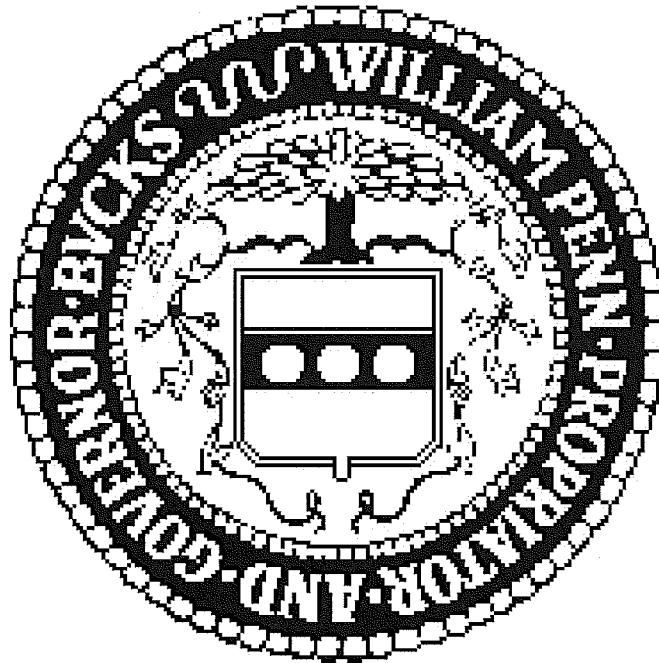


***BUCKS COUNTY DEPARTMENT OF HEALTH
RULES AND REGULATIONS
GOVERNING INDIVIDUAL AND COMMUNITY
ON-LOT SEWAGE DISPOSAL SYSTEMS***



EFFECTIVE DATE: September 25, 2006

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SECTION ONE - GENERAL PROVISIONS

1.1 Legal Authority.

Under the provisions of the "Local Health Administration Law", Act 315, approved August 24, 1951, P.L. 1304, as amended and the "Pennsylvania Sewage Facilities Act", Act No. 537, approved January 24, 1966, as amended the following Rules and Regulations are hereby adopted.

1.2 Provisions.

The provision of these rules and regulations are adopted in accordance with the duties imposed upon the Department under the Pennsylvania Sewage Facilities Act and the Local Health Administration Law and shall apply to all municipalities in Bucks County within the jurisdiction of the Department and shall apply equally to all persons. These Rules and Regulations supersede all other Department Rules and Regulations governing individual sewage disposal, and Rural Residence Individual Sewage Disposal Systems.

SECTION TWO - RULES AND REGULATIONS

2.1 Rules and Regulations.

- (a) Title 25. Rules and Regulations; Part 1. Department of Environmental Protection. Subpart C. Protection of Natural Resources, Article 1. Land Resources; Chapter 71, Administration of Sewage Facilities Act, Chapter 72, Administration of Sewage Facilities Permitting Program and Chapter 73, Standards for Sewage Disposal Facilities, are hereby adopted by reference and are made a part of these Rules and Regulations, as fully as if herein set forth at length.
- (b) The definition of "Local Agency" as set forth in the Rules and Regulations adopted under Subsection 2.1 of these Rules and Regulations shall mean the Bucks County Department of Health.
- (c) Certain provisions in addition to those adopted under Subsection 2.1 of these Rules and Regulations are set forth in Section 6.
- (d) These proposed Rules and Regulations shall supersede the previously adopted Rules and Regulations effective December 15, 1995 entitled "Rules and Regulations Governing Individual and Community On-Lot Sewage Disposal Systems".

SECTION THREE - DEFINITIONS

3.1 List of Definitions.

The following definitions shall apply in the interpretation of these Rules and Regulations.

- (a) **Act 537/Act** - The Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1 - 750.20).
- (b) **Clean Streams Law** - The PA Clean Streams Law (35 P.S. §§ 691.1 – 691.1001).

- (c) **Clean Water Act** - The PA Clean Water Act (33 U.S.C.A. §§ 1251 - 1387).
- (d) **Department** – Shall mean the Bucks County Department of Health.
- (e) **Equivalent dwelling unit** - For the purpose of determining the number of lots in a subdivision, that part of a multiple family dwelling or commercial or industrial establishment with flows equal to 400 gallons per day.
- (f) **Industrial waste** - A liquid, gaseous, radioactive, solid or other substance, which is not sewage, resulting from manufacturing or industry or other plant or works and mine drainage, silt, coal mine solids, rock, debris, dirt and clay from coal mines, coal collieries, breakers or other coal processing operations. The term includes substances whether or not generally characterized as waste.
- (g) **Individual water supply** – A system including well(s), pump(s), and piping equipment, which supplies water to a private residential structure and does not meet the criteria of Non-Community water system or Public water system as defined under the “PA Safe Drinking Water Act”.
- (h) **Local agency** - A municipality (or any combination of municipalities acting cooperatively or jointly under the laws of the Commonwealth), County, County Department of Health or Joint County Department of Health.
- (i) **Lot** - A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided. Whenever a lot is used for a multiple family dwelling or for commercial, institutional or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single family residential lots as determined by estimated sewage flows. (DEP’s definition)
- (j) **Person** - An individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the United States, Commonwealth, political subdivision, municipality, district, authority or other legal entity which is recognized by law as the subject of rights and duties. The term includes the members of an association, partnership or firm and the officers of a local agency or municipal, public or private corporation for profit or not for profit.
- (k) **Retaining tank** - A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes, but is not limited to, the following:
 - (1) **Chemical toilet** - A permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.
 - (2) **Holding tank** - A tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.
 - (3) **Privy** - A tank designed to receive sewage where water under pressure is not available.
 - (4) **Incinerating toilet** - A device capable of reducing waste materials to ashes.
 - (5) **Composting toilet** - A device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.
 - (6) **Recycling toilet** - A device in which the flushing medium is restored to a condition suitable for reuse in flushing.
- (l) **Sewage** - A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to use of water for domestic water supply or for recreation, or which constitutes pollution under the Clean Streams Law.

- (m) **Sewage enforcement officer** - The official of the local agency who issues permits, reviews applications and sewage facilities planning modules and conducts investigations and inspections necessary to implement the Act and the regulations thereunder.
- (n) **Sewage facilities** - A method of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into Waters of this Commonwealth or otherwise provide for the safe and sanitary treatment of sewage or other waste.
 - (1) **Individual sewage system** - A sewage facility, whether publicly or privately owned, located on a single lot and serving one equivalent dwelling unit and collecting, treating and disposing of sewage in whole or in part into the soil or into Waters of this Commonwealth or by means of conveyance or retaining tank wastes to another site for final disposal.
 - (A) **Individual on-lot sewage system** - An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a subsurface absorption area or a retaining tank.
 - (B) **Individual sewerage system** - An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a subsurface absorption area, or retention in a retaining tank.
 - (2) **Community sewage system** - A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots or two or more equivalent dwelling units and the treatment or disposal, or both, of sewage on one or more of the lots or at another site.
 - (A) **Community on-lot sewage system** - A community sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a subsurface soil absorption area or retaining tank.
 - (B) **Community sewerage system** - A community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a subsurface absorption area or retention in a retaining tank.
- (o) **Sewage Hauler** - A person who is engaged in the business of pumping, transport and/or disposal of sewage, waste materials containing sewage or sewage sludge within Bucks County. This includes any person who hauls sewage or sewage sludge into Bucks County and discharges into a municipal treatment plant or at an approved disposal site permitted by PA Department of Environmental Protection.
- (p) **Sewage Sludge** - The coarse screenings, grit and dewatered or air-dried sludges, septic and holding tank pumpings and other residues from municipal and residential sewage collection and treatment systems.
- (q) **10 Acre Parcel Permit Exemption** - Except where a local agency or municipality requires a permit by ordinance, no permit or plan revision shall be required for the installation of an individual on-lot sewage system for a residential structure occupied or intended to be occupied by the property owner or a member of his "immediate family" on a contiguous tract of land ten (10) acres or more if the owner of the property was the owner of record as of January 10, 1987. The term "immediate family" shall mean brother, sister, son, daughter, stepson, stepdaughter, grandson, granddaughter, father or mother of the property owner.

- (r) **Treatment Tank** - A water-tight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place; the term includes the following:
 - (1) **Septic Tank** - A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.
 - (2) **Aerobic Sewage Treatment Tank** - A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.
- (s) **Waters of this Commonwealth** - Rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or of their parts, whether natural or artificial, within or on the boundaries of this Commonwealth.

SECTION FOUR - PERMIT REQUIREMENTS AND FEES

4.1 General.

No person shall install, construct, or award a contract for construction, or alter, repair or connect to an individual sewage system or community sewage system or construct, or request bid proposals for construction, or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit from the Bucks County Department of Health, indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act (Act 537), as amended, and Chapter 73, "Standards For On-Lot Sewage Treatment Facilities", adopted pursuant to the Act and these regulations. Lot size shall not be a determining factor for permitting requirements for on-lot sewage disposal systems in Bucks County.

4.2 Permit Applications.

An application for an on-lot sewage permit to install an individual or community sewage system shall be made by the property owner, owner in equity, or a person who is an authorized agent of the property or owner in equity to the Bucks County Department of Health. For purposes of this section, an authorized agent shall have the written permission to apply for an on-lot sewage permit, signed by the property owner in equity of the lot for which the application is made.

- (a) Each application shall be accompanied by a fee as provided by a fee schedule established by the Bucks County Department of Health and shall not be refundable under any circumstances whether the permit is issued or denied. Said fee shall be payable by check, money order or cash.
- (b) The supporting technical data accompanying the application for an on-lot sewage permit submitted in accordance with these Regulations shall be prepared by a registered professional engineer, registered surveyor, or other competent professional person approved by the Department and shall bear the seal and/or signature of this person or persons.

**SECTION FIVE - LICENSING OF SEWAGE TRANSPORTATION VEHICLES, PUMPING AND/OR
TRANSPORTING OF SEWAGE WASTE MATERIALS**

5.1 Licensing Requirements for Business.

No person shall engage in the business of transporting sewage, sewage sludge or wastes containing sewage, without first having obtained from the Department a separate license for each vehicle, waste hauling tank or container used to transport these wastes.

5.2 Sewage Vehicle Application.

A properly executed application for each license shall be made, in writing, by the owner of the transportation equipment or vehicle on forms provided for this purpose by the Department. Each application submitted to the Department shall be accompanied by a license fee (cash, check or money order) payable to the Bucks County Department of Health, in accordance with the fee schedule established by the Bucks County Board of Health. Licenses shall be renewed annually for each piece of licensed equipment at the fee established by the Bucks County Board of Health and all licenses shall expire on September 30th of each year. Licenses are not transferable.

5.3 Proper Display of License Plate and Card.

All licensed equipment shall at all times display the license plate issued by the Department on that portion of the equipment in which the waste is contained and such license plate shall be posted in a conspicuous place. The Sewage Vehicle License card shall accompany the licensed equipment at all times.

5.4 Vehicles Conforming to Requirements.

Licenses for equipment or vehicles equipment used for the transportation of sewage shall not be issued by the Department unless the vehicle or equipment conform to the requirements, set forth in Section 5.6 of these Rules and Regulations.

5.5 Proper Disposal and Pumping Requirements.

- (a) The contents removed from any individual or community sewage system may be discharged into a public sewer system or public sewage treatment plant only by written agreement with the person owning or operating the system treatment plant or facility. All other sites used for ultimate disposal of hauled sewage wastes are required to be permitted by the Pennsylvania Department of Environmental Protection in accordance with the provisions of the Solid Waste Management Act, Act 97 of 1980 and Rules and Regulations adopted thereunder (Title 28 Pa. Code, Chapter 17). The sites or facilities used for the disposal of the hauled waste must be clearly indicated on the application for license. Disposal at any site or facility not so listed is prohibited.
- (b) The contents removed from holding tanks must be discharged to a public or privately owned sewage treatment facility operating under a valid permit from the Pennsylvania Department of Environmental Protection or to a disposal facility which is permitted by the Pennsylvania Department of Environmental Protection to receive holding tank waste. If the treatment facility is located outside the Commonwealth, it must be permitted by the appropriate regulatory agency.

- (c) Any person engaged in the business of pumping sewage waste materials from a treatment tank, retaining tank, or sewage lift pump tank, shall pump all liquid and solid waste contents from these tanks through the access manhole.

5.6 Sewage Vehicle Requirements.

The Department shall issue a license for sewage transportation equipment or vehicles which conform to the following requirements:

- (a) The container in which the liquid sewage waste is transported must be watertight and provided with a leakproof cover. In order to establish the watertightness of the container at the time of inspection of the equipment, the container must be presented for inspection one-half full of clean water.
- (b) The waste hauling container shall be so constructed that every portion of the interior and exterior can be easily cleaned.
- (c) The waste hauling container shall be provided with a vent which is so constructed that it will permit the escape of gas and prevent the escape of liquid.
- (d) Piping, valves and permanent or flexible connections shall be accessible and be easy to disassemble for cleaning purposes.
- (e) All inlets or openings to the waste hauling container shall be so constructed, maintained and operated so as to prevent the spillage of the waste material outside the container during filling, transfer, storage or transport.
- (f) The outlet connections shall be constructed, maintained and operated that no material will leak out, run out or spill out any time other than at the point of discharge, and they shall be of a design and type suitable for material handled and capable of controlling the flow of discharge without undue spillage or flooding of the immediate surroundings while in use.
- (g) Pumps, check valves, cylinders, diaphragms, and all appurtenances shall be of a design and type suitable for the material handled; capable of operation without spillage, spray or leakage; capable of being disassembled easily for cleaning and kept in a clean condition at all times when not in actual use. This equipment must be kept in good repair.
- (h) Any hose, pipe, joint, or connection intended to convey potable water for cleaning, diluting, or any other operating purpose connected with removal, transfer, or disposal of the waste material transported shall be stored and used in such a manner that no portion of the interior or exterior of such water-carrying equipment will come in contact with or be immersed in the waste materials. This equipment must be kept in good repair.
- (i) No connection shall be made at any time between any tap or outlet furnishing potable water or any premises and the waste hauling container or waste handling equipment except by an approved backflow/back siphonage prevention device.
- (j) Equipment used to transport only solid or semi-solid wastes containing sewage, such as but not limited to dewatered sewage sludge, sewage screenings and grit, sewage treatment process skimming etc., must generally comply with the provisions of this subsection except that the method of covering and venting the waste hauling container, as required by subsection 5.6 (a) and 5.6 (c) may, upon approval by the Department, be modified to suit the material hauled.

5.7 Maintenance Requirements.

All licensed equipment must be maintained in conformance with the provisions of Subsection 5.6 of this Section at all times the equipment is being utilized to haul sewage, sewage sludge or waste containing sewage. The Department may at any time, inspect any licensed vehicle to determine compliance with this Subsection.

5.8 Suspension or Revocation of License.

Any violation of the provisions of this subsection or falsification of the application for license as required by Section 5.2 of this subsection may result in the immediate temporary suspension of the license by the Department after the licensee has been afforded an opportunity for a hearing before the Department in accordance with the Act of December 2, 1968, P.L. 353 (The Local Agency Law). Repeated license suspensions or violations of a serious nature may result in the revocation of the license after the licensee has been afforded an opportunity for a hearing before the Department in accordance with the provisions of the Local Agency Law.

SECTION SIX – EXISTING 10 ACRE PARCEL PERMIT EXEMPTION

6.1 General.

In the event that any existing tract upon which the 10 acre parcel permit exemption was granted by this Department is subsequently subdivided, then the 10 acre parcel permit exemption shall cease immediately and the owner of the property will be required to obtain on-lot sewage permits for both the sewage system for the existing structure and permit(s) for sewage system(s) for any proposed structure to be constructed on the subdivided lots. No subdivision shall take place to an existing 10 acre parcel permit exemption property until the unpermitted sewage system has been replaced by a permitted on-lot sewage system from this Department which meets current Act 537, and Chapter 73 standards, or a sewage disposal system that requires an NPDES permit issued by the PA Department of Environmental Protection.

SECTION SEVEN – DENIAL OF PERMITS

Notice of denial of a sewage permit shall be in writing from the Department to the applicant and shall include the reason(s) for denial and advise the applicant of the right to a hearing before the Bucks County Department of Health. The Department shall provide PA DEP with a copy of the notice of denial within 7 days of the issuance.

Denial of a sewage permit shall follow the criteria as set forth in Act 537, Chapter 72, Section 72.26 (a,) (b,) (c), (d) and (e).

SECTION EIGHT – EXPIRATION AND TRANSFER OF PERMITS

8.1 Expiration of Permits.

A sewage permit shall expire if construction or the installation of an individual or community on-lot sewage system and the structure for which the system is to be installed has not begun within (3) years after the permit issuance date.

8.2 Transfer of Permits.

A sewage permit must be transferred from the current permit holder to a new property owner when the ownership of the property changes. Transfers are not valid until approved in writing by the Department. The new property owner must show proof of ownership when making application for a transfer of a sewage permit. An appropriate fee must accompany the transfer application to the Department. The new owner is entitled to the remaining time that is left on the existing on-lot sewage permit. Any physical changes proposed by the new property owner that alters the location of the structure/dwelling, system components, absorption area or sewage flows will require the submission of a new application for sewage disposal system and if necessary new field evaluations conducted by the Department's SEO.

SECTION NINE – REVOCATION OF PERMITS

9.1 General.

An on-lot sewage permit shall be revoked by this Department for the reasons outlined in accordance with Act 537, and Chapter 72, Section 72.28 (a), (b), and (c).

9.2 Notice of Revocation.

The notice of revocation of a permit shall be in writing to the permit holder and shall include the reasons for revocation, notice of the permit holder's opportunity to request a hearing before the Department within 10 days of receipt of the revocation notice, and notice that no further construction or use of either the sewage system or the structure for which it is intended may take place until a new permit is issued or the revocation is reversed by the Department.

9.3 Request for Hearing.

If the permit holder fails to file a written request for a hearing before the Department within 10 days after receipt of the notice of revocation, the revocation shall be final.

SECTION TEN – ADDITIONAL PROVISIONS

10.1 Use of Public Sewers.

No individual or community on-lot sewage disposal system shall be constructed, maintained or used on premises where a sewer, which is part of an approved public sewer system under a permit from the Pennsylvania Department of Environmental Protection is accessible.

10.2 Limestone Requirements.

Applicants for permits for on-lot sewage disposal systems to be located over or in the immediate vicinity of carbonate (limestone) areas of Bucks County may be required to perform special studies, in accordance with the guidelines provided by the Department, to insure that the proposed disposal systems will meet the requirements of Section 2.1 of these regulations and will adequately protect the public health and prevent pollution.

10.3 Approval to Cover.

The issuance of a permit and the "Approval to Cover" for an individual or a community on-lot sewage disposal system by the Department shall not be construed as a representation that the facilities will function satisfactorily nor shall any approvals granted restrict the powers or responsibilities of the Department in the enforcement of any law or regulation relative to public health.

10.4 Industrial Waste Discharge.

No person shall discharge industrial waste into any individual or community on-lot sewage disposal system except as permitted under the Act of June 22, 1937 (P.L. 1987, No. 394),

known as "The Clean Streams Law", as amended or as specifically provided for, in writing, by the permit issued for the on-lot sewage disposal system.

10.5 Kitchen, Laundry and Water Softener Wastes.

All liquid wastes including kitchen and laundry wastes, and water softener backwash shall be discharged to a treatment tank.

10.6 Equal Loading of Absorption Areas.

Where additional absorption area is installed to increase the total area of an existing system and flows are generated from a common treatment tank, loading per square foot of the new area and the existing area shall be equal.

10.7 Improper Discharge to Absorption Areas.

No person shall allow discharge from roof gutters, sump pumps, foundation drainage, and surface runoff into a treatment tank; nor shall such discharges be permitted to flow over the absorption area.

10.8 Occupancy of Structures without Approval to Cover.

No person shall occupy any structure for which an on-lot sewage disposal permit has been issued by the Department until the on-lot sewage disposal system has been given written "Approval to Cover" and has received a final inspection by the Department's sewage enforcement officer.

SECTION ELEVEN – SEVERABILITY

If any section, subsection, paragraph, clause, or provision of these Rules and Regulations shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Rules and Regulations as a whole or any part thereof. It is hereby declared to be the intention of the Bucks County Department of Health, the Bucks County Board of Health and the Bucks County Commissioners that the remainder of the Rules and Regulations would have been enacted if such invalid section had not been enacted and that it is their intent, intention and desire that the remaining portion of the Rules and Regulations remain in effect.

SECTION TWELVE – PENALTY PROVISIONS

12.1 Summary Offense (Act 537 as amended).

In accordance with the provisions of Act No. 315, approved August 24, 1951, P.L. 1304 and Act No. 537, as amended, any person who violates any of the provisions of these Rules and Regulations excepting the provisions of Section 5. (Licensing of Sewage Treatment vehicles, pumping and transporting of sewage waste materials) or who interferes with the Health Director or any other agent of the Bucks County Department of Health in the discharge of his official duties, shall for every such offense, upon conviction thereof in a summary proceeding before any alderman, justice of the peace or District Justice of the County wherein said offense was committed be sentenced to pay a fine of not less than Five Hundred Dollars (\$500.00) and costs and more than Five Thousand Dollars (\$5,000.00) and costs to be paid to the use of said county, or in default thereof to be imprisoned in the County jail for a period of not more than ninety (90) days.

12.2 Summary Offense (Act 315).

In accordance with the provisions of Act No. 315, approved August 25, 1951, P.L. 1304, as amended, any person who violates any of the provisions of Section 5 (Licensing of Sewage Transportation Vehicles, pumping and transporting of sewage waste materials) of these Rules and Regulations or who interferes with the Health Director or any other agent of the

Bucks County Department of Health in the discharge of their official duties, or who refuses to permit the Director of the Bucks County Department of Health or his authorized representatives to inspect any premises when such inspection is authorized by a properly issued search warrant, shall, for the first offense, upon conviction thereof in a summary proceeding before a District Justice of Bucks County, be sentenced to pay the costs of prosecution and a fine of not less than Thirty (\$30.00) Dollars nor more than Three Hundred (\$300.00) Dollars, and in a default thereof, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days.

12.3 Misdemeanor Offense (Act 315).

Any person who violates any of the provisions of Section 5, (Licensing of Sewage Transportation Vehicles, pumping and transporting of sewage waste materials) of these Rules and Regulations, or who interferes with the Health Director or any other agent of the Bucks County Department of Health in the discharge of his official duties, or who refuses to permit the Director of the Bucks County Department of Health or his authorized representative to inspect any premises when such inspection is authorized by a properly issued search warrant, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars or to undergo imprisonment not exceeding one (1) year, or both.

12.4 Fines, Civil Penalties and Fees.

- (a) In addition to proceeding under any other remedy available at law or in equity for a violation of these rules and regulations promulgated under Act 537, as amended, or any order or permit issued by the Department pursuant to this act, the Department, after notice and hearing, may assess a civil penalty against any person for the violation. In addition, the Department may assess the cost of damages caused by such violation and the cost of correcting such violation. Before assessing a civil penalty or such costs, the Department shall provide a violator with a notice of proposed assessment which cites the violation of these rules and regulations, permit or order issued thereunder and offer to conduct an assessment hearing to evaluate the violation and the amount of the penalty or cost. The notice of proposed assessment shall contain an explanation of the right to a hearing and appeal. The Department shall assign a representative to hold the assessment hearing. The assessment hearing shall not be governed by requirements for formal adjudicatory hearings and may be held at any time at the convenience of the parties. The civil penalty may be assessed whether or not the violation was willful. The civil penalty so assessed shall not be less than three hundred dollars (\$300.00) and not more than two thousand five hundred dollars (\$2,500.00) for each violation. In determining the amount of the penalty, the Department shall consider:
- (1) the willfulness of the violation;
 - (2) damage to water, land or other natural resources or their uses, cost of restoration and abatement;
 - (3) savings resulting to the person in consequence of the violation;
 - (4) deterrence of future violation; and
 - (5) other relevant factors.
- (b) If a person against whom costs of a civil penalty has been assessed after notice of hearing pursuant to subsection (a) fails to pay the assessed costs or penalty in full or to perfect an appeal de novo under subsection (c) within thirty days following assessment of civil penalty, such failure to pay or perfect an appeal shall constitute a separate violation for which an additional civil penalty may be assessed pursuant to subsection (a). Additional violations shall be deemed to occur and additional civil

penalties may be assessed pursuant to subsection (a) each time a person fails to pay or perfect an appeal under subsection (c).

- (c) When the Department has assessed costs or a civil penalty pursuant to subsection (a) or (b) the person assessed with the costs or civil penalty shall then have thirty (30) days to pay the costs of penalty in full. If the person wishes to contest the penalty or the fact of the violation, the person shall have a right to appeal de novo to the Court of Common Pleas of Bucks County. The person shall forward the amount of the civil penalty to the Department within the thirty-day period for placement in an escrow account in accordance with Section 12.5 of these rules and regulations, post an irrevocable letter of credit issued by a Federal or Commonwealth-chartered lending institution or post an appeal bond to the Department within such thirty (30) days in the amount of the assessed civil penalty or other such amount as may be approved by a court of competent jurisdiction. The bond must be executed by a surety licensed to do business in this Commonwealth and in a form satisfactory to the Department. If, through administrative or final judicial review of the proposed assessed penalty, it is determined that no violation occurred or that the amount of the penalty is reduced, the Department shall, within thirty (30) days, remit the appropriate amount to the person. Failure to make the required deposit in escrow or submit an irrevocable letter of credit or a surety bond as provided in this subsection shall result in a waiver of all legal rights to appeal the violation or the amount of the penalty.
- (d) In any case where the Department determines that damage resulting from the violation is of a continuing nature, the Department may impose a weekly assessment of not more than two thousand five hundred dollars (\$2500.00) per week for each week the violation continues unabated by the violator. The weekly assessment shall accrue indefinitely after the date of notice of the assessment to the violator.
- (e) Costs and civil penalties shall be payable to the Department and shall be collectable in any manner provided by law for the collection of debts. If any person liable to pay these costs or penalty neglects or refuses to pay the same after demand, the amount of the costs or civil penalty, together with interest and any costs that may accrue, shall constitute a judgment in favor of the Department upon the real property of the person from the date it has been entered and docketed on record by the Prothonotary of Bucks County. The Department may, at any time, transmit to the Prothonotary of Bucks County and such other Prothonotaries as the Department deems appropriate, certified copies of all these judgments, and it shall be the duty of each Prothonotary to enter and docket them and to index the same as judgments are indexed without requiring the payment of costs as a condition precedent to entry thereof.

12.5 Disposition of Fines, Civil Penalties and Fees.

Fines and civil penalties collected pursuant to these rules and regulations by the Department shall be placed in a restricted account and shall only be used for the repair of damage or mitigation of threats to the public health, for costs incurred to investigate and take enforcement action and for the administration of these rules and regulations. Any fees collected by the Department pursuant to these rules and regulations may only be used for the administration of these rules and regulations.

12.6 Prosecution.

All prosecution shall be brought in the name of the County wherein the alleged offense is committed.

Approved Bucks County Board of Health:

May 4, 2006

Approved Bucks County Board of Commissioners:

June 7, 2006

Effective Date:

September 25, 2006