

**MOUNT JOY TOWNSHIP,  
LANCASTER COUNTY**

**ACT 537 PLAN SUPPLEMENT**

**FINAL EVALUATION REPORT OF  
WASTEWATER TREATMENT NEEDS  
IN THE NON- PUBLIC SEWER SERVICE AREAS  
OF THE TOWNSHIP**

**August 2002**

***HANOVER ENGINEERING ASSOCIATES, INC***





Pennsylvania Department of Environmental Protection

909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
May 1, 2003

Southcentral Regional Office

717-705-4707  
FAX 717-705-4760

Mount Joy Township Supervisors  
c/o Charles M. Kraus, Secretary  
159 Merts Drive  
Elizabethtown, PA 17022

Re: Act 537 Planning  
APS ID No. 37966  
DEP Code No. B1-36442-ACT  
Mount Joy Township, Lancaster County

Ladies and Gentlemen:

The Department of Environmental Protection (Department) reviewed your Act 537 Plan Supplement, entitled Final Evaluation Report of Wastewater Treatment Needs in the Non-Public Sewer Service Areas of the Township dated August 2002 and prepared by Hanover Engineering Associates, Inc. The submission is consistent with the planning requirements given in Chapter 71 of the rules and regulations of the Department.

The Plan is approved with the following comment:

This Plan contains an on-lot sewage disposal system management ordinance that requires inspection of all OLDS on a regular basis (not less than once every five years). To provide documentation of municipal assurance of proper operation and maintenance of sewage facilities as required by Section 71.71 of 25 Pa. Code, we request that yearly reports be submitted to the Department (Lancaster District Office) to assist in our evaluation of your implementation of the Plan. These reports, at minimum, should indicate the number of systems inspected and pumped, and the number and locations of any malfunctions identified and what action was taken to abate the malfunctions.

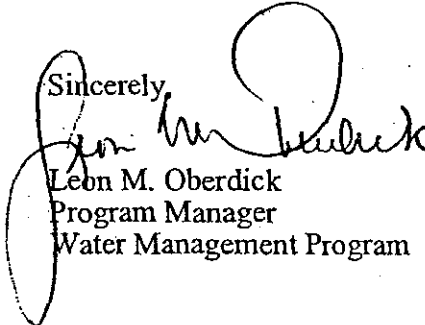
Now that your plan has been approved by the Department, you are eligible to receive a 50% planning cost reimbursement as provided under Section 6 of the Sewage Facilities Act (Act 537). A copy of the reimbursement application is attached. You are reminded that reimbursement applications must show detailed cost breakdowns of tasks completed or you will place your reimbursement in jeopardy.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the board within 30 days. You do not need a lawyer to file an appeal with the board. Important legal rights are at stake however, so you should show this document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the secretary to the board (717-787-3483) for more information.

If you have any questions concerning this letter, please call Mr. Paul Curry at 717-705-4766

Sincerely,



Leon M. Oberdick  
Program Manager  
Water Management Program

cc: Hanover Engineering Associates, Inc.  
Lancaster County Planning Commission

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LANCASTER COUNTY**

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# MOUNT JOY TOWNSHIP ACT 537 PLAN

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## **PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN** that the Board of Supervisors of Mount Joy Township, Lancaster county, Pennsylvania, proposes to adopt and then submit to the Pennsylvania Department of Environmental Protection the Township's Official Plan submission under Act 537, the Pennsylvania Sewage Facilities Act.

This plan is intended to supplement the existing 537 Plan previously approved by the Department of Environmental Protection on March 23, 2000. As a condition of the approval, the Township was required to conduct a needs survey of homeowners utilizing individual onsite treatment systems to obtain further information for possible evaluation of additional alternatives for wastewater management in areas of the Township not served by public sewer.

As a result of the needs survey, the Township has determined that there is not an existing need to implement structural alternatives, such as public sewer, for individual onsite treatment systems in areas of the Township not proposed for public sewer service. The Township is therefore proposing no further action other than implementation of the original nonstructural recommendations of the March 23, 2000 Act 537 Plan. There are no proposed user fees or project cost funding associated with this recommendation.

Written comments on the proposed plan shall be submitted to the Mount Joy Township Board of Supervisors, 159 Mertz Drive, Elizabethtown, PA 17022 during the public comment period which will begin on August 20, 2002 and end on September 19, 2002. A copy of the proposed Act 537 Plan is available for public inspection at the Mount Joy Township Municipal Building, 159 Mertz Drive, Elizabethtown Monday through Friday from 9:00 am to 4:00 pm.



**TOWNSHIP OF MOUNT JOY**

Lancaster County, Pennsylvania

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Resolution No. 27-2002

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A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MOUNT JOY, LANCASTER COUNTY, PENNSYLVANIA, TO ADOPT AN OFFICIAL SEWAGE FACILITIES PLAN SUPPLEMENT FOR MOUNT JOY TOWNSHIP.

WHEREAS, by Resolution No. 3-1999 the Board of Supervisors adopted the Mount Joy Township Lancaster County Act 537 Wastewater Management Plan, dated November 1998, as the Official Sewage Facilities Plan for the Township in accordance with the Pennsylvania Sewage Facilities Act; and

WHEREAS, by a notice published in the *Pennsylvania Bulletin* on April 15, 2000, the Pennsylvania Department of Environmental Protection (the "Department") approved the Act 537 Plan as adopted by Resolution No. 3-1999 with the condition that non-sewer service portions of the Township were to be addressed in greater detail in a separate planning document; and

WHEREAS, to implement the requirement of the Department, the Board of Supervisors authorized the preparation of a supplement to the Act 537 Plan; and

WHEREAS, Hanover Engineering Associates, Inc., was selected as the consultant to assist the Board of Supervisors of the Township in the preparation of the official sewage facilities plan supplement; and

WHEREAS, pursuant to the regulations of the Pennsylvania Department of Environmental Protection (the "Department"), the Board of Supervisors advertised the preparation of the proposed official sewage facilities plan supplement and requested public comments on such plan update on August 20, 2002; and

WHEREAS, the Township provided copies of the proposed official sewage facilities plan update to the Lancaster County Planning Commission and the Mount Joy Township Planning Commission for their review in accordance with the regulations of the Department; and



WHEREAS, the Board of Supervisors of the Township desires to adopt the revised official sewage facilities plan supplement as a Supplement of the Official Sewage Facilities Plan for the Township in accordance with the provision and requirements of the Pennsylvania Sewage Facilities Act and the regulations of the Department.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, as follows:

Section 1. The Board of Supervisors adopts the official sewage facilities plan supplement entitled "Mount Joy Township Lancaster County Act 537 Plan Supplement Final Evaluation Report of Wastewater Treatment Needs in the Non-Public Sewer Service Areas of the Township", hereinafter referred to as the "Plan Supplement" together with all revisions thereto, prepared by Hanover Engineering Associates, Inc., in the form and content presented at this public meeting, as the official sewage facilities plan supplement for the Township in accordance with the Pennsylvania Sewage Facilities Act and the regulations of the Department.

Section 2. The Plan Supplement as adopted by the Board of Supervisors shall include all charts, tables, diagrams, appendices, figures and textural matter contained herein and appended thereto.

Section 3. The Board of Supervisors adopts the continued use of nonstructural alternatives as set forth in the current Official Sewage Facilities Plan and noted in this Plan Supplement for implementation in the non-public sewer service areas of the Township.

1. Nonstructural alternatives for areas served by on-lot sewage disposal systems are summarized as follows:

a. OLDS Education.

b. Hydrogeologic Evaluations. Due to widespread conditions that include hazardous soils and limestone geology, no Component I modules will be allowed and the Township will require preliminary hydrogeological analyses for subdivisions proposing OLDS in high nitrate areas.

c. Nitrate Monitoring Policy.

d. Non-Building Planning Module Waiver.

e. Dispersion plume easement.

f. Sewage Management Program.





Section 4. To the maximum extent feasible, the Township commits to continue to implement the plan in accordance with the implementation schedule set forth in the Township Official Plan.

Section 5. The Board of Supervisors hereby ratifies and confirms the continued effectiveness of the Mount Joy Township Lancaster County Act 537 Wastewater Management Plan, November 1998, prepared by Rettew Associates, Inc., as adopted by Resolution No. 3-1999 and as further approved by the Department as set forth in the *Pennsylvania Bulletin* issue of April 15, 2000.

Section 6. This Resolution shall become effective and be in force immediately.

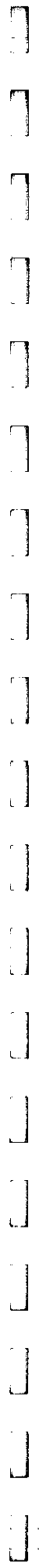
DULY ADOPTED this 18<sup>TH</sup> day of NOVEMBER, 2002, by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MOUNT JOY  
Lancaster County, Pennsylvania

Attest: Charles M. Krans, III  
Secretary

By: Gerald Cole  
(Vice) Chairman  
Board of Supervisors

[TOWNSHIP SEAL]



# CERTIFICATE

I, the undersigned, (~~Assistant~~) Secretary of the Township of Mount Joy, Lancaster County, Pennsylvania ( " Township" ) certify as follows: the foregoing is a true and correct copy of a Resolution which was duly adopted by affirmative vote of a majority of the members of the Board of Supervisors of the Township at a meeting of said Board of Supervisors duly convened and held according to law on 18 November 2002, at which meeting a quorum was present; that such Resolution has been duly recorded in the minutes of the Board of Supervisors of the Township; and that said Resolution is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

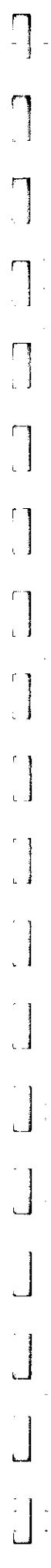
I further certify that the Board of Supervisors of the Township of Mount Joy met the advance notice requirements and public comment requirements of the Sunshine Act, Act No. 1986-84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to adopting such Resolution.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township of Mount Joy, this 18<sup>th</sup> day of NOVEMBER, 2002.

Charles M. Kraus III

(~~Assistant~~) Secretary

[TOWNSHIP SEAL]



**FINAL SUPPLEMENT TO**  
**MOUNT JOY TOWNSHIP**  
**ACT 537 PLAN OF 1998**  
**PHASE II**

**BACKGROUND**

On March 23, 2000, the Pennsylvania Department of Environmental Protection (DEP) approved the Mount Joy Township 1998 Act 537 Official Plan with conditions. Condition No. 3 of the Department's approval was as follows:

“Completion of Phase II of your Act 537 Plan includes an acceptable sewage disposal needs identification process in the non-public sewer service areas of the Township and must be accomplished within the schedules provided to the department in your latest package of information. In accordance with Title 25, Chapter 71, Section 71.21(A)(6), upon completion of this survey activity, the alternatives previously selected for the nonsewer service areas must be reexamined for their continued appropriateness and acceptability.”

A sewage disposal needs survey was prepared in accordance with the procedures found in the Act 537 Sewage Disposal Needs Identification Guidance (March 1996). The report was reviewed by the Mount Joy Township Board of Supervisors and approved for submission to DEP on March 19, 2001. In reviewing the report, the Township concluded that there was no justification for further field verification due to the low incidents of potential or suspected malfunctions. In addition, the broad distribution of these sites did not identify any areas where additional study was warranted. Based on the information presented no modification of the original adopted conclusions of the 1998 Official Plan based on the new information found in the Supplemental Study was found to be necessary.

The findings of the Supplemental Study were submitted to DEP on April 19, 2001 for review and approval by DEP. On August 10, 2001, DEP provided comments on the Supplemental Report. In its review DEP agreed to allow the Township to narrow the area of field investigation to the Milton Grove Area as defined in the alternative analysis in the 1998, 537 Plan. Telephone clarification with Paul Curry of DEP confirmed that the boundaries of the area would be based on the proposed service area as noted on Plate 3 in the 1998, 537 Plan. This Plate is included as reference in this report in Section 1.7 on page 16. DEP has also required the Township to meet public participation requirements and planning review of the final report.

The following Final report includes the information presented as part of the original submittal to DEP on the needs survey in addition to a summary of the findings of the Milton Grove field investigation. This report develops a response to DEP's August 10, 2001 review comments to finalize and conclude the Township 537 Planning work.

## **EVALUATION OF WASTEWATER TREATMENT NEEDS IN THE NON-PUBLIC SEWER SERVICE AREAS OF THE TOWNSHIP**

### **1.1 Areas Dependent on OLDS**

According to the Elizabethtown Region Strategic Comprehensive Plan, the bulk of future growth in Mount Joy Township is planned for the area west of Route 283 and for areas in the vicinity of the Rheems and Route 743 interchanges with Route 283. This growth is proposed to be accommodated by the extension of public sewer and water. The sewer lines that will be constructed in their vicinity will replace existing on-lot sewage disposal systems.

The majority of the unsewered portions of the Township lie to the east of Route 283 in the Little Chickies Creek drainage basin. A second, smaller unsewered area is located northwest of Elizabethtown Borough. The zoning for these areas is proposed to continue (1) to encourage the continuation of agricultural activities and (2) to allow for limited residential development at low densities. Therefore, these areas will need to continue to rely on on-lot sewage disposal methods.

### **1.2 Identification of Malfunctions**

According to the Township SEO, there are no known on-lot system malfunctions in Mount Joy Township. All known malfunctions have been issued repair permits by the SEO. Repair permits which were issued between 1987 and the preparation of the 1998 Act 537 Plan are shown on Map 10 of that Plan. In the past, malfunctions were recorded in the Aberdeen area, the Village of Milton Grove, the area north of Elizabethtown Road, and in other scattered locations throughout the Township. All such malfunctions have been repaired in accordance with PADEP Regulations. Malfunctions primarily resulted from (1) poorly drained soils and (2) systems designed prior to the enactment of DEP's Chapter 73 regulations in 1966.

### **1.3 Potential Malfunctions**

As part of the preparation of the 1998 Act 537 Plan, an assessment was conducted to identify the areas of the Township where the following conditions exist that may contribute to the potential failure of an on-lot system:

- Dwellings constructed prior to 1966 (when design, construction, and inspection standards were developed);
- Repair permits;
- Floodplains;
- Steep slopes; and,
- Housing density.

The sources for this analysis included USGS maps, soils mapping from the Soil Survey of Lancaster County, floodplain mapping from the Federal Insurance Administration (FIA), data and mapping from the Lancaster County GIS Landbase, and SEO permit records. This information was presented in Map 10 of the 1998 Plan.

#### **1.4 Hydrogeological Analysis**

A hydrogeological analysis of groundwater quality in the Township was performed during the summer of 1991. Results are summarized in Table No. 1. Nitrate-nitrogen results and sample locations were shown on Map 11 of the 1998 Plan. Areas with elevated nitrate-nitrogen results were presented on Map 12. A listing of all results was provided in Appendix 4 of the 1998 Plan. In total, 270 samples were tested.

The samples were tested for nitrate-nitrogen levels, total coliform, and fecal coliform with a representative sampling for fecal streptococcus.

#### **Nitrate-Nitrogen**

DEP and EPA have adopted a maximum allowable limit of 10 milligrams per liter (mg/l) of nitrate-nitrogen for public/community water and sewer systems.

For the 270 samples, the nitrate-nitrogen levels ranged from 0.18 mg/l to 34.3 mg/l. More specifically, 83 (30.7 percent) of the samples tested have nitrate-nitrogen levels above the allowable limit of 10 mg/l. In addition, 84 (31.1 percent) of the samples had nitrate-nitrogen levels between 5 and 10 mg/l. Nitrate-nitrogen is a chemical compound containing nitrogen and oxygen, and may be associated with excessive or inappropriate land applications of manure. Ingestion of large amounts of nitrate-nitrogen can cause blood to be less able to carry oxygen. This condition may be dangerous to infants up to 6 months of age, as well as to pregnant or nursing mothers. High nitrate-nitrogen levels can also cause harm to livestock. DEP also recommends that infants, pregnant women, and nursing mothers be provided with alternate sources of safe drinking water if their domestic water exceeds 10 mg/l of nitrate-nitrogen.

TABLE NO. 1

**MOUNT JOY TOWNSHIP  
HYDROGEOLOGICAL STUDY RESULTS AND SUMMARY**

	<b>Total Coliform (/100 ml)</b>	<b>Nitrate- Nitrogen (mg/l)</b>	<b>Fecal Coliform (/100 ml)</b>	<b>Fecal Strep (/100 ml)</b>
Total Samples	270	270	270	270
Average	10.82	8.4	5.58	6.03
Maximum Value	95	34.3	80	513
Total Unacceptable	95 35.2%	83 30.7%	60 22.2%	21 31.8%
Total Marginal	--	87 32.2%	--	--
Total Acceptable	175 64.8%	100 37.0%	210 77.8%	45 68.2%

The high nitrate levels also correspond to the long-term agricultural uses that dominate the area. High nitrate levels in agricultural areas with limestone geology are common in the Lancaster County area. As a result, nitrate groundwater contamination cannot be determined to be a result of malfunctioning OLDS, agricultural activity or both. Thus, nitrate test results alone cannot be used in this case as a determination for the need for public sewer.

**Coliform**

Coliform bacteria are measured in terms of colonies per 100 milliliters (ml). Of the samples collected, 95 (35.2 percent) had more than one colony of total coliform per 100 ml. Also, 60 (22.2 percent) of the samples collected had more than one colony of fecal coliform per 100 ml. Total coliform is normally found in the intestines of humans, but is found in birds and animals, as well as in the soil. The bacteria are used as an indication that other pathogenic organisms may also be present. Fecal coliform is more closely associated with humans and warm-blooded animals.



## **Fecal Streptococcus**

Fecal streptococcus tests were performed on 25 percent of the samples. Of the samples collected, 21 (31.8 percent) had more than one colony per 100 ml. This bacterium is found in human and animal waste, but is not usually pathogenic. Fecal streptococcus is a relatively fragile organism and does not survive long in a cold water environment. Presence of fecal streptococcus usually indicates that the source of contamination is relatively close to the water source; otherwise, the organism would probably have died.

The hydrogeological study also investigated the type and condition of each tested well. (In some cases, no information regarding type or condition was available). In general, most wells are drilled, with depths ranging from 30 feet to 450 feet. The shallowest drilled wells appear to be associated with coliform contamination, suggesting improper casing. There does not appear to be any strong correlation between increasing depth and decreasing nitrate-nitrogen levels. Hand-dug wells showed high levels of contamination but the sample (3) is not sufficient to support any conclusions.

### **1.5 Mail Survey**

To further evaluate the status of on-lot systems in the planning area, a Sewage Needs Mail Survey was conducted in October and November of 2000. The mail survey was sent to owners of approximately one-third (416 of 1,173) of all improved properties in the portion of the Township not served by public sewers, or proposed to be served in the next ten years. (See Map A – On-Lot Sewage Disposal Areas and Map B – Mail Surveys Sent). The properties selected for the mail survey were uniformly distributed throughout the unsewered portions of the Township to include properties of all different lot sizes. A copy of the mail survey and cover letter is included in Appendix A. Based on the PADEP Guidance, a minimum response rate of 15 percent is necessary to obtain a representative survey sample to effectively use mail-in survey data where greater than 1,000 OLDS are located in the Project Area. The property owners completed and returned a total of 270 surveys (See Map C – Mail Surveys Returned), which equates to a response rate of 65 percent of the surveys mailed, and 23 percent of the estimated total 1,173 properties in the non-sewered portions of the Township.

Of the 270 surveys returned, 13 indicated that the property either (1) had no on-lot sewage disposal system (six responses) or (2) was already connected to the public sewer system (seven responses). Results from the remaining 257 returned surveys are analyzed below.

## System Replacements/Repairs

41 of the 257 surveys indicated that some kind of system replacements/repairs had taken place on the lot sometime in the past (See Map D - On-Lot Systems Repaired). The types of system replacements/repairs included the following:

<u>System Replacements/Repairs</u>	<u># of Responses</u>
New System	18
New Drainfield	6
New Field Pump Installed (Elevated Sand Mound)	1
Septic Tank Replaced (with larger tank)	1
Tank Line Repaired/Replaced	15

Of the 18 survey responses indicating that their system has been replaced, four of the replaced systems are on lots less than one-half acre in size; five on lots between one-half and one acre; and the remaining nine systems were replaced on lots exceeding two acres in size. Virtually all of the replaced systems were for dwellings that were more than twenty years old.

Of the 6 responses indicating that their drainfield had been replaced, two of the replaced drainfields were on lots less than one-half acre in size; three on lots between one-half and one acre; and the remaining one was replaced on a lot exceeding two acres in size.

One response indicated a replacement of a field pump for an elevated sand mound system. The one response indicating a replacement of a septic tank (with larger tank) was for a system located on a 17+-acre tract. The 15 tank line repairs/replacements were for a variety of reasons, including crushed lines, line blockages by roots, etc.

As can be seen on Map D, the replaced systems are scattered throughout the Township – with no areas of concentration that would indicate a problem area(s).

## Lot Size

Lot size is an important factor in the ability to repair and/or replace an on-lot sewage disposal system at a given location. (See Map E - Lot Sizes for Returned Surveys). Lot sizes of the properties for which surveys were returned were calculated using the GIS and the Lancaster County GIS Landbase data. The lot size breakdown for the 257 returned surveys that weren't served by public sewer or vacant is as follows:

<u>Lot Size</u>	<u># of Responses</u>
Less than ½ acre	52
½ to 1 acre	66
1 to 2 acres	28
More than 2 acres	111

Of the 52 surveys with lot sizes of less than ½ acre, nine have had their on-lot disposal system replaced or repaired (six replacements and three repairs). Of the 66 surveys with lot sizes of ½ to 1 acre, thirteen have had their on-lot disposal system replaced or repaired (eight replacements and five repairs). A review of Map E shows that the repaired/replaced systems on the smaller sized lots are not concentrated in any locations in the Township.

### **System Age**

The Mail Survey also asked for information on the age of the on-lot disposal system (See Map F - System Age – Returned Surveys). Of the 270 surveys returned, 13 indicated that the property either (1) had no on-lot sewage disposal system (six responses) or (2) was already connected to the public sewer system (seven responses). 35 surveys had no response to this question. Results from the remaining 222 returned surveys are analyzed below.

<u>System Age</u>	<u># of Responses</u>
1 to 10 Years	53
11 to 20 Years	72
21 to 34 Years	73
Greater than 34 Years	24

As can be seen from the above, approximately ninety percent of all the reported systems were constructed/replaced since 1966, (when design, construction, and inspection standards were developed). The 24 properties with systems greater than 34 years of age are scattered throughout the Township. (See Map F – System Age, Returned Surveys). Less than half of these systems are located on lots smaller than one acre in size. Of the 24 properties with systems greater than 34 years of age, several have had some type of repair, one respondent has commented that their drainfield probably needs to be replaced and one has their tank pumped twice yearly.

## Septic Tank Pumping Frequency

Survey information was also provided on the frequency at which septic tanks were pumped. (See

Map G – Pumping Frequency, Returned Surveys). Results from the returned surveys are analyzed below.

<u>Pumping Frequency</u>	<u># of Responses</u>
Two or more times per year	3
Annually	12
Every 2 years	42
Every 3 years	45
Every 4-5 years	50
Less frequently than 5 years	27
Public sewer/no system	13
Never/no response	78

Three respondents indicated that their tanks were being pumped more than once annually. As previously identified, one of the three has a system that's 40 years old. According to the returned survey, this system serves two dwellings. A second system, which gets pumped three times annually, has a septic tank and a holding tank, and is located on a lot size of approximately two-thirds of an acre. The third serves a 28-year old dwelling that has a lot area in excess of thirteen acres.

## Potential Problems from Mail Survey Responses

One of the questions asked in the Mail Survey was whether or not any of the following conditions had been experienced near the septic system:

- Green lush grass near septic system;
- Septic or laundry odors near septic system;
- Wetness or spongy areas near septic system;
- Wastewater backing into home;
- Sluggish drains (if related to septic system); and,
- System overflow.

Of the 257 returned surveys indicating service by some form of on-lot sewage disposal system,

36 surveys had one or more responses to this question. Of these 36 surveys with responses, 9 indicated that system repairs had eliminated the problem. Therefore, only 27 of the returned surveys indicated the occurrence of one or more of the six conditions listed above. (See Map H – On-Lot Sewage Disposal Problem Areas, Mail Surveys Returned). Based on the Sewage Disposal Needs Identification Guidance, the following conditions listed above were classified as “Confirmed Malfunctions”:

- Wetness or spongy areas near septic system;
- Wastewater backing into home; and,
- System overflow.

12 of the 27 returned surveys listed one or more of these conditions. The remaining 15 returned surveys indicated one or more of the following conditions, which have been classified as “Suspected Malfunctions” based on the Guidance document. They included the following conditions:

- Green lush grass near septic system;
- Septic or laundry odors near septic system; and,
- Sluggish drains (if related to septic system).

The locations of all the properties identified in the returned surveys are shown on Map H – On-Lot Sewage Disposal Problem Areas, Mail Surveys Returned. As can be seen from Map H, the properties are scattered throughout the Township.

When the stated age of the sewage disposal system is correlated to the returned surveys identifying some septic system-related condition, it can be seen that the majority of the systems are older systems – 19 of the systems are 15 or more years old. Thus, system age and/or lack of adequate system maintenance on older systems may be contributors to the identified problems. A review of lot sizes indicates that 15 of the 27 systems are located on lots in excess of one acre in size, with the potential for system replacement area on site. Of the remaining 12 properties, 3 properties are less than one-half acre in area and the remaining 9 have lot sizes between one-half and one acre.

## **1.6 Summary Of The Needs Analysis**

Table 2 presents a summary of the needs analysis of the estimated 1,173 EDU’s that presently utilize on-lot disposal in the Township. As noted, an estimated 35 percent of the on-lot systems represent a potential malfunctioning system. This percentage may be due primarily to the possibility that systems constructed prior to 1966 may not have been built to current, acceptable

standards, and in soils that may not be suitable for conventional on-lot systems.

By comparison with the existing wastewater facilities map in the 1998 Plan (Map 9), soils map in the 1998 Plan (Map 5) and existing information, two areas were identified for consideration for public sewer service:

- Fairview and Terrace Roads junction north of Mount Joy Borough. This area consists of 12 EDUs.
- Village of Milton Grove. This area consists of 20 EDUs with surrounding strip development.

### **Fairview and Terrace Road Area**

The Fairview and Terrace Roads area consists of older, small-lot homes. This area was anticipated to have sewer available by 2003 as a result of the extension of public sewer by a proposed development tributary to Mount Joy Borough. The Mount Joy Township Authority (MJTA) has negotiated with the Borough to reserve capacity for growth that will allow the sewerage of this area to occur.

Plate 1 illustrates the status of sewer extensions into the Terrace and Fairview Road area. As shown with the development of the Deerfield II and Grandview Meadows sites, sewer service is now available to the intersection of Fairview and Terrace Road. Final development of the Shoop Lot 5 parcel can now occur with the availability of sewer. With the construction of improvements, sewer service will be available to the remaining existing homes along Terrace Road as a replacement option for existing OLDS by the residents. We would anticipate that this will occur in the next 1 to 2 years. As a result, the Township will continue to rely on private funding and investment to make public sewer service available to this area.

### **Milton Grove Area**

When nearby strip (road frontage) development was included, the Milton Grove area represented the largest remaining village (and population density) in the non-sewered portion of the Township. The Milton Grove area is surrounded by agriculturally zoned areas and is currently located some distance from existing public sewers or proposed growth areas. Under the existing and proposed zoning, there is limited potential for further growth in this area. Three alternatives were evaluated for providing public sewers to the Milton Grove area as part of the 1998 Plan – (1) collection/conveyance and treatment at a single wastewater treatment facility; (2)

**HANDOVER  
ENGINEERING**

ASSOCIATES, INC.

LANCASTER/LEBANON OFFICE  
200 SNYDER LANE  
EPHRATA, PA 17522

MOUNT JOY TOWNSHIP  
EXISTING AND FUTURE  
SEWER SERVICES  
AREAS



EXISTING SEWER SERVICE AREA



FUTURE SEWER SERVICE AREA

ORTHOGRAPHIC PHOTO OBTAINED FROM LANCASTER COUNTY GIS DEPARTMENT





collection/conveyance to the Elizabethtown WWTP; and (3) collection/conveyance and treatment at community on-lot facilities. These alternatives were illustrated as Plates 3, 4 and 5 respectively for the three alternatives in the 1998 Plan. (See a copy of Plate 3 on Page 16 as an illustration of the possible service area)

Based on the feasibility analysis conducted in the 1998 plan, centralized or community sewer facilities were determined to be not economically feasible for the Milton Grove Area.

Other than the areas mentioned above, systems identified as having potential malfunctions are considered to be fairly well dispersed across those areas of the Township that are not presently served, or proposed to be served, by public sewer. These areas are also either not zoned for future growth or have been fully developed as strip development.

**TABLE 2**  
**MOUNT JOY TOWNSHIP**  
**SUMMARY OF NEEDS ANALYSIS**

Limitation	Properties Affected	Percent of Total*
Floodplains	0	0
Slopes Over 25%	0	0
Severe Limitations as Defined by the SCS (geology and soils)	231	20
Wetland/Hydric Soils <sup>1</sup>	5	<1
Wells With Unacceptable Test Results (270 tests)	195	72
Potential Sub-Standard On-Lot Systems (pre-1966)	412	35
Potential Malfunctions	412	35
Suspected Malfunctions (from Mail Surveys)	15	1
Confirmed Malfunctions (from Mail Surveys)	12	1

\* 1,173 EDU's utilize OLDS. Percentages do not total 100 due to multiple limitations for some EDU's.

<sup>1</sup> Includes floodplain soils, wetlands as indicated by the USDA Fish and Wildlife Service's National Wetlands Inventory, and all soils listed as having major hydric components and inclusions of hydric components, according to the USDA Soil Conservation Service's Hydric Soils of the State of Pennsylvania, 1985.

In view of the data and general dispersal of potential problem sites throughout the Township,

there are no specific areas identified as need areas that are required to be addressed by methods other than an individual lot-by-lot basis through repairs, voluntary in-home water treatment measures or improvements to well construction.

### **1.7 Field Verification of the Milton Grove Study Area**

The Milton Grove Study area contains a total of 182 residential homes and farms. Individual on-lot septic systems are utilized for all uses in this area. The sanitary survey was sent to 65 property owners. 39 responses were received for a 65 % response rate.

Letters were sent to all 39 homeowners notifying them of the desire to schedule a field visit. Enclosed in Appendix B is a copy of the letter used to contact the homeowners. At least two follow up telephone calls were made to those homeowners who did not call to schedule an appointment. A total of 20 field surveys were performed between November 2001 and January 2002. The remaining homeowners either specifically refused to allow a field visit (2) or would not return a call to schedule an appointment (17).

Table 3 presents a summary of the data collected from the field visits with a correlation with information on lot size, soil suitability, isolation distances and topography to evaluate the survey information. We note that of the field verification surveys conducted, none were found to identify conflicts between actual field conditions that could be observed and information presented by the homeowner in the mailed survey.

In the previous narrative, there were a total of two properties where a suspected or confirmed malfunction was identified from the survey within this area. See Map H for the location of these properties. Both properties were field verified. No surface conditions were noted to confirm a failure in the absorption system had occurred.

The confirmed malfunction identified on the survey was due to a slow draining plumbing. In discussion with the homeowner, they noted that they had not had the problem in some time and suspect that it was due to a partial blockage in the plumbing drain.

The suspected malfunction was attributed in the survey to green grass over the absorption field. Field verification indicated greener grass than in the surrounding lawn. However, there were no areas of soft water saturated ground noted.

**Milton Grove Area  
Field Verification Summary  
of Returned OLDS Surveys**

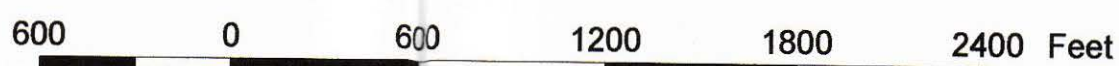
Map No.	Acres	Field Inspection	System Condition	Soils Suitability	Replacement Area	Well Isolation	Topography
1	12.014	Yes	Satisfactory	Moderate	Possible	No	< 20 %
2	0.577	No Response	Satisfactory	Moderate	Possible	Yes	< 20 %
3	0.473	Yes	Satisfactory	Moderate	Limited	No	< 20 %
4	0.494	Yes	Satisfactory	Moderate	Limited	Yes	< 20 %
5	0.748	No Response	Satisfactory	Moderate	Possible	No	< 20 %
6	0.475	No Response	Satisfactory	Moderate	Limited	No	< 20 %
7	0.474	Yes	Satisfactory	Moderate	Possible	No	< 20 %
8	0.572	No Response	Satisfactory	Moderate	Possible	Unknown	< 20 %
9	0.458	Yes	Satisfactory	Moderate	Limited	No	< 20 %
10	0.477	No Response	Satisfactory	Moderate	Limited	No	< 20 %
11	0.490	Yes	Satisfactory	Moderate	Limited	Yes	< 20 %
12	0.519	Yes	Satisfactory	Moderate	Limited	Yes	< 20 %
13	52.619	Yes	Satisfactory	Moderate	Possible	Yes	< 20 %
14	0.550	No Response	Satisfactory	Moderate	Possible	No	< 20 %
15	0.597	Yes	Satisfactory	Moderate	Possible	Yes	< 20 %
16	0.630	No Response	Satisfactory	Moderate	Possible	Unknown	< 20 %
17	0.660	No Response	Satisfactory	Moderate	Possible	No	< 20 %
18	0.433	No Response	Satisfactory	Moderate	Limited	No	< 20 %
19	0.760	Refused	Satisfactory	Moderate	Possible	No	< 20 %
20	0.457	No Response	Satisfactory	Moderate	Limited	Yes	< 20 %
21	0.464	Yes	Satisfactory	Moderate	Limited	No	< 20 %
22	0.514	Yes	Satisfactory	Moderate	Limited	Yes	< 20 %
23	0.506	No Response	Satisfactory	Moderate	Limited	No	< 20 %
24	0.478	Yes	Satisfactory	Moderate	Possible	Yes	< 20 %
25	9.976	Yes	Satisfactory	Moderate	Possible	Yes	< 20 %
26	1.138	Refused	Satisfactory	Moderate	Possible	Yes	< 20 %
27	0.503	Yes	Satisfactory	Moderate	Possible	No	< 20 %
28	0.880	Yes	No system needed	Moderate	No	No well	< 20 %
29	0.260	Yes	Satisfactory	Severe	Limited	Yes	< 20 %
30	0.987	Yes	Satisfactory	Severe	Possible	Yes	< 20 %
31	0.871	Yes	Satisfactory	Moderate	Limited	No	< 20 %
32	0.606	No Response	Satisfactory	Moderate	Possible	No	< 20 %
33	87.547	Yes	Satisfactory	Severe	Possible	No	< 20 %
34	0.868	Yes	Satisfactory	Moderate	Possible	No	< 20 %
35	0.481	No Response	Satisfactory	Moderate	Limited	Yes	< 20 %
36	3.730	No Response	Satisfactory	Severe	Possible	No	< 20 %
37	1.100	No Response	Satisfactory	Moderate	Possible	No	< 20 %
38	0.850	No Response	Satisfactory	Moderate	Possible	No	< 20 %
39	0.460	No Response	Satisfactory	Moderate	No	No	< 20 %





**Surveys**

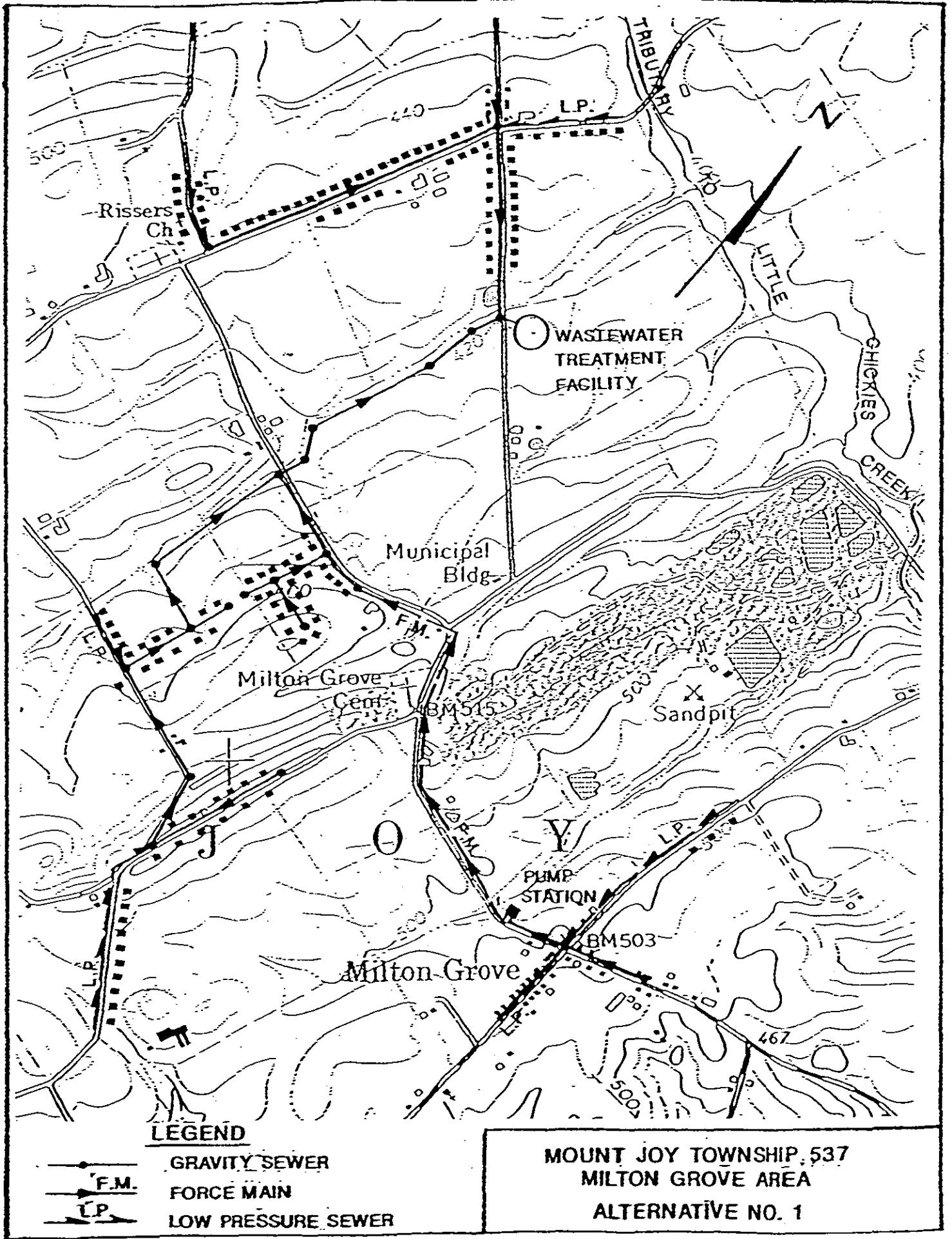
-  Surveys Returned
-  Surveys Sent
-  Field Verified






SCALE: 1" = 600'



PLATE 3



LEGEND

-  GRAVITY SEWER
-  F.M. FORCE MAIN
-  L.P. LOW PRESSURE SEWER

MOUNT JOY TOWNSHIP, 537  
 MILTON GROVE AREA  
 ALTERNATIVE NO. 1



Plate 2 illustrates the location of the Milton Grove Study Area with respect to survey participation and field verification locations.

### **1.8 Conclusion**

As a result of the combined mail survey and field verification effort, we continue to recommend that no further analysis of structural alternatives is warranted for the Milton Grove area. As part of the Final Act 537 Plan Supplement, the Township will utilize nonstructural alternatives for OLDS management in areas of the Township not served by public sewer.

### **1.9 Non-Structural Alternatives**

The continued use of individual sewage disposal systems is currently the only feasible alternative for those areas of the Township that cannot be served by existing public sewer systems.

The Township has developed effective non-structural measures aimed at increasing the longevity of on-lot systems and improving groundwater protection measures.

A "no action" alternative would potentially increase the opportunity for creating future long-term problem areas, as it would not address methods for properly maintaining systems and further groundwater degradation from future system malfunctions. Therefore, a no-action alternative is not recommended.

The following non-structural alternatives have been implemented by the Township. The adoption of revisions to the Township OLDS Ordinance provide the regulatory authority for implementation.

#### **OLDS Education**

An educational program has been initiated by the Township, which is intended to let homeowners know about the need to properly maintain and monitor their on-lot sewage disposal systems. This educational program will consist of mailing information to homeowners as a part of a newsletter, and the display at the Township building of material offering information. The Township staff will be primarily responsible for developing such a program.

#### **Areas Requiring Hydrogeologic Studies**

State regulations in Chapter 71, Section 71.62(c)(2) require a preliminary hydrogeologic analysis



for developments proposing on-lot sewage disposal systems when any of the following conditions exist:

1. A large volume (>10,000 gpd) on-lot sewage system is proposed.
2. A subdivision of more than 50 EDU's with a density of more than one lot or EDU per acre is proposed.
3. A well within ¼ mile of the development is known to have nitrate results exceeding 5 parts per million (ppm).
4. The underlying geology may contribute to the potential for groundwater pollution from on-lot sewage systems.

Based on the background findings of this Plan, the Township has developed a plan of action for requiring hydrogeologic analyses for proposed land developments that is consistent with the intent of these state regulations. The Township amended its OLDS Ordinance on June 19, 2000 to require that planning modules for land development shall be accompanied by hydrogeologic tests performed (in accordance with all applicable DEP regulations) for all properties that propose sewage disposal by means other than extension and/or connection to the existing public sewer systems. A copy of the adopted OLDS Ordinance is included as Appendix C.

#### **Nitrate Monitoring Policy**

Based on the number of nitrate results above 5.0 ppm that were tested for this study, it is apparent that hydrogeologic studies will be required prior to land development in many areas of the Township. The Township will adopt a nitrate monitoring policy that would evaluate the consistency between this Plan and hydrogeologic studies submitted by a developer as part of a planning module. In accordance with the provisions of the Township's OLDS Ordinance, well test results submitted with planning modules will be compared to the results of the 537 Plan for nearby areas and can be recorded by the Township on the Hydrogeologic Map (Map 11). If the submitted well results vary from the findings of the 537 Plan, the Township may require additional testing. This program will enhance the administration of DEP's requirements for preliminary hydrogeologic studies while producing a continuous supply of new well data that will be available to the Township and DEP for future studies.

## **Non-Building Waivers**

DEP has developed a procedure (Form B) that allows a property owner to apply for a waiver of the requirement to obtain planning module approval for the subdivision of land if the lots that are to be created will not be built upon. By acknowledging such a waiver, the municipality accepts full responsibility, now and in the future, to prevent any violation of the conditions of the lot. If a violation occurs, the Township must acquire planning module approval from DEP that will include soil testing and other environmental studies for the entire subdivision. To address this issue, the Township is reviewing the language in its existing Subdivision and Land Development Ordinance to require the following:

1. Any existing lot that required a hydrogeologic analysis prior to its creation shall not be decreased in size through the use of a non-building waiver. The applicant of such a subdivision shall acquire planning module approval using the Component 2 process.
2. Non-building waiver requests for properties utilizing on-lot sewage disposal systems, in areas with elevated nitrates shall include evidence that supports the proposed lot sizes. If the Board of Supervisors determines that this evidence does not adequately address the nitrate issue, the applicant shall be required to submit a Component 2 planning module, which would include a hydrogeologic analysis.
3. In addition to the requirements of Section D of Form B, which requires an inspection of any existing OLDS by the Township SEO, the applicant shall also demonstrate that there is an adequate location for a replacement absorption field for the proposed lot or lots. This replacement area shall be approved by the SEO and reserved for future use. The replacement area shall remain free of any structures or vegetation that may adversely impact the suitability of the soil. Only shallow-rooted plant matter will be permitted in the replacement area.

## **Dispersion Plume Easements**

Preliminary hydrogeologic analyses usually require large lots in areas with marginally elevated nitrates (5 ppm to 10 ppm). Although this requirement is intended to protect the groundwater by restricting the development potential of land that is not currently served by public sewers, excessive lot sizes most often result in the inefficient use of land. Additionally, larger lots are more costly to serve with public sewers if it is required at some point in the future.

The concept of a dispersion plume easement is intended to protect the groundwater in a manner that is equal to, or greater than, the requirement of large lot sizes. A hydrogeologic study would be performed in a similar manner as required with traditional development; however, the study must include the mapping of the plume of dispersion from each proposed drainfield that is in excess of 10 ppm. Smaller lot sizes would be utilized in combination with an easement near the drainfield on the adjacent or remaining lands. The easement would cover the area of land that is outside the proposed lot and would contain the dispersion plume. This method would protect the groundwater to a greater extent than the large-lot method since it would require developers to position each drainfield in a location where the dispersion plume will not adversely impact any future or existing land uses. (The traditional large-lot hydrogeologic analysis does not address the location of each proposed drainfield since it is based only on lot area.)

For subdivisions that would require excessive lot sizes, a dispersion plume easement may be utilized on the parent tract, or adjacent land, so that the subdivision may utilize smaller, more efficient lot sizes.

Dispersion plume easements enable the preservation of larger parent tracts, which can remain in agricultural use, and the preservation of prime agricultural land is one of the stated policies of the Commonwealth. If public sewer service is later provided to the development, the easement would be removed from the deed and the land that the easement covered would become available for development. Dispersion plume easements could also be used with capped sewers in areas where sewer service is planned but not yet available.

In addition to any DEP policies, land developments proposing the use of dispersion plume easements shall be consistent with the following standards:

1. The dispersion plume must be delineated by a qualified professional hydrogeologist, and the proposed easement shall be located and sized to correspond to the limits of the dispersion plume.
2. The use of dispersion plume easements should be limited to developments proposing four or fewer lots unless a capped sewer system is installed to MJTA standards and public sewer service is planned within 10 years.
3. The placement of wells within the easement area will be prohibited.
4. Impervious surfaces may not be included as land that is available for groundwater recharge within the dispersion plume easement area. Additionally, no impervious materials may be added to the easement area after the limits of the easement have been defined.

5. The easement area may not be used to dilute future sewage effluent proposed by any additional subdivision or land development.
6. A legal description of the surveyed boundary of the easement shall be required by the Township prior to the issuance of a building permit.
7. Dispersion plume easements will not be permitted in areas which have documented well test results indicating nitrate-nitrogen levels in excess of 10 ppm, nor will any easement be approved which has not been certified by a professional hydrogeologist to be large enough to maintain background nitrate levels below 10 ppm.
8. The easement must remain as a deed restriction until public sewer service is provided to the lots that created the need for the easement.
9. The Township shall develop techniques to administer deed restrictions that may include any of the following options:
  - a. Require the proposed easement to be shown on the subdivision plan.
  - b. Approve the planning module based on the condition that the proposed easement will be recorded prior to the issuance of the on-lot sewage disposal permit for the lot that created the need for the easement. The Township Zoning Officer would also require a copy of the deed showing the easement, prior to the issuance of a building permit.

### **Denitrification Systems**

The Township has previously amended its Sewer Ordinance to allow the use of denitrification units in the portions of the Township proposed for continued reliance upon on-lot sewage disposal methods. This was provided at the time DEP allowed the use of these types of systems. As these systems are currently no longer permitted by DEP, no denitrification systems will be approved until DEP allows their continued use.

### **Sewage Management Program**

In addition to encouraging the proper maintenance of OLDS through an educational program, the 1998 Plan recommended that the Township adopt a comprehensive sewage management program, by ordinance, which would require adequate management of sewage facilities. This

ordinance would be consistent with the requirements of the Pennsylvania Code 25, Chapter 71, and would address the following:

1. Modifications to OLDS - Any modifications or improvements to existing on-lot systems will be consistent with the requirements of this program as well as Chapter 71. Depending on the type of modification, the Township or DEP may require expanded absorption areas, alternating absorption areas, or water conservation devices.
2. Maintenance of OLDS - Consistent with Chapter 71, Section 71.73, the sewage management program would establish the legal authority to require proper maintenance or operation for facilities that are not properly functioning. Based on the deficiencies, the Township could enforce regulations regarding periodic pumping of septage, surface contouring, water conservation, mechanical and electrical devices, standards for septage pumpers/haulers, and the maintenance of holding tanks.
3. Holding Tanks and Privies - Procedures would be established for the use and maintenance of existing and new holding tanks and privies consistent with the requirements of Chapter 71, Section 71.63.
4. Alternate Absorption Areas - The testing and designation of land suitable for an alternate on-lot system would be required for each lot proposed in all new subdivisions and land developments.
5. Inspection Procedures - In order to effectively enforce the sewage management program, the Township must establish the right to inspect all sewage facilities within the Township.
6. Flow Metering - The Township may require flow metering if hydraulic overloading is believed to be the cause of a malfunctioning facility.

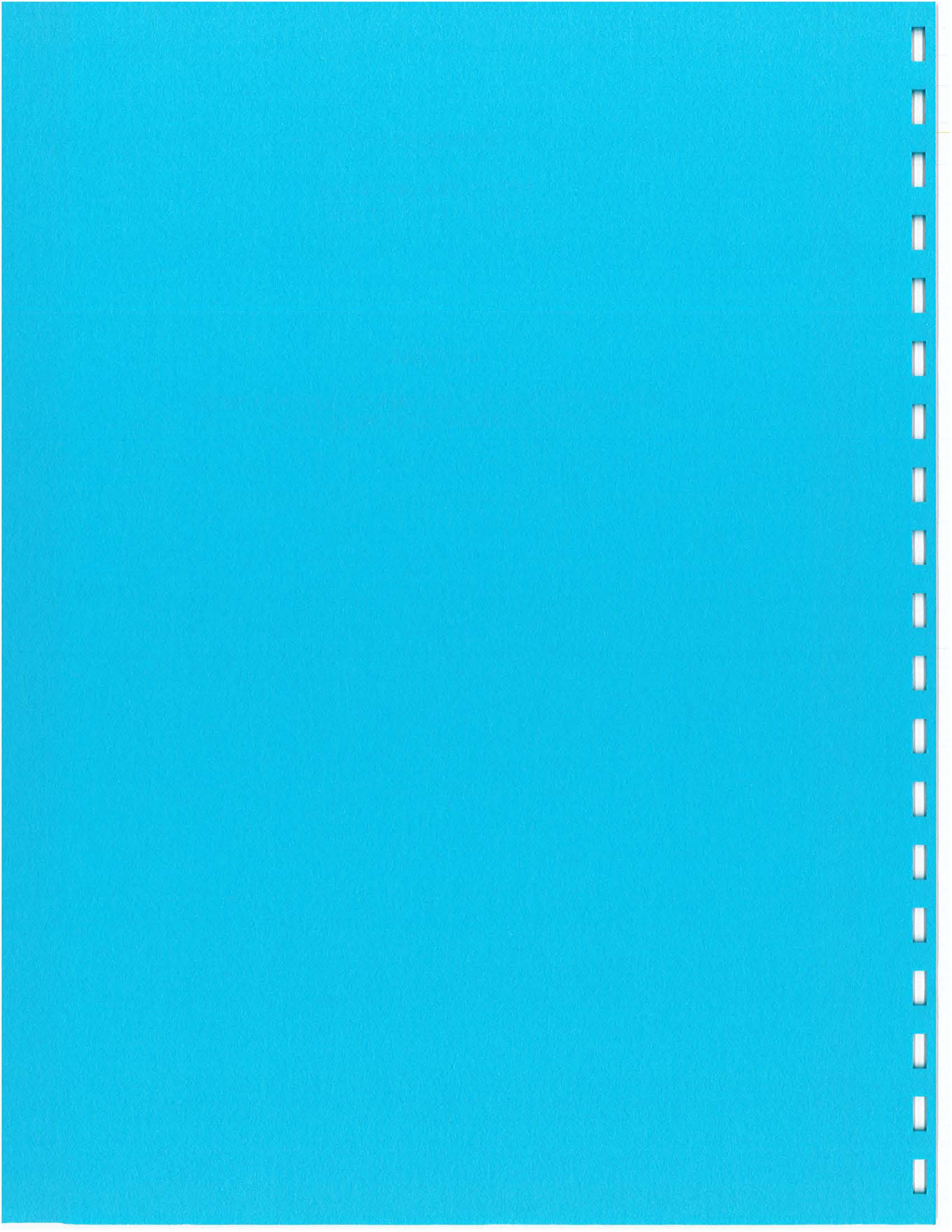
The above provisions have been incorporated into an amendment to the Township's Sewer Ordinance.

## **2.0 Implementation**

As no structural alternatives are recommended for implementation, no schedule revisions are proposed as was established in the 1998 Act 537 Plan approval. The Township has adopted an Ordinance to implement the nonstructural alternatives noted in this Supplemental Report and presented in the 1998 Act 537 Plan.

**SUPPLEMENT TO  
MOUNT JOY TOWNSHIP  
ACT 537 PLAN OF 1998**

**APPENDIX A  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AUGUST 10, 2001 REVIEW LETTER**



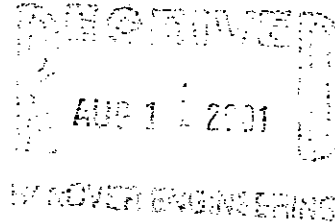


Pennsylvania Department of Environmental Protection

909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
August 10, 2001

Southcentral Regional Office

Mount Joy Township Supervisors  
c/o Richard E. Forry, Secretary  
159 Merts Drive  
Elizabethtown, PA 17022



717-705-4707  
(Fax) 717-705-4760

Re: Act 537 Planning  
APS ID No. 37966  
DEP Code No. B1-36442-ACT  
Mount Joy Township, Lancaster County

Ladies and Gentlemen:

The Department of Environmental Protection (Department) reviewed your Act 537 Official Plan, received on April 23, 2001 and determined that it is incomplete for the following reasons:

1. The plan must contain proof of a public notification that establishes a 30-day review and comment period. The plan must contain a statement from the municipality indicating whether or not any written comments were received. If comments were received, the plan must include municipal responses to the comments.
2. The plan must clarify the intent of the township to provide public sewers to the Fairview and Terrace Road area. The plan indicates this area will be served within five years as a result of a public sewer extension by a proposed development tributary to Mount Joy Borough. This area is not indicated as being in a five-year sewer service area in the 1998 plan. The map should be revised.
3. A field verification of the sanitary survey results must be done for the Milton Grove Study Area (as defined in the Alternatives Analysis of the 1998 plan). The field verification must be done in accordance with the 1996 Sewage Disposal Needs Identification Guidance. Physical limitations of the properties in this area must be discussed. Provide documentation that the soils, lot sizes, isolation distances and topography of the study areas will generally allow for on-lot system repairs. Substandard or "best technical guidance" repairs should not be considered in the plan as part of an alternative to address existing sewage disposal needs.



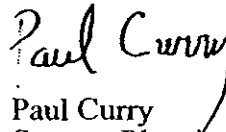


4. The plan does not appear to specify an implementation date for the on-lot management ordinance (Ordinance No. CLXX). This date must be specified in the plan implementation schedule.
5. The plan must be adopted by the municipality.
6. The Lancaster County Planning Commission must be given an opportunity to comment on this plan. The comments from the 1998 plan may not address the conclusions and selected alternatives of this plan.

The deficiencies identified in this letter must be addressed and a complete augment package of information resubmitted to the Department within 90 days of the date of this letter. Do not submit piecemeal information. Failure to respond during this time frame may result in Departmental action resulting in disapproval of your currently incomplete plan submission. The 120-day review period for this Plan will not resume until the Department has received a complete plan submission. Please submit three complete copies of the information package.

If you have any questions concerning this letter, please call me at 717-705-4766.

Sincerely,

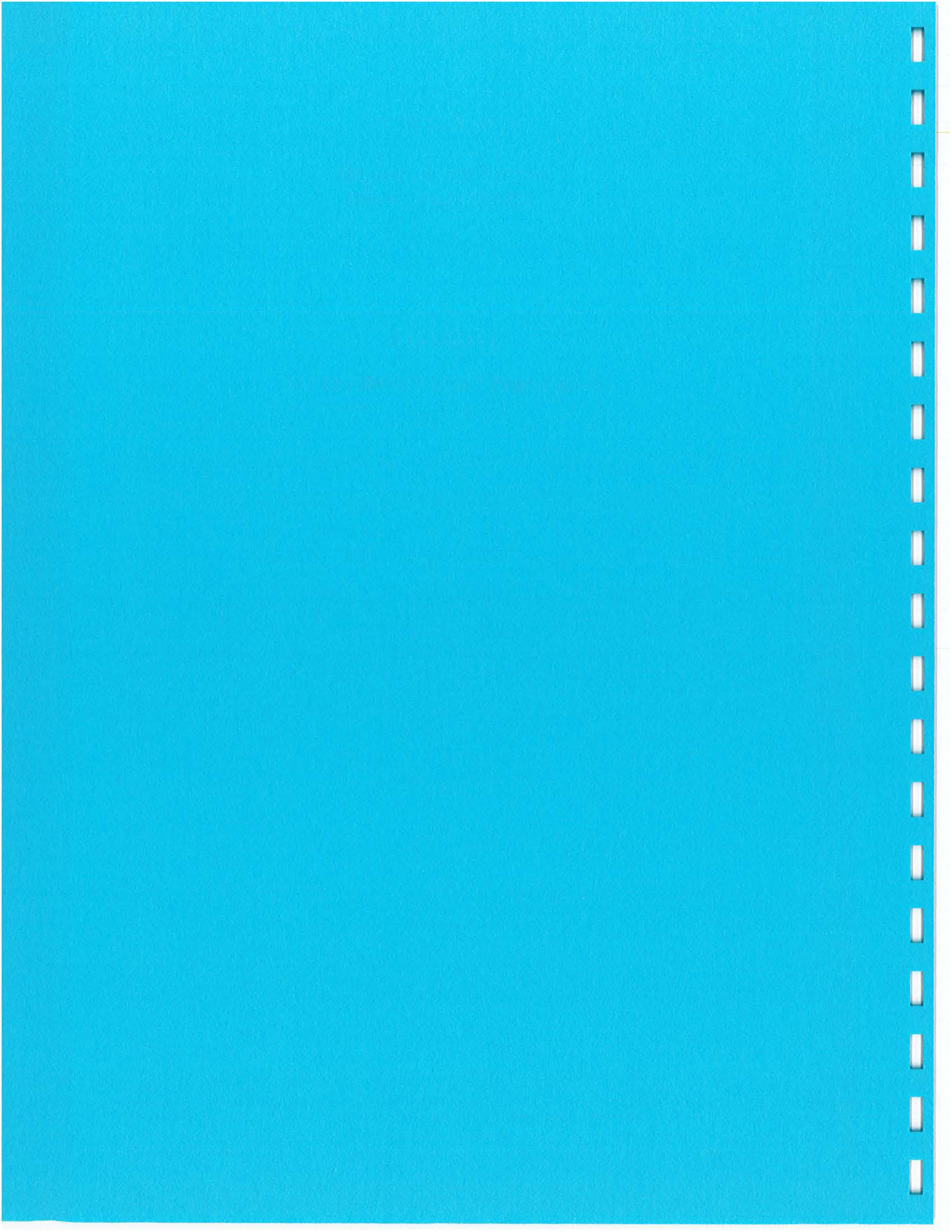


Paul Curry  
Sewage Planning Specialist  
Water Management Program

cc: Hanover Engineering Associates, Inc.  
Lancaster County Planning Commission

**SUPPLEMENT TO  
MOUNT JOY TOWNSHIP  
ACT 537 PLAN OF 1998**

**APPENDIX B  
MAIL SURVEY AND COVER LETTER**



October 22, 2001

Hereford Road  
Elizabethtown, PA 17022

RE: Property Hereford Road

Dear Mount Joy Township Homeowner

Approximately one year ago you provided the Township with a completed survey as part of an investigation on-lot sewage disposal system use requested by the Department of Environmental Protection (DEP). Of the 416 surveys sent to homeowners in the Township we were very successful in achieving a 65% return from homeowners such as yourself. We want to thank you for your participation in this survey.

The results of the survey were reviewed by Hanover Engineering, our consultant on this study and reported to the Board of Supervisors. The report titled Act 537 Plan Supplement Evaluation Report of Wastewater Treatment Needs in the Non-public Sewer Service Areas of the Township February 16, 2001 is available for public review at the Township office. The report includes a summary of the survey results and not any actual surveys.

The information provided by the surveys indicated that there is no present need for further extension of public sewer facilities to existing development. The recommendation of Hanover Engineers was to submit the results of the study to the DEP with a request to approve the study with no further field verification of the surveys. DEP has responded to the Township with a request to provide field verification of surveys submitted for a specific limited area of the Township in which your home is located. Approximately 40 homes will need to be field verified.

As a result of this request, we are again asking for your assistance in allowing a representative of Hanover Engineers to schedule an appointment with you to review the survey with you, update any information and view your outside system. It will not be necessary to view the inside of the home or open up the septic system. We anticipate that the visit should only require about 10 minutes of your time.

The ability of the Township to complete this field verification survey meeting DEP guidelines will allow the Township to receive a state funding reimbursement for the work the Township has performed.

Page 2 of 2  
October 22, 2001  
Mount Joy Township

Please contact Hanover Engineers at 721-7444 during business hours within the next 10 days to schedule an appointment. They are flexible with scheduling and can accommodate daylight hours including Saturdays to complete this task at your convenience.

Should you have any questions, please contact Mike Moulds at Hanover Engineers. Thank you again for your assistance.

Sincerely,

MOUNT JOY TOWNSHIP BOARD OF SUPERVISORS

# MOUNT JOY TOWNSHIP

159 MERTS DRIVE  
ELIZABETHTOWN, PA 17022  
717/367-8917 ■ 717/653-4959

FAX 717/367-9208

October 24, 2000

KEVIN V/CONNIE L KELLY  
628 SUNNYBURN RD  
ELIZABETHTOWN, PA 17022

RE: Property: 628 SUNNYBURN RD

Dear Mount Joy Township Property Owner:

The Mount Joy Township Board of Supervisors is in the process of conducting a survey of on-lot sewage disposal (septic) systems. The survey is being conducted to meet requirements for addressing wastewater management planning by the Pennsylvania Department of Environmental Protection (DEP). The survey information will be used to identify the extent of any existing sewage problems and to support planning work for the Township.

Our records have you listed as the owner of the above property. We request that you please complete the attached survey form to the best of your ability and mail it, using the enclosed postage-paid envelope by November 7, 2000.

*Why should you bother to fill out this survey?* Your participation is important to your community. Your response will improve the accuracy of this study and will minimize the need for a follow-up house-to-house survey.

Should you have any questions regarding this survey, please contact Mike Moulds or Steve Dellinger at Hanover Engineering Associates, Inc. at (717) 721-7444. Thank you for your assistance with this project.

Sincerely,

MOUNT JOY TOWNSHIP BOARD OF SUPERVISORS

■ SUPERVISORS

■ SEWER ENFORCEMENT OFFICE

■ AUTHORITY

■ ZONING OFFICER

■ PLANNING COMMISSION

■ ZONING HEARING BOARD

MOUNT JOY TOWNSHIP MAIL SURVEY

- 1. How many people live in your house?
2. If this is a seasonal home, what time(s) of year is it occupied?
3. Approximately how large is the size of your lot?
4. Do you have more than one sewage system on your lot?
5. What kind of water supply do you have?
6. Do you treat your main water supply for any of the following?
7. If you have ever had your water tested for any of the following, please indicate the results and date (if known):
8. How is your well constructed?
9. Does your well have an outer casing?
10. How far is the well or spring from the septic system drainfield?
11. Is the septic system down slope from the well?
12. What kind of sewage system do you have?
13. Where does your laundry and/or sink water go?
14. How old is your home?
15. How old is your septic system?
16. Was a permit issued for the septic system to be constructed?
17. Have you ever experienced any of the following conditions near your septic system?
18. When was the last time your septic system was pumped out?
19. If it was pumped, was it inspected for cracks or broken baffles?
20. How often do you have your septic system pumped?
21. If your septic system was ever repaired, approximately when was the repair made?
22. Was a permit issued for the repair?
23. What part was repaired or replaced?
24. Are there any other sewage problems in your community that you are aware of?

25. COMMENTS:

(continue on back)

Name & Address:
Date:
Parcel ID #:

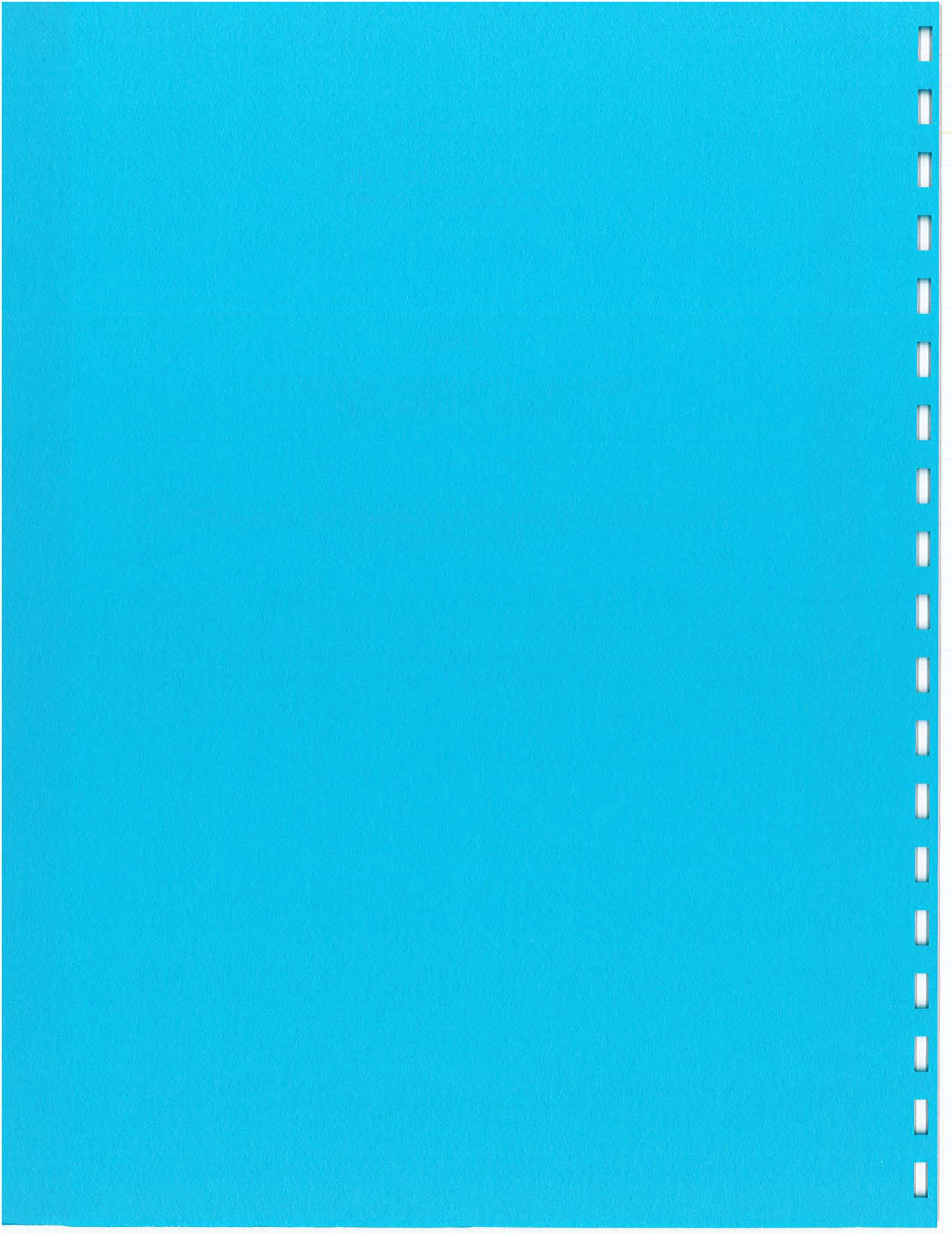
THANK YOU!

**SUPPLEMENT TO  
MOUNT JOY TOWNSHIP  
ACT 537 PLAN OF 1998**

**APPENDIX C  
AMENDMENT TO TOWNSHIP OF MOUNT JOY  
CODE OF ORDINANCES**

Adding New Article VI (Individual And Community On-Lot Sewage Systems)  
To Chapter 100, Sewers





TOWNSHIP OF MOUNT JOY

Lancaster County, Pennsylvania

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ORDINANCE NO. CLXX

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AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF MOUNT JOY, LANCASTER COUNTY, PENNSYLVANIA, TO REPEAL EXISTING REGULATIONS GOVERNING ON-LOT SEWAGE DISPOSAL SYSTEMS WITHIN THE TOWNSHIP AND TO ENACT NEW REGULATIONS GOVERNING INDIVIDUAL ON-LOT AND COMMUNITY SEWAGE SYSTEMS AND ACCESSORIES SUCH AS DENITRIFICATION UNITS TO IMPLEMENT THE PROVISIONS OF THE TOWNSHIP OFFICIAL SEWAGE FACILITIES PLAN.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Township of Mount Joy, Lancaster County, Pennsylvania, Chapter 100, Sewers, Article II, Individual Disposal Systems, §§100-11 through 100-18, shall be deleted in their entirety.

Section 2. The Code of Ordinances of the Township of Mount Joy, Lancaster County, Pennsylvania, Chapter 100, Sewers, shall be amended by adding a new Article VI, Individual and Community On-Lot Sewage Systems, which shall provide as follows:

ARTICLE VI

Individual and Community On-Lot Sewage Systems

§100-51. Title.

This Article shall be known and may be cited as the "Mount Joy Township On-Lot and Community Sewage System Ordinance".

§100-52. Legislative Intent.

The Board of Supervisors recognizes that individual on-lot sewage disposal systems constitute a valid and approved manner of conserving the quality of the water and other natural resources of the

Township through proper treatment of wastes generated by development within the Township. The use of individual on-lot sewage systems must be regulated in accordance with the regulations promulgated by the Department of Environmental Protection which pertain to the location and permitted types of on-lot sewage disposal systems. In addition, the Township has determined that should the on-lot sewage system disposal system installed by a landowner fail, the water quality and other natural resources of the Township may be polluted. It is especially of concern to the Board that such pollution may occur when a system fails and there is no suitable area on the lot for the installation of a replacement system. Therefore, in order to protect the water quality and other natural resources of the Township, thereby protecting the health and welfare of residents and visitors, the Board desires to require that all landowners provide and set aside areas for the installation of replacement individual on-lot sewage disposal systems.

It is the further intent of the Board to insure that on-lot sewage disposal systems are properly maintained. Failure to maintain on-lot sewage disposal systems results in malfunctions which in turn results in the pollution of the water quality and other natural resources of the Township. On-lot sewage disposal systems should be pumped out on a regular basis, and it is the responsibility of all landowners to insure such maintenance is performed.

The Board also desires to provide for the proper maintenance of the community systems which have been installed in the Township. Proper maintenance of community sewage systems is essential to preserve and protect the health and welfare of Township residents and to preserve and protect the environment.

#### §100-53. Adoption of Standards by Reference.

A certain document, three (3) copies of which have been and are presently on file in the office of the Secretary of the Township of Mount Joy, being marked and designated as Chapters 71, 72, and 73 of Title 25 of the Pennsylvania Code, being promulgated by the Department of Environmental Protection of the Commonwealth of Pennsylvania, be and is hereby adopted as the sewage permit application and installation procedure of the Township and each and all of the regulations contained in the said Chapters are hereby adopted by the Township except as modified by this Article. It is the intent of the Board to adopt all subsequent amendments and revisions to the said Chapters as permitted by law and in accordance with the provisions of 1 Pa. C.S. §1937(a). If such an intent is found invalid by a court of competent jurisdiction, it is the intent of the Board to adopt the said Chapters as they existed on the effective date of this Article.

#### §100-54. Word Usage and Definitions.

- A. Word Usage. In the interpretation of this Article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.
- B. Definitions. All words and phrases not otherwise defined herein shall have the meaning provided in Section 2 of the Act, 35 P.S. §750.2, Section 71.1 of the Department's Regulations, 25 Pa. Code §71.1, or Section 73.1 of the Department's Regulations, 25 Pa. Code

§73.1, or the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

ACT - The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. §750.1 et seq.

BOARD - The Board of Supervisors of the Township.

COMMUNITY SEWAGE SYSTEM - Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site and which shall comply with all applicable regulations of the Department. Notwithstanding the foregoing, the sewage collection, transmission and treatment systems of MJBA and MJTA shall not be considered community sewage systems for the purposes of this Article.

DEPARTMENT - The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

DEVELOPER - Any person who files a planning module for land development with the Township; or who files an application for approval of a subdivision or land development plan proposing the subdivision or development of land within the Township; or who makes application for a permit; or who makes an application for a zoning permit under the Township Zoning Ordinance; or who installs, repairs, modifies, or alters an OLDS or community sewage system serving properties within this Township other than a governmental entity.

INDIVIDUAL ON-LOT SEWAGE DISPOSAL SYSTEM (OLDS) - Any system of piping, tanks, or other facilities serving on a single lot and collecting and disposing of sewage in whole or in part into the soil and any waters of the Commonwealth of Pennsylvania and which is located upon the lot which it serves. The term also includes an OLDS which meets the definition of non-standard system.

LAND DEVELOPMENT - A land development as defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. §10101 et seq.

LOT - A parcel of land used or intended to be used as a building site or a separate parcel to be created as a result of approval of a subdivision or land development application or a condominium unit. The term lot shall include parcels equal to or greater than ten (10) acres in size where the lot may be occupied by one or more persons or families.

MALFUNCTION - The condition which occurs when an OLDS or community sewage disposal discharges sewage onto the surface of the ground, into ground waters of the Commonwealth, into surface waters of the Commonwealth, backs up into the building connected to the OLDS or community sewage disposal 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. An OLDS or community sewage disposal system shall be considered to be malfunctioning if any of the conditions set forth in this paragraph occur for any length of time during any period of the year.

MJBA - Mount Joy Borough Authority.

MJTA - Mount Joy Township Authority.

NON-STANDARD SYSTEM - An OLDS which has a denitrification unit or any other equipment which is not commonly found on OLDS within Lancaster County or an OLDS which has been modified to address groundwater contamination or other environmental issues or any OLDS which requires additional approvals from the Department or a modification or amendment to the Township's Official Plan.

OFFICIAL PLAN - A comprehensive plan for the provision of adequate sewage disposal systems adopted by the Township and approved by the Department in accordance with the Act and with applicable Department regulations.

OLDS - An individual on-lot sewage disposal system.

PERMIT - A permit issued by the Sewage Enforcement Officer after the performance of tests to determine suitability to authorize the initial installation of an OLDS or the repair, replacement or enlargement of an existing OLDS.

PERSON - Any individual, association, partnership, public or private corporation whether for profit or not-for-profit, trust, estate, or other legally recognized entity. Whenever the term "person" is used in connection with any clause providing for the imposition of a fine or penalty or the ordering of the action to comply with the terms of this Article, the term "person" shall include the members of an association, partnership or firm and the officers of any public or private corporation, whether for profit or not-for-profit.

PLANNING MODULE FOR LAND DEVELOPMENT - A revision to the Township Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with Department regulations.

PLANNING COMMISSION - The Township Planning Commission, which has jurisdiction under the Township Subdivision and Land Development Ordinance to review and approve subdivision and land development plans in accordance with the requirements of the Pennsylvania Municipalities Planning Code.

REPLACEMENT LOCATION - A location designated as the future location of an OLDS that shall be installed should the OLDS installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the Department and all applicable

Township ordinances for an OLDS.

**SEPTAGE HAULER** - Any person licensed by the Lancaster County Solid Waste Management Authority, the Department or other governmental agency to remove septage or other solids from treatment tanks of OLDS or community sewage disposal systems, holding tanks, privies, aerobic tanks, cesspools, or any other sewage disposal facility within the Township.

**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 substances being harmful or inimical to the public health or to animals or aquatic life or to the use of water for domestic water supply or for recreation or which constitutes pollution under The Clean Streams Law.

**SEWAGE ENFORCEMENT OFFICER** - The Sewage Enforcement Officer of the Township.

**SINGLE AND SEPARATE OWNERSHIP** - The ownership of a lot by one or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

**SUBDIVISION** - A subdivision as defined by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 52 P.S. §10101 et seq.

**THE CLEAN STREAMS LAW** - Act of June 22, 1937, P.L. 1987, No. 394, as amended, 35 P.S. §691.1 et seq.

**TOWNSHIP** - The Township of Mount Joy, Lancaster County, Pennsylvania.

**§100-55. Procedure for Review of Planning Modules for Land Development and Subdivision/Land Development Plans.**

In order to insure compliance with the Official Plan, all developers who request approval of planning modules for land development or who request the review of subdivision plans, and land development plans providing for sewage disposal proposing sewage disposal by means of OLDS or community sewage systems shall submit the following information to the Township for review in accordance with the following requirements:

- A. The developer shall submit the information required by this §100-55 to the Township with the planning module for land development or with the preliminary subdivision or land development plan, whichever the developer first submits to the Township.
- B. It is the responsibility of the developer to submit the information to all other reviewing agencies, including but not limited to the Lancaster County Planning Commission, in accordance with the Department's regulations. It is the responsibility of the developer to pay for the publication of any legal advertisement which may be required by the Department's

regulations. Failure of the developer to pay the costs of legal advertisement within fifteen (15) days after receipt of a copy of the newspaper's invoice shall render the submission incomplete.

- C. The developer shall submit a written report detailing the planning and decision making steps used in the selection of the method of sewage disposal.

**§100-56. Sewage Testing and Hydrogeologic Studies Required for all Proposed Lots.**

- A. After the effective date of this Article, no requests for approvals of planning modules for land development and no revisions or supplements to the Official Plan shall be granted unless the applicant presents to the Board evidence that each lot or lot to be created contains a suitable location for the installation of an initial OLDS except when such lots or lots to be created are to be served by a community sewage system. All tests required by the Department and this Article for the location of an OLDS to confirm the suitability of the location shall be performed as approved by the Department.
- B. After the effective date of this Article, all planning modules for land development except planning modules for land development which propose sewer service by means of the MJBA or MJTA sewer systems shall be accompanied by hydrogeologic tests performed in accordance with all applicable Department regulations. The Board shall not approve any planning module for land development which does not contain hydrogeologic studies which demonstrate that the proposed sewage disposal facilities will not adversely affect the groundwater or that measures will be utilized, such as the installation of denitrification systems or dispersion plume easements, which will address the impacts of the proposed sewage disposal facilities.
- C. Well test results submitted with planning modules will be compared with the Official Plan well test data. If the results vary from the Official Plan well test data, the Township may require additional testing to verify any discrepancies.

**§100-57. Replacement Location for On-lot Sewage Disposal Systems Required.**

After the effective date of this Article, a Replacement Location for an OLDS shall be required for all lots or lots to be created which are not serviced or to be serviced by a community sewage system operated by a governmental entity or for which a valid permit for an OLDS has not been issued. The Replacement Location shall comply with the Act and with all regulations issued by the Department as incorporated into this Article concerning OLDS, including isolation distances, and with the terms of this Article and any other applicable Township ordinances.

**§100-58. Identification of Replacement Location.**

- A. Each person who shall apply for a permit under the Township Zoning Ordinance or a permit

for an OLDS (other than a permit for a repair to or modification of an existing OLDS) or who shall request approval of a planning module for land development or the adoption of a revision or supplement to the Official Plan or who shall file an application for subdivision or land development approval which proposes sewage disposal by means of OLDS shall demonstrate to the satisfaction of the Sewage Enforcement Officer that a suitable area exists on the lot or on each lot to be created for an initial OLDS and for the Replacement Location. All tests required by the Department and this Article for the location of an OLDS to confirm the suitability of the Replacement Location shall be performed as approved by the Department. Allowance of open land for the Replacement Location without testing performed or observed by the Sewage Enforcement Officer shall not constitute compliance with the requirements of this Section.

- B. The developer shall identify the location of the initial OLDS and the Replacement Location as confirmed by the Sewage Enforcement Officer on the plot plans and diagrams submitted as a part of the subdivision or land development plan and as part of the permit application.
- C. If the application has been submitted as a part of an application for approval or review of a planning module for land development, the developer shall identify the location of each OLDS and each Replacement Location upon the plans. If the application is for subdivision or land development approval, the developer shall include a note on the plans stating that no improvements shall be constructed upon the Replacement Location, and the deed to each lot created as a part of the subdivision or land development shall contain language reflecting this limitation.
- D. Any revisions to a permit affecting a Replacement Location which previously has been issued pursuant to the provisions of this Article shall be approved by the Board or its authorized representative. Any revisions to a subdivision or land development plan affecting a Replacement Location which previously approved has been pursuant to the provisions of this Article shall be approved by the Planning Commission.

**§100-59. Construction of Improvements upon Replacement Location Prohibited.**

No person shall construct or install any permanent or temporary improvements of any character other than the planting of trees, shrubs, or other plant matter upon the Replacement Location unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the Sewage Enforcement Officer that an alternate Replacement Location which complies with all applicable regulations of the Department, this Article and all other applicable Township ordinances exists upon the lot. If such an alternate Replacement Location shall be identified, the alternate Replacement Location may be considered to be the Replacement Location required by this Article and shall be designated as the Replacement Location. The newly designated Replacement Location shall thereafter be considered the Replacement Location for the purposes of this Article.



#### 100-60. Relief from Requirement of Designation of Replacement Location.

If any lot held in single and separate ownership as of the effective date of this Article shall not contain land suitable for a Replacement Location, the applicant for a permit under the Township Zoning Ordinance or an installation permit for an OLDS may request that the Board of Supervisors grant an exception to the requirement of providing a Replacement Location. Applicants for relief under this Section shall submit a written application setting forth the information required by this Section and shall include the application fee established by resolution or ordinance of the Board of Supervisors. The applicant for such an exception shall present credible evidence to the Board demonstrating (i) that the lot was held in single and separate ownership on the effective date of this Article; (ii) the size of the lot; (iii) inability of the applicant to acquire adjacent land or the unsuitability of adjacent land which might be able to be acquired; and (iv) the testing conducted to determine that the lot is not suitable to provide a Replacement Location. At all times the burden to present credible evidence and the burden of persuasion shall be upon the applicant for an exception from the terms of this Article.

#### §100-61. Permit Required for All Lots.

The landowner and any contractor performing work upon an OLDS shall obtain a permit from the Sewage Enforcement Officer in accordance with the Act, the regulations of the Department, and this Article prior to the installation, alteration, modification, repair or replacement of any OLDS. This requirement shall apply to all lots within the Township regardless of the size of the lot and regardless of the familial relationship of the person seeking to install the OLDS to the property owner. The Sewage Enforcement Officer shall not issue a permit for an OLDS until a suitable Replacement Location has been established or until the applicant presents the Sewage Enforcement Officer with a written determination by the Board granting relief from the designation of a Replacement Location in accordance with Section §100-60 of this Article or unless such permit is requested to repair a malfunction of an existing OLDS.

#### §100-62. Planning Policies and Methodology.

All developers within the Township shall design sewage disposal systems in accordance with the planning policies and methodology set forth in this Section. The developer shall include a narrative with any planning submission which shall demonstrate the procedure used by the developer in determining the sewage disposal facilities proposed for the development. If the developer is not required to submit a planning submission, the developer shall present information sufficient to demonstrate compliance with this Section with his or her application to the Sewage Enforcement Officer for a permit to install, repair, alter or modify an OLDS.

- A. The Township encourages use of OLDS wherever feasible and economical outside of the present and future public sewer service area as defined by the Official Plan of the Township. Developers shall use outside of the public sewer service area planning policies which foster the non-sewer approach and the conservation of groundwater resources. At a minimum, the developer shall address the following Township policies:

- (1) Establish OLDS and community sewage disposal system ownership and maintenance responsibilities with the individual lot owner, a homeowners' association, condominium unit owners' association or the developer.
- (2) Provide water conservation and waste flow reduction by the use of water-saving devices and other state of the art water conservation methods for all new construction and the replacement of any components of existing structures.
- (3) Recycle wastewater by relying upon OLDS for groundwater recharge via subsurface disposal of treated wastewater.
- (4) Restrict elevated sand mound systems in accordance with Chapter 73 of the Department's regulations where possible.
- (5) Restrict subsurface community sewage disposal systems to resolution of sewage related problems of existing structures.

B The methodology for selecting and evaluating specific OLDS shall be a progressive multi-step process. The developer may consider and evaluate a community sewage system outside of the public sewer areas established by the Official Plan only when individual OLDS are not feasible.

- (1) Evaluate individual OLDS. The approved individual wastewater treatment systems within the Township are septic tanks, aerobic treatment units, spray irrigation systems and, if no other method is feasible, individual stream discharge systems. These treatment methods may be used with the various effluent treatment and disposal methods outlined below:
  - (a) Conventional subsurface absorption system. If a site is suitable in accordance with Department regulations for conventional sewage disposal systems such as a septic or aerobic tank with an absorption area (standard trench, seepage bed, subsurface sand filter or elevated sand mounds), the appropriate combination of wastewater treatment and effluent disposal system shall be selected as the most cost-effective OLDS.
  - (b) Conventional spray irrigation or stream discharge system. If a site is suitable in accordance with Department regulations for a conventional spray irrigation or individual stream discharge system, and if the site is not suitable for a conventional subsurface absorption system, the appropriate combination of wastewater treatment and effluent disposal system shall be selected.
  - (c) Alternate systems. The developer shall evaluate alternate systems if there are inadequate soils or other concerns on the site that prevent the use of conventional septic systems. These systems shall use technology that has been

proven successful. The design of the alternate system shall be approved in accordance with the regulations of the Department and the Act.

(d) Experimental systems. The Township does not encourage experimental systems. A developer may propose the use of an experimental system only in areas where other alternatives are not available. The developer shall submit all documentation required for approval of the experimental system in accordance with the regulations of the Department and the Act. Testing, monitoring and permitting of these systems shall comply with the requirements of the Department.

(2) Replacement Location. The developer shall provide a replacement location for each OLDS set forth above unless such OLDS is being installed to address an existing malfunction and no replacement location is available or unless the developer obtains a waiver from the requirement to provide a replacement location in accordance with the provisions of this Ordinance.

(3) Examine combined individual and community systems. As a remedial action, a developer may propose the linking of existing, malfunctioning OLDS to a new development to solve the malfunctioning condition.

(4) Examine community sewage systems. The developer may evaluate community sewage systems only if it is not feasible to provide for sewage disposal through OLDS. The developer shall provide on-site or off-site wastewater treatment. The developer shall review each collection alternative and shall select an effluent disposal method from the various alternatives. Community sewage systems shall be utilized only for correction of sewage related problems of existing OLDS or community sewage systems unless the community sewage system is operated by a governmental entity in accordance with the Township Official Plan.

C. The developer shall evaluate the construction cost, operation and maintenance costs, and environmental impacts of each method of sewage disposal and shall choose the most appropriate for maintenance of water quality. The developer shall present the evaluation to the Township as part of its planning submission.

#### **§100-63. Permit Requirements and Procedures.**

All landowners, developers and contractors who desire to install, repair, modify or alter an OLDS in the Township shall obtain a permit from the Sewage Enforcement Officer prior to the commencement of such work. All work performed under any permit shall comply with the following regulations:

A. The holder of a permit and the contractor performing work under such permit shall notify the Sewage Enforcement Officer at least three working days before commencing installation,

repair, modification or alteration of the OLDS in order that one or more inspections in addition to the final inspection required by the Department may be scheduled and performed by the Sewage Enforcement Officer.

- B. Any OLDS permit providing for the installation or repair of a septic tank shall require that the septic tank contain septic solid retainers of the type as specified by the Department's regulations. This is to obtain the highest quality effluent.
- C. If construction or installation of the OLDS and of any building or structure for which such OLDS is to be installed has not commenced within three years after the issuance of the permit for such OLDS, the permit shall expire. The landowner and/or contractor shall obtain a new permit prior to commencement of the installation, repair, modification, replacement or alteration of the OLDS.

#### §100-64. Permit Requirements for Non-Standard OLDS.

All landowners, developers and contractors who desire to install a non-standard OLDS, including but not limited to a denitrification system, in addition to all requirements of §§100-61, 100-62 and 100-63 of this Article shall also meet all of the following requirements:

- A. The record owner of the lot on which such system is to be installed and, if different, the applicant, shall enter into an agreement with the Township, in recordable form, providing for the long-term maintenance of the system which grants the Township the right to enter upon the property; to inspect such system not less than once each year and, in addition, whenever the Township receives a complaint or otherwise has reason to believe that such system is not functioning properly; to maintain such system if the landowner fails to do so; and to recover the cost of any maintenance performed plus a penalty from the landowner. The agreement shall specifically authorize the Township to file a municipal claim against the property to recover costs and fees and shall specifically state that its provisions are binding upon the landowner executing the agreement and upon all successive owners of the property until the system is removed and the property is connected to a public sewer system owned and operated by a governmental entity.
- B. The applicant shall post financial security with the Township to secure the future maintenance of the system and payment of costs of annual inspection of such system. The amount of the financial security shall be based upon the estimated cost to maintain the particular non-standard system chosen by the applicant. The financial security shall be posted through an irrevocable letter of credit in a form acceptable to the Township Solicitor or in a cash escrow which the Township shall maintain in a non-interest bearing account. The Township shall not release such financial security until the Township is provided with alternate financial security or until the system is removed and the property is connected to a public sewer system owned and operated by a governmental entity.
- C. The applicant shall demonstrate to the Township that the proposed non-standards system

meets all applicable Department regulations and that the applicant has obtained all necessary approvals and permits.

- D. The applicant shall provide the Township with a complete set of as-built plans for the non-standard system after its installation.
- E. The applicant shall reimburse the Township for all costs incurred in the preparation of the agreement and its recording.
- F. The applicant shall pay all costs associated with the yearly inspection of the non-standard system.

#### §100-65. Permit Requirements for Community Sewage Systems.

All landowners, developers and contractors who desire to install a community sewage system shall meet all of the following requirements:

- A. The record owner of the lot on which the community sewage system is to be installed and, if different, the applicant, shall enter into an agreement with the Township, in recordable form, providing for the long-term maintenance of the community sewage system which grants the Township the right to enter upon the property; to inspect such community sewage system not less than once each year and, in addition, whenever the Township receives a complaint or otherwise has reason to believe that such community sewage system is not functioning properly; to maintain such community sewage system if the owner fails to do so; and to recover the cost of any maintenance performed plus a penalty from the owner. The agreement shall specifically authorize the Township to file a municipal claim against the property served by the community sewage system to recover costs and fees and shall specifically state that its provisions are binding upon the landowner executing the agreement and upon all successive owners of the property and any lots which are served by the community sewage system until the community sewage system is removed and the property is connected to a public sewer system owned and operated by a governmental entity or until MJBA or MJTA or another governmental entity assumes ownership and maintenance responsibility for the community sewage system.
- B. The applicant shall post financial security with the Township to secure the future maintenance of the community sewage system and payment of costs of annual inspection of such system. The amount of the financial security shall be based upon the estimated cost to maintain the particular community sewage system chosen by the applicant. The financial security shall be posted through an irrevocable letter of credit in a form acceptable to the Township Solicitor or in a cash escrow which the Township shall maintain in a non-interest bearing account. The Township shall not release such financial security until the Township is provided with alternate financial security or until the community sewage system is removed and the property is connected to a public sewer system owned and operated by a governmental entity or until MJBA or MJTA or another governmental entity assumes ownership and

maintenance responsibility for the community sewage system.

- C. The applicant shall demonstrate to the Township that the proposed community sewage system meets all applicable Department regulations and that the applicant has obtained all necessary approvals and permits.
- D. The applicant shall provide the Township with a complete set of as-built plans for the community sewage system after its installation.
- E. The applicant shall reimburse the Township for all costs incurred in the preparation of the agreement and its recording.
- F. The applicant shall pay all costs associated with the yearly inspection of the community sewage system.

§100-66. Proper Operation and Maintenance of OLDS Required.

All persons who own a lot upon which an OLDS is installed and all persons who occupy a lot on which an OLDS is installed shall properly use and maintain such OLDS. Proper maintenance of an OLDS shall include, at a minimum:

- A. Retention of a septage hauler to inspect the OLDS on a regular basis, not less than once every five (5) calendar years, and, if the inspection demonstrates that the treatment tank is filled with solids (sludge and/or scum) in excess of twenty-five (25%) percent the liquid depth of the tank, or if the occupant of the property uses a garbage disposal or takes such other action which provides increased usage of the system, to remove septage at that time. It is the responsibility of the property owner to insure that septage is removed from the tank of the OLDS in accordance with the requirements of this Section.
- B. Maintenance of surface contouring and other measures consistent with the regulations of the Department to divert storm water away from the treatment facilities and absorption areas and to protect the absorption areas from physical damage.
- C. Following any operation and maintenance recommendations of the manufacturer of the OLDS. If the OLDS is a non-standard system, additionally following the operation and maintenance recommendations of the manufacturer of the denitrification unit or other non-standard equipment which is part of the OLDS.
- D. Discharging only domestic sanitary sewage into an OLDS. The following types of waste shall not be discharged into an OLDS:
  - (1) Industrial waste.
  - (2) Automobile oil, other non-domestic oil, grease, nonbiodegradable soaps, detergents

and/or inert materials such as coffee grounds.

- (3) Toxic or hazardous substances or chemicals including but not limited to pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
- (4) Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps, and french drains.
- (5) Vehicle wash water and other potentially contaminated or clean run off or storm water.
- (6) Disposable products such as diapers, tampons, and similar materials.
- (7) Beauty shop waste other than a single chair beauty shop in conjunction with a residential use.
- (8) Abattoir or butcher shop waste.

**§100-67. Proper Operation and Maintenance of Community Sewage Systems Required.**

All persons who own a lot which is served by a community sewage system shall properly use such community sewage system. The owner of the community sewage system shall properly maintain the community sewage system. Proper maintenance of a community sewage system shall include at a minimum:

- A. Inspection of the community sewage system by the Township Sewage Enforcement Officer or by a sewage enforcement officer certified by the Department on a bi-monthly basis. If the inspection is performed by a sewage enforcement officer other than the Township Sewage Enforcement Officer, the property owner shall submit the inspection report prepared and signed by the sewage enforcement officer to the Township within one month after the date of inspection of the community sewage system. All laboratory analyses required to be submitted by the Department or the Department's regulations shall also be submitted simultaneously to the Township to be reviewed as appropriate by the Sewage Enforcement Officer or his designee.
- B. Removal of septage or sludge in accordance with Department regulations and manufacturer specifications.
- C. Maintenance of surface contouring and other measures consistent with the regulations of the Department to divert storm water away from the treatment facilities and absorption areas and to protect the absorption areas from physical damage.
- D. Following any operation and maintenance recommendations of the manufacturer of the community sewage system.

- E. Requiring that all users of the community sewage system discharge only domestic sanitary sewage into the community sewage system. The owner of the community sewage system shall inform all users of the community sewage system that the types of waste described in §100-66.D of this Article shall not be permitted to be discharged.

**§100-68. Reporting of Malfunctioning OLDS or Community Sewage System.**

Any person who owns a lot upon which an OLDS or community sewage system is installed, any person who occupies a lot upon which an OLDS or community sewage system is installed, any person who owns a community sewage system, and any septage hauler pumping out or otherwise maintaining an OLDS or community sewage system shall report any malfunctioning of such OLDS or community sewage system to the Township. Such report shall be made as soon as possible but in no case later than three (3) days after discovery of the malfunction.

**§100-69. Duties of Sewage Enforcement Officer.**

In addition to all other duties of the Sewage Enforcement Officer set forth in this Article, the Sewage Enforcement Officer shall have the power and duty to enforce the provisions of this Article and to investigate any reports of malfunctioning OLDS and community sewage system or evidence that an OLDS or community sewage system may be malfunctioning which the Sewage Enforcement Officer discovers. In performing these duties the Sewage Enforcement Officer shall have the following powers:

- A. To conduct routine inspections of properties upon which OLDS or community sewage systems are installed as part of an administrative program to insure compliance with this Article. Any inspections shall be performed in accordance with all applicable statutes and constitutional provisions.
- B. To make reports as requested by the Board regarding maintenance of OLDS and community sewage systems in the Township and to suggest actions which may be taken by the Board to insure proper maintenance.
- C. To consult with the Township Engineer and the Township Solicitor, as authorized by the Board, to assist in the enforcement of this Article.

**§100-70. Violations and Penalties.**

- A. It shall be a violation of this Article to commit or permit any other person to commit any of the following acts:
  - 1. To install, repair, modify or alter an OLDS or a community sewage system prior to obtaining a permit or in a manner which violates the terms and conditions of any permit.



2. To misuse or fail to maintain an OLDS or a community sewage system.
3. To fail to report a malfunctioning OLDS or community sewage system.
4. To fail to remedy a malfunctioning OLDS or community sewage system.
5. To construct any improvements upon, grade, or take any other action which will render a replacement location unsuitable for installation of an OLDS or community sewage system unless the Sewage Enforcement Officer has approved an alternate replacement location in accordance with §§100-58 and 100-60 of this Article.
6. To place false information on or omit relevant information from an application for a permit.
7. To occupy or permit the occupancy of any structure served by an OLDS for which a valid permit has not been obtained as required by this Article.
8. To occupy or permit the occupancy of any structure served by a community sewage system for which a valid permit has not been obtained as required by this Article.
9. To fail to comply with any other provision of this Article.

B. Any person who violates or permits the violation of any provision of this Article; or who shall use, maintain or alter an OLDS or community sewage system in violation of any permit issued by the Sewage Enforcement Officer; or who shall fail to remedy or who shall negligently or improperly remedy any health hazard; or who shall fail to completely implement a plan to remedy a health hazard which has been reviewed and approved by the Sewage Enforcement Officer shall be liable upon summary conviction therefor to fines and penalties of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) plus all costs of prosecution, which fines and penalties may be collected as provided by law. All fines and penalties collected for violation of this Article shall be paid over to the Township Treasurer. Each day that a violation continues and each section of this Article which is violated constitutes a separate violation.

#### §100-71. Remedies.

In case any improvement is constructed or any lot maintained in violation of this Article, or any OLDS or community sewage system is installed, repaired, altered or modified prior to obtaining a permit as required by this Article or in a manner which does not comply with such permit, or any OLDS or community sewage system is not properly maintained or the malfunction of any OLDS or community sewage system is not reported to the Township, in addition to the other remedies provided by law, the Township may commence any appropriate action or proceedings in equity to prevent such unlawful construction of improvements or such unlawful maintenance of such lot or the continued use of such OLDS or community sewage system.

100-72. Declaration of Nuisance.

The following activities are hereby declared to be nuisances:

- A. Construction of improvements on the Replacement Location. Such construction renders the Replacement Location useless and therefore jeopardizes the water quality and other natural resources of the Township. This harm to the water quality and other natural resources of the Township is a danger to the health, safety and welfare of the residents of the Township and is hereby declared to be a nuisance and abatable as such in accordance with the provisions of the Second Class Township Code.
- B. Installation, alteration or modification of an OLDS or community sewage system without having obtained a permit as required by this Article and the regulations of the Department, or, if a permit was obtained, in a manner which violates the terms of the permit.
- C. Failure to maintain an OLDS or community sewage system as required by this Article.

All of these actions result in pollution of the waters of the Commonwealth and other natural resources of the Township and constitute a danger to the health, safety and welfare of Township residents. The actual expenses of the Township in the abatement of such nuisances plus an penalty in the amount of twenty-five (25%) percent of such expenses shall be filed as a municipal claim against the property.

§100-73. Waiver of Liability.

Although this Article is intended to provide guidelines for the installation and maintenance of OLDS and community sewage systems and the identification and maintenance of a replacement location for OLDS, nothing contained herein shall be interpreted as a guarantee or warranty to applicants or other Township residents that systems installed under the provisions of this Article will function as intended. The Township assumes no responsibility for the location and/or maintenance of OLDS or community sewage systems within the Township.

§100-74. Appeals.

Appeals from any action of the Sewage Enforcement Officer under this Article shall be made in writing to the Board of Supervisors within fifteen (15) days from the date of the written determination of the Sewage Enforcement Officer. All appeals shall be accompanied by the appeal fee established by resolution or ordinance of the Board of Supervisors.

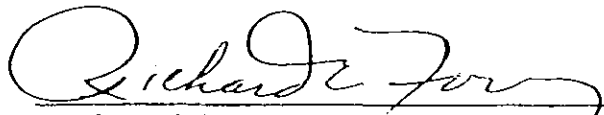
- A. The written appeal shall specify the precise action from which the appeal is taken and shall set forth in concise terms the reason for the appeal and any legal authorities supporting the appeal period.
- B. If the appellant desires a hearing before the Board, the appellant must request a hearing in

CERTIFICATE

I, the undersigned, (~~Assistant~~) Secretary of the Township of Mount Joy, Lancaster County, Pennsylvania ("Township") certify that: The foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which duly was enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township of Mount Joy at a meeting duly held on the 19<sup>TH</sup> day of JUNE, 2000; that such Ordinance has been duly recorded in the Ordinance Book of the Township; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township of Mount Joy met the advance notice and public comment requirements of the Sunshine Act, 53 Pa. C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Township of Mount Joy or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township of Mount Joy, this 19<sup>TH</sup> day of JUNE, 2000

  
~~(Assistant)~~ Secretary

[TOWNSHIP SEAL]

**PUBLIC PARTICIPATION**

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**HANDOVER**  
**ENGINEERING**  
ASSOCIATES, INC.

20 C Snyder Lane  
Ephrata, PA 17522-9101  
(717) 721-7444  
FAX (717) 721-7447

August 1, 2002

Mr. Michael Skelly  
Lancaster County Planning Commission  
50 North Duke Street  
P.O. Box 83480  
Lancaster, PA 17608-3480

RE: Mount Joy Township  
Act 537 Plan Supplement  
Project No: MJT 99-2A

Dear Michael,

On behalf of the Mount Joy Township Board of Supervisors, we are submitting a copy of the proposed Township Act 537 Plan Supplement to the Lancaster County Planning Commission for review.

The Township is providing the opportunity for municipal review and comment on the 537 Plan prior to adoption and submission to the Department of Environmental Protection.

The Plan Supplement addresses further evaluation of wastewater treatment needs in the non-public sewer service areas of the Township. The Supplement was originally submitted to the Department for approval based on the results of a mail survey to homeowners. The Department in their review requested that the Township perform field verification of the surveys within the Milton Grove Study area. The Supplement Report includes a map defining the Milton Grove Study Area as well as a copy of the review letter prepared by the Department for reference.

The findings of the study do not provide any justification for further structural alternatives evaluation (including public sewer) in the non-public sewer service areas of the Township as identified the 1998 Act 537 Plan.

We would appreciate your comments within the next 30 days so that they can be reviewed with the Township Planning Commission and Board of Supervisors prior to adoption of a required Resolution.

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Page 2 of 2  
Lancaster County Planning Commission  
August 1, 2002  
Project No. MJT 99-2A

Should you have any questions, please do not hesitate to contact us.

Sincerely,



Michael S. Moulds, PE  
Chief Engineer

Enclosure

copy: Rich Forry, Mount Joy Township  
Bruce Hamer, Mount Joy Township Authority

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# LANCASTER COUNTY

## LANCASTER COUNTY PLANNING COMMISSION

COUNTY COMMISSIONERS  
PAUL THIBAUT, Chairman  
HOWARD "PETE" SHAUB, Vice-Chairman  
RON FORD

50 NORTH DUKE STREET  
PO BOX 83480  
LANCASTER, PA 17608-3480  
TELEPHONE: 717-299-8333  
FAX: 717-295-3659

RONALD T. BAILEY  
Executive Director

RECEIVED

SEP 12 2002

MOUNT JOY TOWNSHIP

10 September 2002

02LU

Mr. Richard E. Forry, Secretary  
Mount Joy Township Supervisors  
159 Merit Drive  
Elizabethtown, PA 17022

Re: Community Planning File #: 46-83

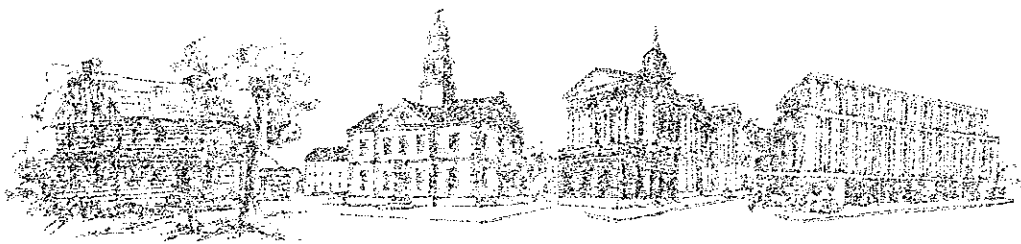
Dear Mr. Forry:

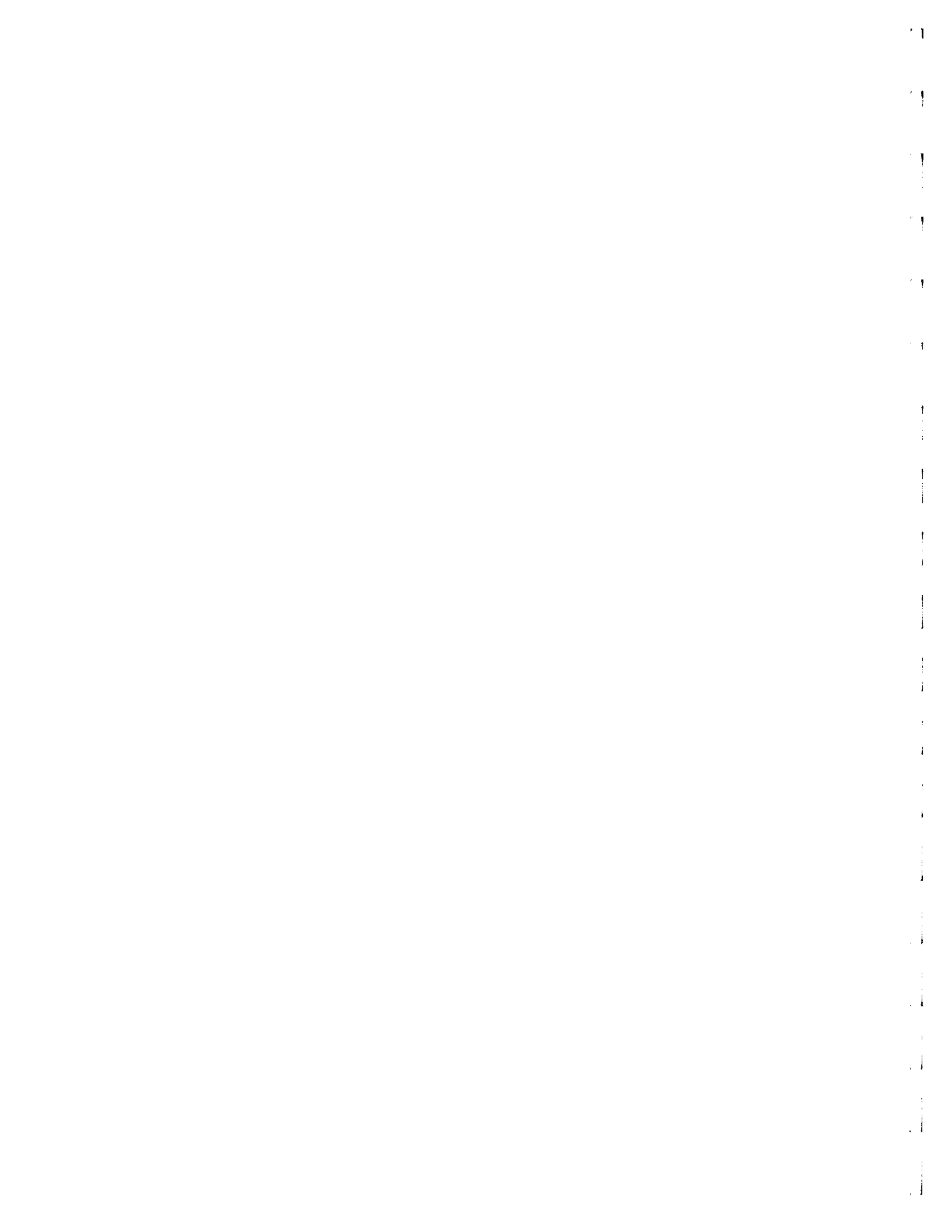
The Lancaster County Planning Commission Staff examined the proposed wastewater plan supplement in accordance with standard planning practice, relevant state regulations, and the Lancaster County and local municipal comprehensive plans.

The proposed Mount Joy Township Act 537 Plan Supplement is an evaluation of the wastewater treatment needs in the non-public (or on-lot) sewer service areas of the township. The supplement is intended to meet a condition of a Pennsylvania Department of Environmental Protection's approval of the 2000 Mount Joy Township Act 537 Plan.

### *Previous Commission Review*

In January 1999, the commission, based on nine deficiencies, recommended that the township Act 537 plan not be adopted as drafted. Notably, one deficiency identified was that the five-year and ten-year sewer service areas did not coincide with lands inside the adopted 20-year Urban Growth Boundaries. For example, there were large areas (1,355 acres) of land situated within the Urban Growth Boundaries that are zoned for some urban uses (cluster developments and retirement communities), but were not to be provided public sewer service. Also, there are still 1,990 acres located outside of the adopted Urban Growth Boundaries but zoned for development (Rural, Conservation Residential, R-1, R-2, C-1, C-2, Light Industrial, and General Industrial) and planned to be served by public sewer. These are significant inconsistencies between Act 537 planning, zoning, and comprehensive planning, which affect the broader context of the proposed Act 537 plan supplement.





***Proposed Act 537 Plan Supplement***

On the other hand, the proposed Act 537 plan supplement addresses many issues appropriately, but only from a more detailed context. For example, the proposed Act 537 plan supplement concludes that there is not a need to implement structural alternatives, such as extending public wastewater service, in the non-public sewer service areas. A needs survey, performed as part of the plan supplement, identified scattered, *potential* malfunctioning on-lot systems in the township's on-lot areas. There are no *known* malfunctioning on-lot disposal systems in the township and no concentrations of malfunctioning systems that could be feasibly addressed by extending public wastewater facilities.

For example, a field investigation of the Milton Grove Study Area concluded that structural alternatives in the Milton Grove Study Area would not be feasible and a "no action" alternative would increase the likelihood of long-term problem areas. As the only feasible alternative in the study area, individual on-lot disposal systems are proposed to be the selected wastewater management alternative.

A year 2000, township On-Lot and Community Sewage System Ordinance supports the selected alternative by regulating: planning modules, hydrogeologic studies, replacement locations, the hierarchy of preferred on-lot disposal systems, and operation and maintenance. The ordinance requires each standard individual on-lot disposal system to be inspected, and if necessary, maintained by a qualified individual once every five years. This requirement should be strengthened, similar to the township standard for community on-lot disposal systems, by also requiring the owner to submit proof of the inspection and maintenance to the township.

The supplement, therefore, proposes to implement in the non-public service areas, the actions identified in the township's 2000 Act 537 plan:

1. On-lot disposal system education.
2. Hydrogeological evaluations.
3. Nitrate monitoring policy.
4. Non-building planning module waiver.
5. Dispersion plume easement.
6. Sewage management program.

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## RECOMMENDATIONS

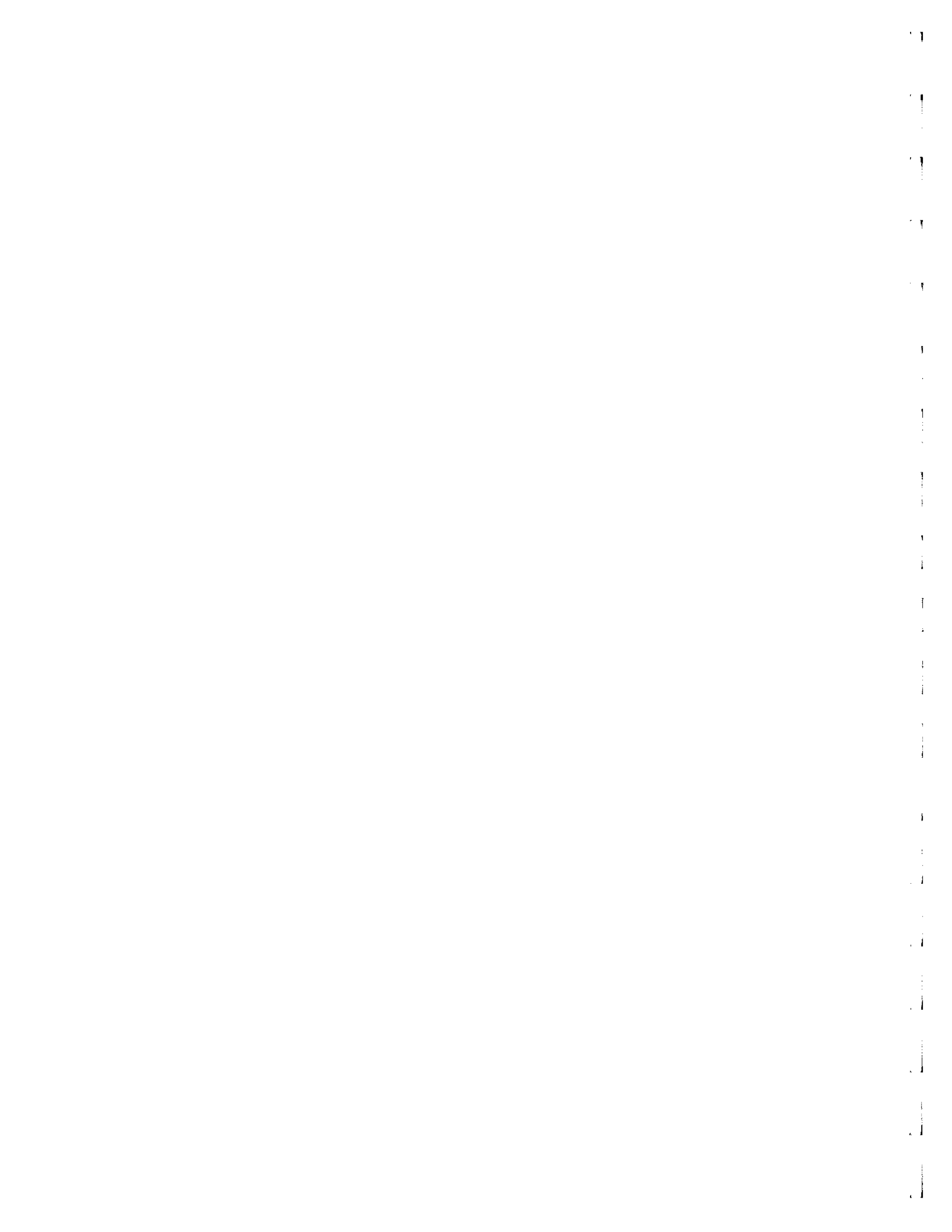
The Lancaster County Planning Commission Staff recommends that the following changes be made so the township Act 537 plan supplement would be considered generally consistent with the county comprehensive plan.

1. The delineation of the public sewer service areas and the non-public sewer service areas of the township need to be revised to coincide with Urban Growth Boundaries that are adopted by each, the township and the county. Currently, the UGBs that the township adopted are significantly different than the UGBs that the county adopted. The 2000 Pennsylvania Municipalities Planning Code amendments encourage county and local comprehensive plans to be generally consistent with each other. The delineation of the public and non-public sewer service areas is to be based on the location of the township zoning districts, which should coincide with coordinated and justified Urban Growth Boundaries.

Growth Boundaries represent a growth management partnership among the county, local municipalities, the business community, public service and utility providers, the Metropolitan Planning Organization (for county-wide transportation planning), nonprofit service providers, and the general public. There are policy goals which guide the establishment of Growth Boundaries, such as providing a full range of public facilities and services to development within Designated Growth Areas.

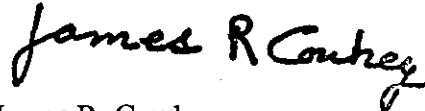
2. The delineation of the zoning district boundaries should be revised to coincide and support the agreed on UGBs. The public sewer service and the non-public sewer service areas should be revised to coincide and support the revised zoning district boundaries and the agreed on UGBs.
3. The township On-Lot and Community Sewage System Ordinance should be revised to also require the owner to submit proof of the inspection and maintenance of individual on-lot disposal systems to the township.

The Commission and its Staff will gladly assist the township in any of these matters.



**Mark Hiester, AICP, Principal Planning Analyst**, prepared this review. Should you have any questions regarding this community planning review, please contact **Mike Skelly, AICP, Community Planner**.

Sincerely,



James R. Cowhey  
Deputy Director for Community Planning

*MH JA*  
JRC\MH\MS\cag

Copy: Ronald Melleby, Mount Joy Township Planning Commission Secretary  
Morgan, Hallgren, Crosswell, & Kane, Solicitor  
Barbara Stoner, East Donegal Township Municipal Secretary  
Nick Viscome, Elizabethtown Borough Municipal Secretary  
Terry Kauffman, Mount Joy Borough Municipal Secretary  
Darlene Fahnestock, Rapho Township Municipal Secretary  
Nancy Halliwell, Rapho Township  
Roger Snyder, West Donegal Township Municipal Secretary





# MOUNT JOY TOWNSHIP

159 MERTS DRIVE  
ELIZABETHTOWN, PA 17022  
717/367-8917 ■ 717/653-4959

FAX 717/367-9208

## Minutes of the Regular Meeting of the Mount Joy Township Planning Commission

Held on August 26, 2002

1. The meeting was called to order by Paul Wolgemuth, Jr. at 7:35 p.m. in the Township Municipal Building located at 159 Merts Drive, Elizabethtown, PA 17022.
2. Roll call: Present – Paul Wolgemuth, Jr., Ron Melleby, Rick Ritsch, and Jose Diaz. Absent – Fred Kurtz. Also Present – Richard Forry (Treasurer/Zoning Officer), Roger Powl (Assistant Zoning Officer), and Robert Visniski (Township Engineer).
3. Consent Calendar:
  - a. Approve and ratify the minutes of the July 22, 2002 meeting.
  - b. Northbrooke Phase IV; M.J.T.P.C. File #FSDP-94-8(E): Approve sewer planning module.
  - c. Violet's Path; M.J.T.P.C. File #FSDP-01-4(A): Requests a 90-day extension of the time period for the recording of the final subdivision plan.
  - d. Gerald W. & Jacqueline H. Groff; M.J.T.P.C. File #LLCP-96-10(C): Requests a 90-day extension of the time period for the recording of the final subdivision plan.

A motion was made by Rick Ritsch and seconded by Ron Melleby to approve the consent calendar as written.

All members present voted in favor of the motion.

#### 4. Act 537 Plan Supplement:

Michael S. Moulds, P.E. of Hanover Engineering was present. Mr. Moulds explained that the initial Act 537 Plan adopted by the Township in 1999 dealt with assessing the sewage needs of the entire Township and determining areas that could be better served by an expansion of the public sewer system. He explained that the original 537 Plan called for the expansion of public sewer system to be in areas west of PA Route 283 and recommended that it not be extended to areas east of PA Route 283. The Department of Environmental Protection (DEP) requested that more study be given to the areas of the Township east of PA Route 283 not served by public sewer. Mr. Moulds explained that a survey was sent out to approximately one-third of the total of Township residents who have on-lot sewage disposal systems, approximately 416 properties. Sixty-five percent, or, 270 surveys were returned, equating to a 23% response rate for the total number of Township citizens having an on-lot sewage system, which met the DEP requirement of a 15% response rate. Mr. Moulds explained that the results of the survey showed that there was not a concentrated area for on-lot sewage system failures, however, DEP requested that these results be verified by a field investigation of the Milton Grove study area. He explained that 182 surveys were sent out to the Milton Grove study area and 65 surveys were returned, or, a 39% response rate. Of the 65 surveys that were returned, 20 residents allowed the on site visits to complete the field investigation. Mr. Moulds explained that the results of the field investigation proved that there was no need to change the recommendations of the original 537 Plan, in that, extension of public sewer to the Milton Grove area was unwarranted and should remain an on-lot system management area. Mr. Moulds explained that, even though nothing was being changed from the original 537 Plan, DEP requested that this supplement to the original 537 Plan go through the public review process, submission of the plan to the Lancaster County Planning Commission, adopted as a resolution by the Board of Supervisors, and finally, submission of the plan to DEP. Rick Ritsch asked if any follow-up

■ SUPERVISORS  
■ SEWER ENFORCEMENT OFFICE

■ AUTHORITY  
■ ZONING OFFICER

■ PLANNING COMMISSION  
■ ZONING HEARING BOARD

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reports were required after the final submission to DEP and Mr. Moulds explained that ACT 537 recommends that each municipality review their 537 Plan every 5 years and re-evaluate them every 10 years on a voluntary basis, unless DEP requires closer scrutiny due to increased development pressure and dwindling sewage treatment capacities. Mr. Moulds noted that with the recent start-up of the new sewage treatment plant, Mount Joy Township will have no sewage treatment capacity problems for the foreseeable future.

A motion was made by Ron Melleby and seconded by Rick Ritsch to recommend to the Board of Supervisors that the Act 537 Plan Supplement be approved and adopted as part of the Mount Joy Township Act 537 Plan as written.

All members present voted in favor of the motion.

5. Richard & Kathy Nornhold; M.J.T.P.C. File #FSDP-02-4:

Todd Vaughn of D. C. Gohn Associates, Richard Nornhold, and William Longenecker were present. Mr. Vaughn explained that Mr. Longenecker is the owner of the parent tract of land that the proposed 1.38 acre lot will be subdivided from to allow for the construction of a single-family home for his daughter and son-in-law Richard and Kathy Nornhold. Mr. Vaughn explained that the erosion and sedimentation control plan has been approved by the Lancaster County Conservation District and that PennDot has issued the permit for the driveway connection onto West Rissermill Road. Rick Ritsch and Jose Diaz asked about any future development plans for the remainder of the land and Mr. Vaughn explained that Mr. Longenecker has no future development plans for the remainder of the tract.

A motion was made by Rick Ritsch and seconded by Ron Melleby to:

- a. Grant the waivers of the provisions contained in/at Chapter 119, Article III, §119-10.A.(1) (Preliminary Subdivision Plan); Article IV, §119-19.A (Plan Scale); Article VI, §119-30.J.(3) (Improvements of Existing Streets), §119-31.B.(1) (Sidewalks), and §119-31.C (Curbs) of the Code of Ordinances of the Township of Mount Joy, i.e. the Mount Joy Township Subdivision and Land Development Ordinance, as amended; and
- c. Make a recommendation to the Mount Joy Township Board of Supervisors for a waiver of the provisions contained in/at Chapter 116, Article III, §116-24.A (Pavement Widening and Curbs) of the Code of Ordinances of the Township of Mount Joy, i.e. the Mount Joy Township Road Ordinance, as amended.

All members voted in favor of the motion.

A motion was made by Paul Wolgemuth, Jr. and seconded by Rick Ritsch to grant conditional final subdivision plan approval; contingent upon conditions contained in the letters dated August 5, 2002 from Morgan, Hallgren, Crosswell, & Kane, P.C.; and, August 20, 2002 from RAV Associates being satisfied.

All members voted in favor of the motion.

6. Melvin Hoffer Farm; M.J.T.P.C. File #FSDP-01-7:

Fred Van Name of Lake, Roeder, Hillard, & Associates and Melvin Hoffer were present. Mr. Van Name explained that this plan was reviewed by the Planning Commission approximately one year ago but was never acted upon due to DEP holding approval for the sewer-planning module because of a lack of capacity at the Schwanger Road pump station. DEP now has recently approved the sewer-planning module, allowing the plan to move forward. Mr. Van Name explained that a wetlands study has been completed for the plan, so Mr. Hoffer is withdrawing his request for a waiver of the same. Jose Diaz asked if consideration was given for incorporating this plan into any possible future development that may occur with the Cloverleaf Masterplan and Mr. Van Name responded that every attempt has been made to allow this plan to be easily linked to any future development occurring on neighboring properties. Paul Wolgemuth, Jr asked if the waiver is granted for the curbs and sidewalks, would it be the responsibility of the homeowners to install curbs & sidewalks if/when any development occurs on the neighboring properties and Richard Forry

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responded this plan will require further subdivision to maximize the development of the land, and, at that time, curbs & sidewalks will be required since the new road structure in the region should be known at that point.

A motion was made by Paul Wolgemuth, Jr. and seconded by Ron Melleby to:

- a. Grant the waivers of the provisions contained in/at Chapter 119, Article III, §119-10.A.(1) (Preliminary Subdivision Plan); Article IV, §119-19.A (Plan Scale); Article VI, §119-30.I.(2) (Cartway Alignment), §119-30.J.(3) (Improvements of Existing Streets), §119-31.B.(1) (Sidewalks), §119-31.C (Curbs), and §119-32.D.(3) (Lot Width to Depth Ratio) of the Code of Ordinances of the Township of Mount Joy, i.e. the Mount Joy Township Subdivision and Land Development Ordinance, as amended; and,
- b. Make a recommendation to the Mount Joy Township Board of Supervisors for a waiver of the provisions contained in/at Chapter 116, Article III, §116-24.A (Pavement Widening and Curbs) of the Code of Ordinances of the Township of Mount Joy, i.e. the Mount Joy Township Road Ordinance, as amended; and,
- c. Approve the sewer-planning module; and,
- d. Grant conditional final subdivision plan approval.

All members present voted in favor of the motion.

7. Lot # 5 - Ridge View West Phase I; M.J.T.P.C. File #FLDP-92-84(B):

Tim Wakefield of Act One Consultants was present. Mr. Wakefield explained a previously approved plan that would move the WPDC AM radio station from its current location along Buckingham Blvd to Dairy Lane. Mr. Wakefield explained that the planned move did not materialize due to economic reasons, however, those conditions have been resolved and the plan is ready to move forward with some modifications. He explained that the owner would like to move the building forward on the lot, reduce the total number of parking spaces from four spaces to two spaces, and narrow the approved two-lane driveway to a one-way driveway. Mr. Wakefield also explained that he has received approval from the Lancaster County Conservation District and has received the permit from the Sewage Enforcement Officer for the on-lot sewage disposal system. Richard Forry asked the size of the building and Mr. Wakefield responded that the office area would be 20'x 24' and the mechanical room & transmitter area would be 30'x 8'. Mr. Wakefield also explained a Zoning Hearing Board decision that permitted the installation of the 74-foot transmitting-tower as long as not more than 50 feet of the antenna is above the highest point of the building. He explained that the original plan was for the tower to be attached to the top of the mechanical/transmitter room so, as a result of the decision by the Zoning Hearing Board, the tower will be attached to the building at ground level by a special footer incorporated into the foundation of the building and surrounded by a security fence, also attached to the building.

A motion was made by Paul Wolgemuth, Jr. and seconded by Jose Diaz to approve the revised land development plan with all contingencies of the original land development plan remaining in effect.

All members present voted in favor of the motion.

8. Wolgemuth Park Construction Project:

Richard Forry explained that as a condition of the grant the Township is applying for to help defray some of the costs involved with the development of Wolgemuth Park, the Planning Commission and the Lancaster County Planning Commission must review the proposed park plan and offer any comments or recommendations deemed necessary. Jose Diaz asked if restrooms were planned for the park and Mr. Forry responded that portable toilets are planned for the park until a time in the future when Elizabethtown School District makes any upgrades to the water and septic system to correct concerns at the neighboring Fairview Elementary School. Rick Ritsch expressed concern over the possible lack of parking if multiple events were occurring simultaneously and Mr. Forry responded that the school district should

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be contacted to get permission to utilize the existing parking at Fairview Elementary School. Ron Melleby asked if the proposed parking area could be expanded and Mr. Forry explained that Rettew Associates would have to review the plan and see what adjustments could be made. Jose Diaz expressed concern that the bleacher area may not be large enough and Mr. Forry responded that the bleachers could be easily expanded in the future if deemed necessary.

A motion was made by Rick Ritsch and seconded by Jose Diaz to approve and endorse the Wolgemuth Park construction plan and make the following recommendations to the Board of Supervisors:

- a. Address the lack of parking by either a physical expansion of the parking lot, or, by entering into an agreement with Elizabethtown Area School District to utilize existing parking areas at the Fairview Elementary School; and
- b. Contact Elizabethtown Area School District to determine if an agreement can be reached whereby the Township could utilize the septic system at Fairview Elementary School to enable the construction of restrooms for Wolgemuth Park, if/when improvements are made to the on-lot sewage disposal system at the school.

All members present voted in favor of the motion.

9. Correspondence: the Planning Commission reviewed the following correspondence.

- a. Minutes of the Board of Supervisors meeting held on July 15, 2002.
- b. Minutes of the Park & Recreation Board meeting held on July 16, 2002.
- c. Minutes of the Mount Joy Township Authority meeting held on June 25, 2002.
- d. Minutes of the Mount Joy Township Authority meeting held on July 23, 2002.
- e. Notice of the Zoning Hearing Board hearings held on August 7, 2002.
- f. Building permits issued July 1 – July 31, 2002.

Ron Melleby informed the Planning Commission that he received notice that the Lancaster County Planning Commission will review the Act 537 Plan Supplement on September 9, 2002 at the Lancaster County Courthouse.

10. Initial View:

- a. Northbrooke Phase IV; M.J.T.P.C. File #FSDP-94-8(E):

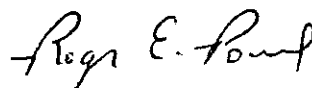
11. Other Business: None

12. The next regularly scheduled meeting of the Mount Joy Township Planning Commission will be held on Monday September 23, 2002 beginning at 7:30 PM.

13. A motion was made by Paul Wolgemuth, Jr. and seconded by Ron Melleby to adjourn the meeting at 8:41 p.m.

All members present voted in favor of the motion.

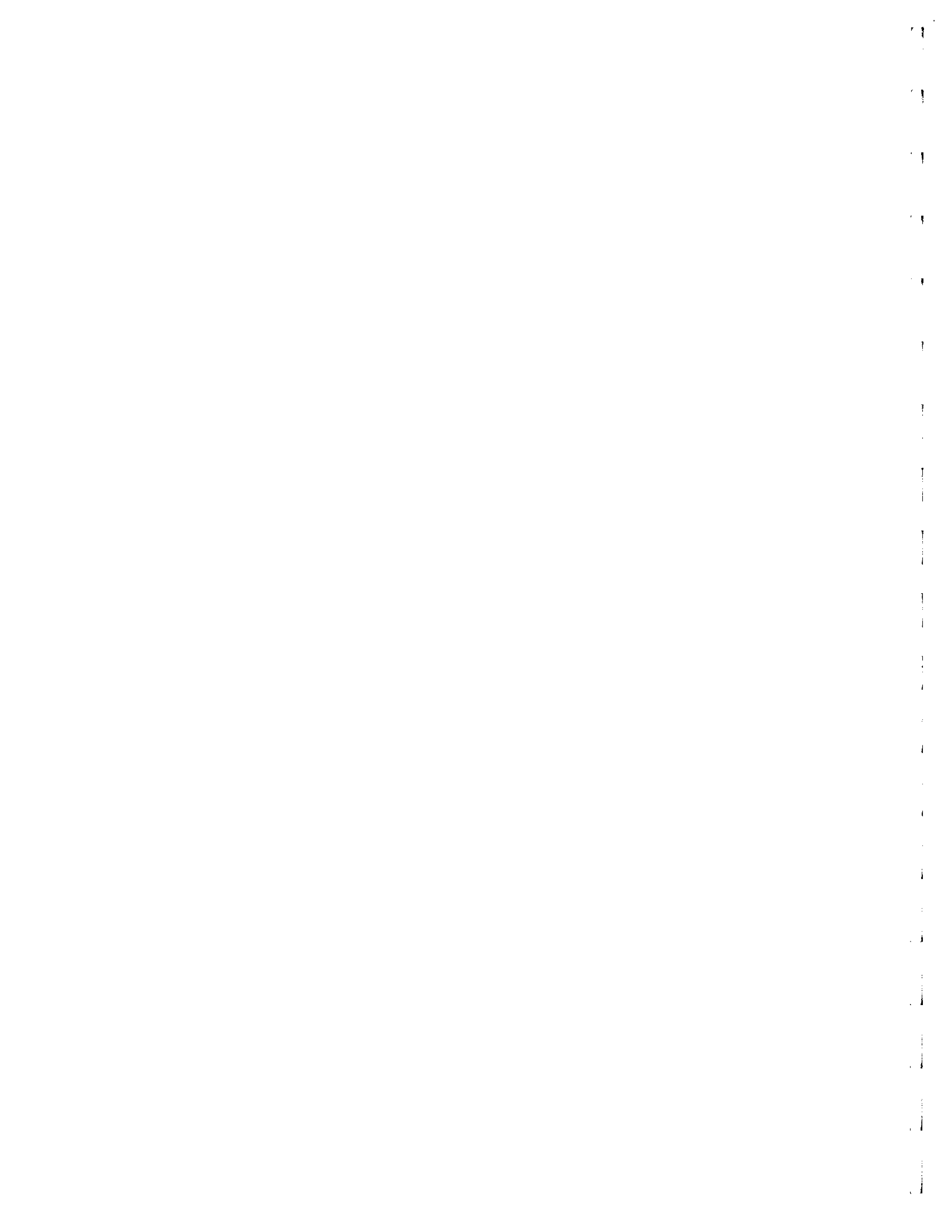
Respectfully Submitted,



Roger E. Powl

Assistant Zoning Officer





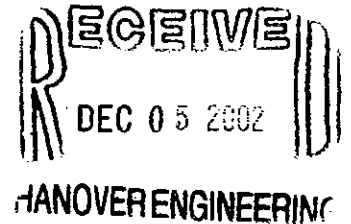
# MOUNT JOY TOWNSHIP

159 MERTS DRIVE  
ELIZABETHTOWN, PA 17022  
717/367-8917 ■ 717/653-4959

FAX 717/367-9208

December 3, 2002

Mr. Michael S. Moulds, P.E.  
Hanover Engineering Associates, Inc.  
20C Snyder Lane  
Ephrata, PA 17522-9109



Re: Mount Joy Township Act 537 Plan Supplement.

Dear Mr. Moulds,

Enclosed please find one photocopy of the proof of publication whereby comments were solicited from the general public relative to Mount Joy Township's Act 537 Plan Supplement.

Please be advised that no comments were received.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard E. Forry". The signature is written in a cursive style with a large, looping initial "R".

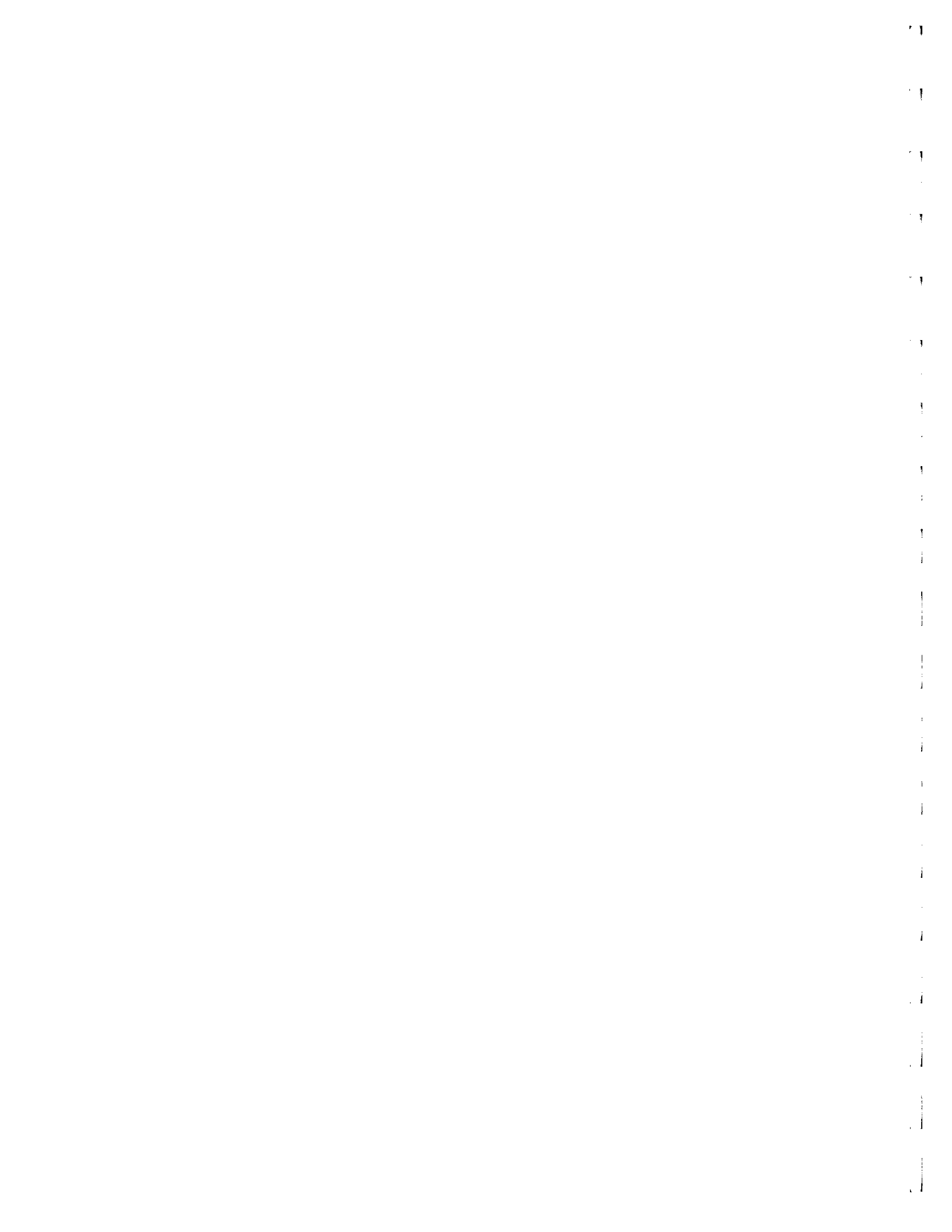
Richard E. Forry  
Zoning Officer  
Mount Joy Township

Pc: File

■ SUPERVISORS  
■ SEWER ENFORCEMENT OFFICE

■ AUTHORITY  
■ ZONING OFFICER

■ PLANNING COMMISSION  
■ ZONING HEARING BOARD



RECEIVED

AUG 23 2002

MOUNT JOY TOWNSHIP

PROOF OF PUBLICATION NOTICE IN

State of Pennsylvania }  
  } ss:  
County of Lancaster }

Sharon L. Daly of the County and State aforesaid, being duly sworn, deposes and says that the Intelligencer Journal-New Era a daily newspaper of general circulation published at Lancaster, County and State aforesaid, was established 1794-1877 since which date said daily newspaper has been regularly issued in said county, and that a copy of the printed notice or publication is attached hereto exactly the same as was printed and published in the regular editions and issues of said daily newspaper on the following dates, viz:

20<sup>TH</sup> DAY OF AUGUST 2002

Affiant further deposes that she is the Billing Clerk duly authorized by the Lancaster Newspapers, Inc., a corporation, publisher of said Intelligencer Journal-Lancaster New Era-Sunday News a newspaper of general circulation, to verify the foregoing statement under oath, and also declares that affiant is not interested in the subject matter of the aforesaid notice or advertisement and that all allegations in the foregoing statement as to time, place and character of publication are true.

*Sharon Daly*  
*Robin Shultz*  

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(Signature)

COPY OF NOTICE OF PUBLICATION

Sworn and subscribed to before me this

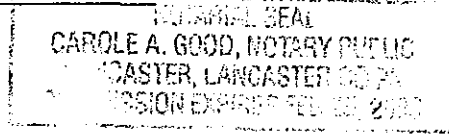
20<sup>TH</sup> DAY OF AUGUST 2002

*Carole A. Good*  

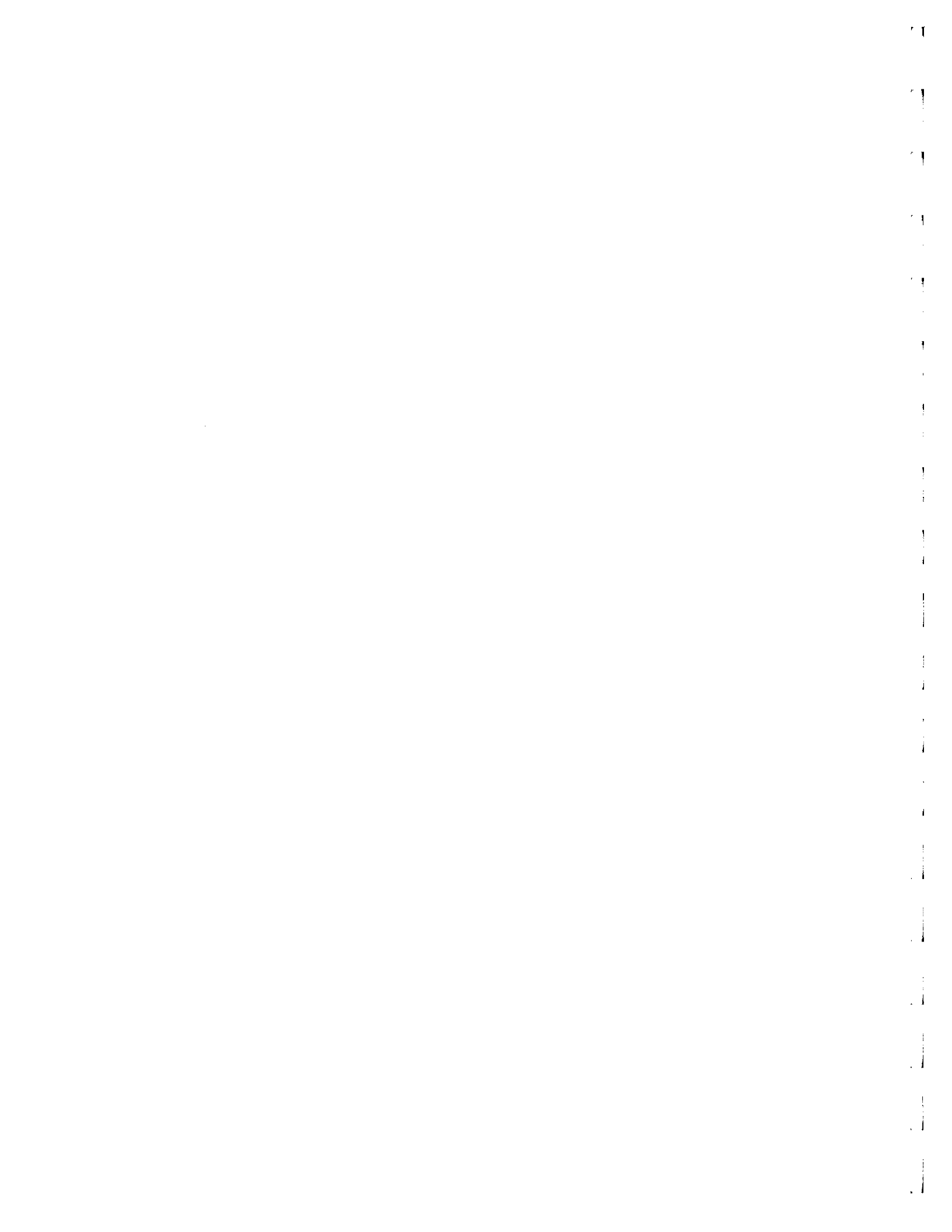
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Notary Public

My commission expires



PUBLIC NOTICE  
NOTICE IS HEREBY GIVEN that the Board of Supervisors of Mount Joy Township, Lancaster County, Pennsylvania, proposes to adopt and then submit to the Pennsylvania Department of Environmental Protection the Township's Official Plan submission under Act 637 of the Pennsylvania Sewage Facilities Act. This plan is intended to supplement the existing 537 Plan previously approved by the Department of Environmental Protection on March 22, 2000. As a condition of the approval, the Township was required to conduct a needs survey of homeowners utilizing individual onsite treatment systems to obtain further information on the possible evaluation of additional alternatives for wastewater management in areas of the Township not served by public sewer. As a result of the needs survey, the Township has determined that there is not an existing need to implement structural alternatives such as public sewer for individual onsite treatment systems in areas of the Township not proposed for public sewer service. The Township is therefore proposing no further action other than implementation of the original nonstructural recommendations of the March 22, 2000 Act 637 Plan. There are no proposed user fees or project cost funding associated with the recommendation. Written comments on the proposed plan shall be submitted to the Mount Joy Township Board of Supervisors, 159 Mertz Drive, Elizabethtown, PA 17222 during the public comment period which will begin on August 23, 2002 and end on September 19, 2002. A copy of the proposed Act 637 Plan is available for public inspection at the Mount Joy Township Municipal Building 159 Mertz Drive, Elizabethtown, Monday through Friday from 9:00 am to 4:00 pm.



SUPPLEMENT TO  
MOUNT JOY TOWNSHIP  
ACT 537 PLAN OF 1998

MAPS

<u>MAP</u>	<u>TITLE</u>
A	ON-LOT SEWAGE DISPOSAL AREAS
B	MAIL SURVEYS SENT
C	MAIL SURVEYS RETURNED
D	ON-LOT SYSTEMS REPAIRED
E	LOT SIZES FOR RETURNED SURVEYS
F	SYSTEM AGE - RETURNED SURVEYS
G	PUMPING FREQUENCY - RETURNED SURVEYS
H	ON-LOT SEWAGE DISPOSAL PROBLEM AREAS -MAIL SURVEYS RETURNED

