition to any other remedies provided in this Part, any violation of § 228 above shall constitute a nuisance and shall be abated by the Township or the authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

PART 3**Sewer Connection****§ 301. Requirement to Connect. [Ord. 95-1, 1/3/1995, § 1]**

Every owner of property in the Township of Smith whose property abuts upon any line of the sanitary sewers of the Burgettstown-Smith Township Joint Sewerage Authority (hereinafter called the "Authority") shall connect, at his own cost, the building(s) or other structures located on said property that are within 150 feet of said sanitary sewer with said sanitary sewer for the purpose of disposing of all sanitary sewage as is customarily disposed of in a system of sanitary sewers.

§ 302. Unlawful Disposal Systems. [Ord. 95-1, 1/3/1995, § 2]

It shall be unlawful for any owner, lessee or occupier of any property who is required to connect to the sanitary sewer system of said Authority to employ any means, either by septic tank or otherwise, for the disposal of sanitary sewage other than into and through the sanitary sewers of said Authority.

§ 303. Notification of Requirement to Connect. [Ord. 95-1, 1/3/1995, § 3]

Where any structure is now or hereafter may be connected to any septic tank or using any method by which sanitary sewage is disposed of or eliminated other than through the sanitary sewer system of said Authority, it shall be the duty of the Authority secretary, or other authorized person, to notify the owner, lessee or occupier of such structure in writing, either by personal service or certified mail, to disconnect the same and make proper connections for the discharge and disposal of sewage through the sanitary sewer system of the Authority as hereinafter provided within 60 days after receipt of such notice.

§ 304. Failure of Owner to Connect. [Ord. 95-1, 1/3/1995, § 4]

In case any owner of property required to connect to such sewer shall neglect or refuse to connect with and use said sewers for such period of 60 days after notice to do so has been served upon him, either by personal service or by certified mail as aforesaid, the Authority or their agents may enter upon such property and construct such connection. In such case, the Authority secretary or other authorized person on behalf of the Authority shall, forthwith upon completion of work, send an itemized bill of the costs of construction of such connection to the owner of the property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill, a municipal lien for said construction shall be filed within six months of the date of completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

§ 305. Residential Tapping Permit. [Ord. 95-1, 1/3/1995, § 5]

Any person required to connect a residential property with the sewer system of the Authority shall make application for a tapping permit therefore to the Authority on forms furnished by the Authority and shall set forth, in said application, the

§ 312. Penalties. [Ord. 95-1, 1/3/1995, § 12; as amended by Ord. 97-5, 11/19/1997]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

PART 4**On-Lot Sewage Disposal Systems****A. Permits.****[Ord. 95-5, 11/13/1995, § I]****§ 401. Short Title, Statutory Basis, Purpose.**

1. This Part shall be known as the "Smith Township Onlot Sewage Disposal System Permit Ordinance."
2. This Part is adopted pursuant to Section 7(a)(1) of the Pennsylvania Sewage Facilities Act, as amended [35 P.S. § 740.7(a)(1)].
3. The purpose of this Part is to provide for the permitting of all on-lot sewage disposal systems within the Township in accordance with the standards and regulations of 25 Pa. Code, Chapters 72 and 73, including those systems otherwise eligible for an exemption from the permitting requirements of the Act, as authorized by Section 7(a)(1) of the Act and to provide that all systems permitted by the Department of Environmental Resources such as, but not limited to, spray irrigation, small flow treatment facility and the like, shall also be permitted when deemed appropriate by the appropriate officer or representative of the Department of Environmental Resources.

§ 402. Permit Requirements. [Ord. 95-5, 11/13/1995, § II]

1. From and after the effective date of this Part, all persons proposing to install an on-lot sewage disposal system on any lot within the Township, including those persons proposing to install such a system on a lot 10 acres or larger and who are otherwise qualified for a permit exemption in accordance with the provisions of Section 7(a)(1) of the Act, shall apply to the Township for a permit for the installation of such system. The permit requirements for properties that meet the ten-acre exemptions shall only be to the extent that the same are required under the aforesaid Act, wherein any and all exemptions provided by the same shall apply to all applicable properties in the Township.
2. No person shall install or commence construction of any on-lot sewage disposal system for which a permit is required until such permit has been issued by a Sewage Enforcement Officer employed by or contracted to the Township.

§ 403. Enforcement. [Ord. 95-5, 11/13/1995, § III]

1. Any person violating any of the provisions of this Part shall be subject to the civil and criminal penalties authorized pursuant to Sections 13 and 13.1 of

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 any waters of the commonwealth.

MALFUNCTION — The condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into groundwaters of the commonwealth, or into surface waters of the commonwealth, backs up into the building connected to the system, or otherwise causes a nuisance hazard to the public health or pollution of ground- or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any of the conditions noted above occur for any length of time during any period of the year.

MARGINAL SOIL CONDITIONS — Anytime the municipality's certified sewage enforcement officer determines a parcel or lot as having marginal soils after properly treating said parcel or lot.

MUNICIPALITY — Smith Township, Washington County, Pennsylvania.

OFFICIAL SEWAGE FACILITIES PLAN — A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the municipality and approved by the Department of Environmental Protection, as described in and required by the Pennsylvania Sewage Facilities Act.

ON-LOT DISPOSAL SYSTEM — Any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal; including both individual sewage systems and community sewage systems, including but not limited to drip irrigation systems, AB out systems, small stream discharge systems, community on-lot systems and any other currently DEP-approved sewage disposal systems or which may be approved by DEP in the future, it being the intent of this Part to address all such systems.

PERSON — Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

REHABILITATION — Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

REPLACEMENT AREA — A portion of a lot or a developed property, sized to allow installation of a subsurface sewage disposal area, which is reserved to

sewage disposal system. This requirement is in addition to the testing, identification and reservation of an area for the primary sewage disposal system.

2. No permit shall be issued for any proposed on-lot sewage disposal system on any newly created or subdivided property in any sewage management district that has any lots designated as marginal soils unless and until a replacement area is approved, identified and reserved for the lots with the marginal soils designation. The replacement area must be identified on the land survey at the time of subdivision approval.

§ 425. Inspections. [Ord. 2009-2, 4/13/2009]

This § 425 is only applicable when the Township revises its Official Sewage Facilities Plan and is only applicable to the area or areas affected by such revision.

- A. Any on-lot sewage disposal system may be inspected by the municipality's authorized agent at any reasonable time as of the effective date of this Part.
- B. The inspection may include a physical tour of the property, the taking of samples from surface water, wells, or other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.
- C. The municipality's authorized agent shall have the right to enter upon land for purposes of inspection described above.
- D. An initial inspection shall be conducted by the municipality's authorized agent within one year of the effective date of this Part for the purpose of determining the type and functional status of each on-lot sewage disposal system in the sewage management district. A written report shall be furnished to the owner of each property inspected as evidence of said inspection, and a copy of said report shall be maintained in the municipal records.
- E. A schedule of routine inspections may be established by the municipality, if necessary, to assure the proper function of the on-lot sewage disposal systems in the sewage management district.
- F. The municipality and its authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the municipality and its authorized agent shall take action to require the correction of the malfunction. If total correction is not technically or financially feasible, in the opinion of the authorized agent and a representative of the Pennsylvania Department of Environmental Protection, then action by the property owner to mitigate the malfunction shall be required.

regulators and provisions regarding municipal governance and enforcement of on-lot sewage systems, except as to malfunction of any such systems, which shall be addressed by the Township.

6. The Township and the WCSC shall jointly prepare and approve, by resolution, rules, regulations and requirements for on-lot septic systems applicable to this Part, including permitting approval and maintenance of said systems.

§ 428. Penalties. [Ord. 2009-2, 4/13/2009]

1. Any person failing to comply with any provisions of this Part shall be subject to a fine of not less than \$300 and costs, and not more than \$500 and costs, or in default thereof shall be confined in the county jail for a period of not more than 30 days. Each day of noncompliance shall constitute a separate offense.
2. The penalty for actual malfunctions of any on-lot sewage septic system will come under the rules and regulations of the Pennsylvania Code, Title 73, Section 73.11(c), and the Pennsylvania Consolidated Statutes (Health and Safety), Title 35, § 150.14, Nuisance, and Title 35, § 750.13, Penalties.

PART 5**Biosolid and Biosolid By-Products Land Application****§ 501. Title. [Ord. 98-2, 8/10/1998, § 1]**

This Part shall be known and may be cited as the Smith Township "Biosolid and Biosolid By-Products Land Application Ordinance."

§ 502. Purpose. [Ord. 98-2, 8/10/1998, § 2]

The purposes of this Part are to:

- A. Ensure the safe and effective management of the application of sewage sludge and biosolid by-products on land situated within the Township.
- B. Establish a program of regulation over land application of sewage sludge and biosolid by-products, on land situated within the Township.
- C. Implement the Solid Waste Management Act and the applicable municipal waste regulations as promulgated by the Department of Environmental Protection within the Township.
- D. Protect the health, safety and general welfare of all Township citizens and other persons by seeking to prevent exposure to any toxic or other harmful material contained in sewage sludge including but not limited to heavy metals, pathogens, radioactivity and toxic and carcinogenic chemicals as provided by § 503.5 of Subchapter 0, Chapter I of Title 40, Code of Federal Regulations.
- E. Seek to preserve the surface waters and aquifers that contribute to a healthy environment and to seek to preserve the natural and wildlife environmental quality of all land and its flora and fauna within the Township.
- F. Seek to preserve and protect agriculture and agriculture related activities and to seek to preserve a productive land base and climate for future generations.
- G. In the case of strip mining reclamation application of sludge and related biosolid matter applied only after the state mandated reclamation has been completed, and all bonds released.

§ 503. Implementation of Purpose. [Ord. 98-2, 8/10/1998, § 3]

Interpretation or implementation of this Part shall give priority to the purposes stated in § 502 over such considerations as economics, efficiency and scheduling factors.

MANAGEMENT — The entire process, or any part thereof, of transportation and land application of sewage sludge by any person engaging in such process.

OPERATOR — A person engaged in the land application of sewage sludge. Where more than one person is so engaged in a single operation, all persons shall be deemed jointly and severally responsible for compliance with the provisions of this Part.

ORDINANCE — The Biosolid Land Application Ordinance of Smith Township.

PATHOGENS — Pathogenic organisms or disease causing organisms that include, but are not limited to, certain bacteria, protozoa, viruses and viable hemith ova.

PERMIT —

- (1) LAND APPLICATION PERMIT — Authorization to deposit sewage sludge or sewage sludge by-products on agricultural lands in Smith Township.
- (2) SITE PERMIT — Document which confirms that the proposed site meets all federal, state and local regulations pertaining to land application of sewage sludge.

PERSON — Any individual, partnership, corporation, association, institution or cooperative enterprise. In any provisions of this Part prescribing a fine, imprisonment or penalty or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

POLLUTION — Contamination of any air, water, land or other natural resources of Smith Township that will create a public nuisance or to render the air, water, land or other natural resources harmful, detrimental or injurious to public health, safety or welfare or to domestic, municipal, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other life.

PUBLIC AGENCY — Any commonwealth agency or local public agency.

SAMPLING AND ANALYSIS — All sampling and analysis required by this Part shall be performed by a DEP certified commercial laboratory whose work is approved by Smith Township and DEP approved independent of applicator.

SEWAGE SLUDGE — Solid, semisolid or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage scum or solids removed in primary, secondary or advanced wastewater treatment processes, and material derived from sewage sludge. Sewage sludge to include ash generated during the firing of sewage sludge in a sewage sludge incinerator

dealing with the protection of the Township residents' health, regulation of refuse material and nuisances and promotion of public safety.

- B. The provisions of the Second Class Township Code Article VII, as codified in 53 P.S. § 65701 et seq. To provide for the protection and preservation of the natural resources, human resources and to promote, protect and facilitate public health, safety and welfare. To preserve and protect farmland, woodland and the recreational uses of the land within the Township.
- C. The provisions of Pennsylvania Constitution, Article 1, § 28.

§ 506. Permits. [Ord. 98-2, 8/10/1998, § 6]

1. No person shall conduct any sewage sludge land application on a site without first obtaining a permit for such application in compliance with the provisions of the Part.
2. The Code Enforcement Officer or his designate is authorized to issue permits in accordance with the terms hereof, and with the approval of the Township, to suspend, revoke or deny permits to achieve the purposes of this Part. Any permit granted under this Part shall be valid for the period of one year after its date of issuance, and each permit must be renewed annually before the expiration date set forth on the permit. The Township shall establish, pursuant to a resolution, an appropriate fee to cover the costs associated with the issuance of a permit or renewal of the permit.
3. Permits issued under this Part are not transferable or assignable under any circumstance.
4. The operator shall pay the Township benefit fee prescribed by the Municipal Waste Planning, Recycling and Waste Reduction Act to the Township, or, in default thereof, the permit shall be revoked. The operator shall pay any additional fee that may be set by the Township.
5. Site permits will only be issued to the legal owner of the property to be used as a sludge disposal site. Land application permits will only be issued to either the municipal waste treatment facility or the transporter of sewage sludge.
6. No permit shall be issued hereunder unless the person making application shall, if required, have first been issued a valid permit by PA DEP, except site permit not required by DEP.
7. No operator or site owner shall have more than three permits at any one time.

technology, its effectiveness, its efficiency and its potential long-term impact.

4. Information on topographic maps shall also accompany an application for a permit, which maps shall include, at a minimum, the following information as it pertains to the area within a one-mile radius of the proposed land application site:
 - A. The location of public and private water lines, supplies, wells, springs, streams, swamps, rivers and other bodies of water, and public and private sewer lines and septic systems.
 - B. The location of underground surface mines showing the extent of deep mine workings, elevation of the mine pool, and location of mine pool discharge.
 - C. The location of gas and oil wells.
 - D. The location of pipeline rights-of-way.
 - E. The location of geologic and hydrologic features.
 - F. The floodplain and location of the land application disposal site within that floodplain, water runoff from the floodplain and stormwater runoffs.
 - G. The location of public and private recreational areas.
 - H. A soils, geologic and groundwater report of characteristics of the proposed land application disposal site.
 - I. The location of significant historical, architectural, archeological sites.
 - J. The location of any dwelling units, public buildings and/or schools.
5. A soil survey map, based on the most recent Soil Survey of Washington County, Pennsylvania, indicating the soil types of the proposed permit area and adjacent areas with accompanying table indicating each soil's suitability for sludge application.
 - A. This map shall contain descriptions of the depth, matrix, color, texture, structure, pH, consistency, degree of mottling and, if present, mottled colors and coarse fragment content for each horizon of soil from the surface to bedrock.
 - B. In preparing the soil description, the applicant shall use the United States Department of Agriculture Soil Classification System.
 - C. No person or municipality may apply sewage sludge to a site unless the site complies with the following: soils that fall within the U.S. Dept. of Agriculture textural classes of sandy loam, loam, sandy clay

- (4) A description of groundwater quality and groundwater contamination based on monitoring of groundwater test wells located within the boundaries of a proposed permit area or not greater than 1/4 mile from the nearest boundary of the proposed permit area. All test wells shall be in the same aquifer as that of the proposed permit area. An operations map showing the location of groundwater monitoring devices that are proposed for the facility shall be included. Existing wells, including household wells, may serve as test wells if approved by the engineer in his review of the applicant's groundwater monitoring plan. Groundwater samples from these test wells shall be obtained by a professional groundwater scientist using methods approved by an engineer and defined in the applicant's groundwater monitoring plan. These groundwater samples shall be analyzed for toxic inorganic and organic chemicals and fecal coli form bacteria. The quality of these groundwater samples shall meet all current standards for these chemicals and bacteria as set forth in the Safe Drinking Water Act of 1974 and any subsequent revisions and/or amendments to this Act. Applications of sewage sludge will not be permitted on a site for which the required groundwater analysis fails to meet all of the safe drinking water standards. Groundwater should be analyzed for radioactivity.
 - (5) Where applicable, all data on groundwater samples from wells contaminated with nitrates and/or bacteria reported in the Township's Act 537 Plan shall be included with the water quality data for the proposed site permit area. Applications of sewage sludge will not be permitted on a site that is within a one-quarter-mile-diameter circle around any well having a nitrate content equal to or greater than 5.0 milligrams per liter.
 - (6) Any information not included in the groundwater monitoring plan and deemed necessary to determine whether or not a proposed sewage sludge permit area poses a threat to the Township's groundwater resources may be requested by the Township or its agent.
 - (7) The groundwater-monitoring plan for the proposed permit area shall be reviewed and approved by the Township in order to be accepted as part of the site permit application. Sewage sludge shall not be permitted to be applied to a site that is characterized as unsuitable by the Township on the basis of information in the groundwater-monitoring plan.
9. An application shall contain a description and map of the surface waters in the proposed permit area and adjacent area including the following:
- A. The location of watershed which will receive water discharge.

§ 511. Rulemaking. [Ord. 98-2, 8/10/1998, § 11]

1. After the effective date of this Part the Code Enforcement Officer may, with approval of the Township, promulgate, and thereafter revise as appropriate, rules and regulations necessary to carry out the purposes and provisions of this Part, including but not limited to rules and regulations regarding the aspects of proper land application of sewage sludge as follows:
 - A. The criteria for determining the qualities and characteristics of materials that constitute sewage sludge.
 - B. The operational methodology of the land application of sewage sludge.
 - C. Procedures and requirements for the use of a manifest or form which identifies the quality, characteristics, composition, type, and origin of sewage sludge received and accepted by the applicant for land application.
2. At the time of promulgation of the Code Enforcement Officer's proposed rules and regulations referred to in this section, a copy of said proposed rules and regulations shall be provided to the Township for its approval.
3. No rule or regulation shall provide or require greater geological or engineering standards than those promulgated by the commonwealth or its departments, bureaus or agencies.

§ 512. General Provisions. [Ord. 98-2, 8/10/1998, § 12]

1. The disposal of hazardous waste shall be prohibited at any sewage sludge land application site covered by this Part. Any violation of this Part whatsoever shall result in the immediate revocation of all applicable Township permits and the issuance of a cease and desist order from the Code Enforcement Officer.
2. The land application of sewage sludge shall be prohibited in areas where continuous or intermittent contact occurs between sewage sludge and the groundwater table. Groundwater is defined herein as water below the land surface in a zone of saturation.
3. All sewage sludge land application sites shall be operated or maintained in such a manner as to prevent hazards and environmental degradation.
4. The land application of sewage sludge shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodent, and to eliminate conditions which are harmful to public health or which create safety hazards, odors, dust, unsightliness and public nuisances.
5. The proposed operation shall not create a nuisance (e.g., excessive noise, odor, rodent or insect infestation or effects similar in nature), impose a

- total solids (dry weight basis) at the time the sewage sludge is used or disposed.
- (c) The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed.
 - (d) Pathogens include bacteria, viruses and protozoa as more specifically listed and defined by the current regulations of the DEP and EPA.
 - (e) Sewage sludge shall be treated for pathogens to meet Class I Alternative 4 sewage sludge standards by using at least one of the processes to significantly reduce pathogens (PFRP) described in the Interim Guidelines for the Use of Sewage Sludge for Agricultural Utilization, Appendix C, revised July 5, 1994.
- (3) Toxic Substances. The following toxic substances shall not exceed DEP and/or EPA regulated limits for sewage sludge; whichever is the most restrictive:
- (a) Polychlorinated biphenyl.
 - (b) Chlorinated pesticides.
 - (c) Chlorinated organic compounds.
 - (d) Polynuclear aromatic hydrocarbons.
 - (e) Petroleum products.
 - (f) Industrial solvents.
 - (g) Asbestos.
7. Soil pH shall be between 6.5 and 7.5 prior to the land application and shall be maintained between 6.5 and 7.5 for the life of the land application operations and for two additional years following the last application of sludge to the site (25 Pa. Code § 275.312)
8. No more than seven dry tons of sewage sludge meeting all the criteria of this Part shall be spread on one acre of land for each land application plan issued.
9. There shall be a restriction on harvesting of crops grown on sewage sludge sites as follows:

admitted to the site. Access by unauthorized vehicles or persons shall be prohibited.

§ 514. Litter and Dust Control. [Ord. 98-2, 8/10/1998, § 14]

- A. The nature of the sewage sludge or excessive winds may require litter control measures, which shall be provided by the owner/operator.
- B. The entire land application site shall be adequately policed and litter shall be collected daily from fences, roadways and trees or live barriers.

§ 515. Suspension and Revocation of a Permit. [Ord. 98-2, 8/10/1998, § 15]

1. Notice.
 - A. The Code Enforcement Officer may immediately suspend a permit issued in accordance with this Part if a permittee, or any of the agents, servants and/or employees of such permittee, are in violation of this Part or any of the rules and regulations promulgated pursuant thereto. Written notice of the suspension, which notice shall also state the reasons for the suspension, the nature of the violation and the means to cure or correct said violation, shall be served upon the permittee, or his agent.
 - B. If the violation is not cured or corrected within 10 days after receipt of the notice of suspension, or if no appeal is filed by the permittee within said ten-day time period, the suspension shall become final and the permit shall be deemed revoked. During any appeal period, substantial progress toward correcting any violation shall be made daily by the appellant. Citations shall be issued daily if progress is not deemed "substantial" by the Code Enforcement Officer.
2. Where there is a history of repeated violations and/or a permit has been previously suspended, the Code Enforcement Officer may revoke a permit upon a showing of a subsequent violation, and upon providing the affected party, or his designated agent, with written notice of the intent to revoke the permit and with an opportunity for a hearing before the Township prior to revocation. The revocation shall take effect five days after the notice has been given, unless written request for a hearing is received by the Township within that period.
3. Where a permit has been revoked, the person affected has the right to reapply for a permit. Reapplication must occur within 45 days of permit revocation. If this person is able to demonstrate an ability and willingness to comply with the permit and the provisions of this Part, and the rules and regulations promulgated pursuant thereto, the Code Enforcement Officer may grant a new permit upon such person's payment of the applicable fee for said permit.

- responsible therefore, and order such person(s) to take such corrective measures as are deemed reasonable and necessary to cure the violation.
2. This notice shall state the nature of the violation and shall allow a reasonable time for the performance of the necessary corrective measure. If a person fails to comply with this notice, the Code Enforcement Officer or his designate shall institute such actions as may be necessary to terminate the violation.
 3. Notwithstanding any other provisions of this Part, or of the rules and regulations promulgated pursuant thereto, any person in violation of this Part shall be subject to a fine of not less than \$100 and not greater than \$1,000, and in default of payment, to imprisonment for not more than 30 days. Each day's violation of any provision of this Part shall constitute a separate offense and the violation of each section hereof shall constitute a separate offense.

§ 518. Abatement and Injunctions. [Ord. 98-2, 8/10/1998, § 18]

Notwithstanding any of the other provisions of this Part, if the Code Enforcement Officer finds that any person is operating a sewage sludge land application site in violation of this Part, or any of the rules and regulations promulgated thereunder, or if any person is operating such site in an illegal, unsafe, or otherwise improper manner so as to endanger the public health, safety, or welfare, the Code Enforcement Officer may order such person to immediately discontinue the act. Upon failure to comply with such order, the Code Enforcement Officer may request the Township Solicitor to commence appropriate civil action in a court of competent jurisdiction to secure a temporary restraining order, a preliminary injunction, a permanent injunction or other appropriate relief or may declare that the operation is creating a public nuisance, and order immediate abatement of same, with costs of such abatement to be borne and assessed in accordance with the law.

§ 519. Effect of this Part on Requirements of the Commonwealth of Pennsylvania. [Ord. 98-2, 8/10/1998, § 19]

To the extent that the requirements hereof differ from those established or to be established by state law, by regulation of the Commonwealth of Pennsylvania Department of Environmental Protection, or by any other commonwealth agency, both the commonwealth requirements and the requirements of this Part shall be deemed to be applicable, it being the intent of this Part to impose requirements more stringent than those applied by the commonwealth. Should the requirements hereof be determined to be incompatible or conflict with state law or regulations, the provisions hereof shall be deemed null and void and to no effect only to the extent of the incompatibility or conflict.

PART 6**Smoke and Dye Test****§ 601. Finding and Purpose. [Ord. 99-5, 12/13/1999, § 101\]**

The Pennsylvania Department of Environmental Resources has directed that all municipalities take those steps necessary and proper to eliminate improper water infiltration into their sanitary sewer systems. In that regard, the Smith Township Board of Supervisors finds that excessive storm and/or surface waters may be illegally routed into the sanitary sewer systems owned and operated by the Burgettstown Smith Township Joint Sewer Authority, thus requiring increased and unnecessary treatment capacity and activity and thus curtailing the availability of tap-ins and treatment to other users who need sanitary sewage treatment. The Smith Township Board of Supervisors finds that the procedures, fees and penalties provided for herein are necessary to achieve the purposes of this Part. The Smith Township Board of Supervisors does hereby designate the Burgettstown Smith Township Joint Sewer Authority to administer and enforce this Part.

§ 602. Short Title. [Ord. 99-5, 12/13/1999, § 102]

This Part may be known and cited as the "Smoke and Dye Test Ordinance."

§ 603. Definitions. [Ord. 99-5, 12/13/1999, § 102]

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

AUTHORITY — Burgettstown Smith Township Joint Sewage Authority.

CODE — Smith Township Ordinances, as the same may be from time to time amended.

DOCUMENT OF CERTIFICATION — An official statement from the Authority stating that there are no illegal storm or surface water connections into the sanitary sewer connections on the property to be sold which violate any section of the Code.

ILLEGAL STORM OR SURFACE WATER CONNECTIONS — The discharge of basement seepage or groundwater or the connection of downspouts, roof drainage or surface or areaway drainage into the sanitary sewer system.

MUNICIPAL LIEN AND PROPERTY TAX VERIFICATION — A written letter from the Township concerning municipal liens and property taxes.

PERSON — Any person, syndicate, association, partnership, firm, corporation, institution, agency, authority or other entity recognized by law as subject of rights and duties.

§ 606. Duration of Document of Certification. [Ord. 99-5, 12/13/1999, § 106]

A document of certification shall be valid for a period of one year from the date of issuance. Real estate may be sold during the one-year effective life of such document without further testing or certification.

§ 607. Instances when Document of Certification not Required. [Ord. 99-5, 12/13/1999, § 107]

A document of certification shall not be required in the following instances:

- A. When property is refinanced but no conveyance takes place.
- B. Individual apartment type units within a single condominium building may be sold without individual certification provided that the building in which the units are located has been certified no longer than one year previous to the date of the sale of the individual condominium unit.
- C. When the real estate is such that tap-in to the sanitary sewer system is not required by law or ordinance.

§ 608. Temporary Document of Certification. [Ord. 99-5, 12/13/1999, § 8]

A temporary document of certification may be issued by the Authority at its sole discretion when either:

- A. The applicant proves that weather conditions or other circumstances would pose an undue hardship. In that event, the applicant shall provide a signed, written acknowledgment from the purchaser agreeing to correct, a purchaser's sole cost and expense, any violations that may be discovered as a result of subsequent tests. Nothing in this subsection shall prohibit any purchaser from requiring the applicant to reimburse purchaser for any costs incurred; provided, however, that primary liability shall run with the land and such agreement shall affect Authority's enforcement powers or excuse the current owner from compliance with this Part.
- B. When an illegal storm or surface water connection is discovered and the necessary remedial activities to correct such connection would require a length of time such as to create a practical hardship for the applicant, applicant may apply to the Authority for a temporary document of certification which may only be issued when the applicant provides the authority with all the following:
 - (1) A bona fide, executed contract between the applicant and a contractor to complete the necessary remedial work with the Authority listed herein as a third party beneficiary.
 - (2) Cash security in the amount of said contract is posted with the Authority.

3. In addition to and not in lieu of the foregoing, the Township and/or Authority may seek equitable and legal relief to compel compliance with this Part.

PART 7**Sewage Documentation****§ 701. Purpose. [Ord. 2014-5, 1/5/2015]**

The purpose of this Part 7 is to establish the requirement of our building permit issuant to delay issuing a building permit unless he/she has seen one of the following sewage authorizations for the building and property in question.

§ 702. Definitions. [Ord. 2014-5, 1/5/2015]

Unless the context specifically and clearly indicates otherwise, the meanings of terms used in this Part 7 shall be as follows:

AGENCY — Smith Township, Washington County, Pennsylvania, or its designee.

BUILDING — Any structure requiring a building permit that also requires sewage authorization per the rules of the PA DEP Sewage Facilities Act of Pennsylvania and known as "Act 537."¹

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Smith Township.

PERSON — Any individual, partnership, company, association, corporation or other group or entity.

SEWAGE AUTHORIZATION — Any of the following;

- A. On-lot sewage system permit.
- B. Deemed adequate confirmation for "connection to an existing system."
- C. Deemed adequate confirmation for the "ten-acre exemption system."
- D. Commercial holding tank permit.
- E. Receipt of the tap-in fee for a public sewer line.

§ 703. Rules and regulations. [Ord. 2014-5, 1/5/2015]

The agency is hereby authorized and empowered to adopt such rules and regulations concerning permit issuing which it may deem necessary; from time to time, to affect the purpose herein.

¹Editor's Note: See 35 P.S. § 750.1 et seq.