



OBJECTIVES

The purpose of this chapter is to:

- Understand the role of the local agency and the SEO in issuing onlot permits.
- Become more familiar with the details of administering an onlot sewage permit program, including the various mandated deadlines.
- Understand the SEO's role in pursuing violations of the Sewage Facilities Act.



The Local Agency's and the SEO's Responsibilities

Sections 72.41-43

Circle the appropriate response to whose responsibility the following tasks fall under – the local agency or the SEO.

- 1) Employ or contract with at least one primary and one alternate sewage enforcement officer.

Local agency / SEO

- 2) Employ or contract with technical and administrative personnel necessary to support the activities of the SEO and the local agency.

Local agency / SEO

- 3) Issue, deny, or revoke permits for systems.

Local agency / SEO

- 4) Set rates of compensation for employees, maintain offices, and purchase necessary equipment and supplies to administer and maintain the program.

Local agency / SEO

- 5) Conduct, observe, or otherwise confirm all tests used to determine the suitability of a site for an individual or community onlot sewage disposal system.

Local agency / SEO

- 6) Establish a schedule of permit fees necessary for processing applications and for a maintenance inspection and enforcement program.

Local agency / SEO



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- 7) Collect appropriate fees as designated in the established fee schedule and maintain records of income, expenses, and transactions.

Local agency / SEO

- 8) Confirm that a permit application is complete and that the proposed system design complies with the law.

Local agency / SEO

- 9) Hear appeals on permit decisions.

Local agency / SEO

ADMINISTRATIVE RESPONSIBILITIES OF THE LOCAL AGENCY

The local agency's responsibilities in administering the onlot sewage disposal permitting program can be placed into four general categories:

- 1) Processing applications for sewage system____.
- 2) Maintaining _____ and records.
- 3) Accounting for expenses and revenues. Careful record keeping here will be helpful when applying for reimbursement from the state.
- 4) Applying for _____ of program expenses.



Review of Days

Section 72.25

PERMITTING

- 1) How many days does an SEO have to review a complete application for a conventional system, once the system is designed, and issue or deny the permit in writing?

- 2) How many days does an SEO have to review an application for a conventional system that was returned to the applicant for incompleteness or inaccuracy and then resubmitted?

- 3) How many days does an SEO have to review an application for an alternate system for completeness?

- 4) An application for an alternate system must be transmitted to DEP for appropriate action within ____ days of determining completeness. How many days does an SEO have to issue or deny a permit for an alternate system once the completed application has been transmitted to DEP? According to Section 72.25(e)(2) of the regulations, the local agency must consider the written comments submitted by DEP about the application.



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- 5) In delegated local agencies, DEP does not have to review an application for an alternate system. How many days does an SEO for a delegated local agency have to issue or deny a complete permit application for an alternate system?

- 6) How many days does an SEO have to complete a site suitability review, soil probe testing, and soil percolation testing for a permit application?

- 7) Upon issuing or denying a permit, an SEO has how many days to submit the pink carbon copy of the permit application form to DEP?

- 8) Upon notification by an applicant that a system is built and ready for inspection, how many hours (excluding Sundays and holidays) does an SEO have to make a final inspection of the system?

- 9) How many days, upon receiving notice that a permit request has been denied, does an applicant have to appeal the SEO's decision and request a hearing before the local agency?

- 10) How many days, upon receiving notice that a permit has been revoked, does an applicant have to request a hearing before the local agency?



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- 11) How many days upon receiving such a request must the local agency hold a hearing for denials or revocations?



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PLANNING

- 12) How many days does a municipality have to forward a planning module application to the SEO for review?

- 13) How many days does an SEO have to review a planning module, review submitted soil tests and site conditions, and determine if a site is generally suitable for an onlot system?

- 14) How many days in advance of the soils testing for a Component 1 or 2 form should the DEP regional office be notified of the testing?

- 15) How many days does a county planning commission or health department, if one exists, have to review a planning module? (This review does not apply to a Component 1.)

- 16) How many days does a municipality's planning commission have to review a planning module?

17) How many days does a municipality have once it receives a Component 2 planning module to determine if it is complete?

18) How many days does a municipality have to act on a completed planning module?

19) How many days does DEP have to determine if a planning module is complete?

20) How many days does DEP have to take action on a complete Component 1 module?

21) How many days does DEP have to approve or disapprove a complete Component 2 module for a residential development?

22) How many days does DEP have to approve or disapprove all other complete Component 2 modules?

23) How many days does a delegated local agency, if applicable, have to take action on a complete Component 1 or 2 module?



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DAYS V. WORKING DAYS



Day – Section 72.1 (page 72-2) of the regulations defines day as a calendar day. It goes on to explain that to calculate a period of time, the first day of the period is excluded and the last day of the period is included. If the last day of the period falls on a Saturday or Sunday or a national or commonwealth-declared legal holiday, that day is omitted from the computation.



Working day – Section 72.1 (page 72-5) of the regulations defines working day as calendar days excluding Saturdays and Sunday or national or commonwealth-declared holidays. Again, the period of time is calculated by excluding the first day and including the last day of the period.



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SAMPLE PROBLEMS

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Days:

Using the calendar above, count the seven days an SEO has to issue or deny a permit upon receiving a completed application form. Let's say the SEO receives the application on May 17th.

Note: May 24th is Memorial day.

Working Days:

Using the calendar on the previous page, count the 20 working days that an SEO has to complete soils testing, review a permit application, and determine if a site is suitable for an onlot system. Let's say the SEO received the application for review on March 3rd.

Hours:

Using the calendar on the previous page, count the 72 hours that an SEO has to make a final inspection of a system. Let's say the SEO received notice that the system is ready for inspection at 3 p.m. on Thursday, May 20th.



What happens if the various deadlines are not met?

Local agency issuance of a permit –
Section 72.25(f)

SEO final inspection –
Section 72.30(d)

Planning module –
Sections 71.53(d)(2) & 71.53(b)

You will have an opportunity to practice counting days and working days in the review section.



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Permits

ISSUING PERMITS

SYSTEMS PERMITTED BY THE LOCAL AGENCY

The local agency is responsible for issuing permits for systems described in Chapter 73 of the regulations. These include the following:

- standard _____;
- seepage beds;
- elevated _____ beds and trenches;
- subsurface sand filters;
- _____ tanks;
- Individual Residential Spray Irrigation Systems (IRSIS); and
- alternate and experimental sewage system designs, with the technical assistance of DER

In addition, permits are required for the following:

- alterations or connections to an _____ onlot system when one of the following conditions exist:
 - 1) repair, replacement or enlargement of a treatment or retention tank
 - 2) repair, replacement, disturbance, modification, or enlargement of a soil absorption area or spray field
- multiple installations of chemical or portable toilets proposed for temporary use at a construction site, recreation activity, or temporary facility – covered by _____ permit (permit required at the discretion of the local agency) Section 73.64



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NO PERMITS REQUIRED

- 1) Lots created under the _____ permit exemption. These lots must meet all of the following conditions except: (Circle the one that does not apply.)
 - a) The municipality where the lot is proposed does not have a local ordinance requiring a permit regardless of lot size.
 - b) The proposed onlot system will serve a residential structure.
 - c) The structure will be occupied by the property owner or a member of the owner's immediate family (brother, sister, son, daughter, stepson, stepdaughter, grandson, granddaughter, father, or mother).
 - d) The residential structure and onlot system are to be located on a contiguous tract of 10 acres or more.
 - e) The property owner owned the property as of January 10, 1987, or transferred ownership of one lot of 10 acres or more subdivided from the parent tract after January 10, 1987, to a member of the property owner's immediate family.
 - f) The system must meet all technical standards except isolation distances from the septic tank and absorption area.

- 2) Replacement of previously _____ dwelling. The new dwelling must replace the previously existing dwelling within one year and have no need for a larger sewage flow calculation. There must not be an active investigation of a malfunction in the system under way by the local agency or the department.



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**SYSTEMS PERMITTED BY THE DEPARTMENT,
NOT THE LOCAL AGENCY**

Section 72.25(g)

- Large-volume onlot systems designed to treat and dispose of sewage flows in excess of _____ gpd.
- Systems that treat and dispose of _____ wastes, including beauty shops (if more than one operator), car washes, and wood and metal stripping or refinishing operations.
- Systems that _____ directly to the surface of the ground or to surface waters, except for the Individual Residential Spray Irrigation System (IRSIS), which can be permitted by local agency SEOs.
- Construction of certain private or public sewage facilities, pumping stations, and treatment plants.



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REVOKING PERMITS

Section 72.28

The SEO is the agent of a local agency responsible for issuing, denying, or revoking permits for onsite sewage systems.

A permit may be revoked at any time for any of the following reasons:

- 1) A change has occurred in the physical condition of any lands that will affect the operation of the system.
- 2) One or more _____ relevant to issuing a permit has not been properly conducted.
- 3) Information relevant to a permit being issued has been falsified.
- 4) The original decision of the local agency did not _____ with the Sewage Facilities Act or DEP's regulations.
- 5) The permittee has violated a provision of the act or the regulations.

The permit may only be revoked after the permittee is given written notice and _____ days to request a hearing before the local agency. The local agency must hold the hearing within _____ days of the request, and it must notify DEP of the hearing.



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VIOLATIONS

As the agent of the local agency with primary responsibility for enforcing the Sewage Facilities Act, the SEO is required to take whatever action is necessary to restrain violations of the act and applicable regulations.

- These actions are to be taken _____ of the local agency. This means that the SEO does not have to wait for permission to restrain a violation.
- A violation generally falls into three categories.
 - 1) Installation of an onlot system or construction of the building without first obtaining a _____.
 - 2) Installation of a system contrary to the permit or relevant regulation.
 - 3) The _____ of a system.
- Inspections by the SEO are authorized under the Sewage Facilities Act; however, a _____ is needed if entry on to the premises is refused or the property is posted.
- The SEO should ask a police officer to assist him or her when requesting and presenting a search warrant.
- SEOs should seek the advice of their _____ in preparing summary prosecutions.
- If the violation goes to trial before the district magistrate, the SEO goes first in presenting evidence and examining witnesses. The SEO may also cross-examine defense witnesses. The SEO has the burden of proving beyond a _____ that the defendant committed the violation he or she is charged with.



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- A person convicted of violating the Sewage Facilities Act or its regulations is subject to a fine of \$500 to \$5,000 and/or imprisonment of up to 90 days. (Section 13 of the Sewage Facilities Act)



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KEY POINTS

- The SEO is the only employee of a local agency with the authority to issue, deny, or revoke onlot sewage system permits.
- The SEO has primary responsibility for enforcing the Sewage Facilities Act in a local agency.
- An SEO has 20 working days to complete or observe site suitability testing for a permit application and seven days to issue or deny a complete permit application for a conventional onlot system.