

HOLDING TANK ORDINANCE # 48

An Ordinance of Pocono Township, Monroe County, Pennsylvania, providing for and regulating the use of aerated holding tanks for commercial development in Pocono Township, and imposing fines for the violations of the enactment.

PURPOSE

The purpose of the Ordinance is to provide for and regulate the use, maintenance and removal of temporary holding tanks for commercial development pending completion of a DER approved sewage treatment plant; to permit the development of lands with the use of a holding tank under carefully controlled and regulated circumstances; and to regulate the use and maintenance of this holding tank in conformity with the law, statutes, and regulations of the Commonwealth of Pennsylvania and the Department of Environmental Resources.

I. DEFINITIONS

- 1.01 "MUNICIPALITY" - Shall mean the Municipality of Pocono Township, Monroe County, Pennsylvania.
- 1.02 "OWNER" - Shall mean the project's legal and beneficial owner.
- 1.03 "HOLDING TANK" - Shall mean a watertight receptacle which receives and retains sewage from a central sewer system and is designed and constructed to facilitate ultimate disposal of the sewage at another site.
- 1.04 "HOLDING TANK HAULER" - A municipality, municipal authority or person, natural or legal entity, including the holding tank owner, who removes the contents of a holding tank for the purpose of disposing of the sewage at a DER approved site.
- 1.05 "DER" - Shall mean the Pennsylvania Department of Environmental Resources or its successor state agency.
- 1.06 "ACT" - Shall mean that Pennsylvania Sewage Facilities Act, 35 P.S. 750.1 - 750.20, as, from time to time, amended.

- 1.07 "REGULATIONS" - Shall mean the regulations of the Pennsylvania Department of Environmental Resources, PA. Code, Title 25, Subpart C. Chapters 71 and 73, as adapted; and, all future regulations of the Department pertaining to holding tanks.
- 1.08 "BOARD" - Shall mean the Board of Supervisors of Pocono Township.
- 1.09 "SEO" - Shall mean the duly appointed Sewage Enforcement Officer of the Municipality.
- 1.10 "SEWAGE" - Shall mean any substance that contains any of the waste products, excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Clean Stream Law.

II. USE OF HOLDING TANK

- 2.01 The holding tank may be used subject to the provisions of this Ordinance to temporarily serve for sewage disposal for new construction in a proposed commercial development for a period not to exceed two (2) years, pending completion of a DER approved sewage treatment plant.

III. TERMINATION OF HOLDING TANK

- 3.01 The Municipality, at its option, shall have the right to enter upon the premises for the purpose of removing the holding tank if it remains in place for more than three (3) days after written notice from Municipality to Owner that a specific violation of this Ordinance has occurred. "Municipality" as used herein shall mean the Township, its employees or third parties contracted by the Municipality for the purpose of removing the holding tank. All costs and expenses of removal shall be borne by the Owner.

IV. REQUIREMENTS FOR HOLDING TANK

- 4.01 The holding tank installed or maintained pursuant to this Ordinance shall comply, in all respects, to the specification set forth in Regulations of the DER, 25 PA. Code Chapter 73 inclusive.
- 4.02 The holding tank shall be constructed to meet the specifications of 73.31(b) (relating to standards for septic tanks).
- 4.03 The minimum capacity of a holding tank shall be one thousand (1,000) gallons or a volume equal to the quantity of waste generated in three (3) days, whichever is larger.
- 4.04 The holding tank shall be equipped with a remote warning device to indicate when the tank is filled to within seventy-five (75%) percent of its capacity. Such warning device shall create an audible and visual signal at the location of the licensed operator of the system.
- 4.05 Disposal of waste from a holding tank shall be at a site approved by the Department of Environmental Resources.
- 4.06 The Owner shall cause the holding tank and all lines, pipes or conduits to the same to be maintained in good watertight condition at all times.
- 4.07 The holding tank shall be installed on a firm and stable soil or subsoil; and in such manner as to prevent settlement or movement.
- 4.08 The holding tank or lines to the holding tank shall not be covered until the Municipality's SEO shall have first inspected and approved the installation and authorized covering the same. The Owner shall be responsible for furnishing the SEO reasonable notice of the installation.
- 4.09 The Owner shall clean the holding tank as frequently as may be required to maintain the contents at a level less than seventy-five (75%) percent of the tank capacity.
- 4.10 The holding tank shall be installed at least fifty (50) feet downgrade from any source of water supply.

- 4.11 The holding tank shall be used for a maximum of two (2) years; within two (2) years a central wastewater treatment plant must be built and in operation.
- 4.12 The DER must have approved the Planning Module and the ultimate method of wastewater treatment and disposal. Also, a permit for the collection system will be obtained from the DER prior to the installation of the holding tank.
- 4.13 Upon expiration of the two (2) year period commencing with the installation of the holding tank, the Owner shall disconnect and render inoperable the holding tank installed under this Ordinance.
- 4.14 The Owner shall have a contract with a sewage hauler or must have access to a sewage hauling truck.
- 4.15 The Owner shall have a contract with a permitted wastewater treatment plant which will accept the holding tank wastes.

V. INSPECTIONS AND CERTIFICATION OF PUMPING

- 5.01 The Owner shall be deemed to have granted his consent for inspections of the holding tank and facilities used in connection with the holding tank by Sewage Enforcement Officer access to the premises for the purpose of making such inspections upon request of the Sewage Enforcement Officer verbally or in writing.
- 5.02 The Owner shall furnish the Municipality a true and corrected copy of all pumping receipts for cleaning or removing the contents of the holding tanks upon request.
- 5.03 The failure of an Owner to permit inspection of the holding tank or equipment or facilities used in connection with the holding tank; or, the failure of the Owner to have the holding tank properly maintained and pumped out; or, the failure of the Owner to furnish pumping receipts to the Municipality in the timely fashion, shall be grounds for revocation of the permit. In addition, the Municipality may, at its option, cause the holding tank to be closed for use, pumped out, and/or repaired, the cost of which shall be borne by the Owner (or, if necessary, charged against the Letter of Credit).

VI. MAINTENANCE BOND REQUIREMENTS

- 6.01 The Developer or Owner of the sewage system shall post a maintenance bond or letter of credit equal to one hundred ten (110%) percent of the cost of servicing the holding tanks for a period of two (2) years, which may be reduced at the request of the Developer or Owner upon express approval by the Board.

VII. APPEALS

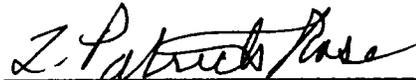
- 7.01 The Owner aggrieved by denial of permit application or by permit revocation shall first appeal to the Board.
- 7.02 The procedure for appeal shall in all respects conform to the procedure for appeal from denial of Sewage permit by the SEO of the Municipality, as provided by law.

VIII. FINES AND PENALTIES

- 8.01 Any person, firm or corporation violating any of the provisions of this Ordinance, or who fails to act in compliance with this Ordinance shall, upon being found guilty thereof, be sentenced to pay a fine in the maximum amount allowed by law for violation of a municipal ordinance.
- 8.02 Where the violation continues from day to day, and the Owner fails to correct or cease such violation, each day's continuance shall constitute a separate violation, unless circumstances beyond the Owner's control prevent such correction at which time the Owner shall notify the SEO for an extension of time.

ENACTED AND ADOPTED this 17th day of July, 1989.
by the Board of Supervisors of Pocono Township.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF POCONO



L. Patrick Ross, Chairman

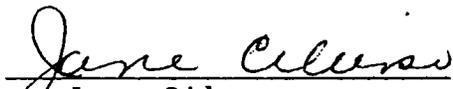


John A. Smiley, Jr.



John M. Wolfe

ATTEST:


Jane Cilurso
Township Secretary

SEAL