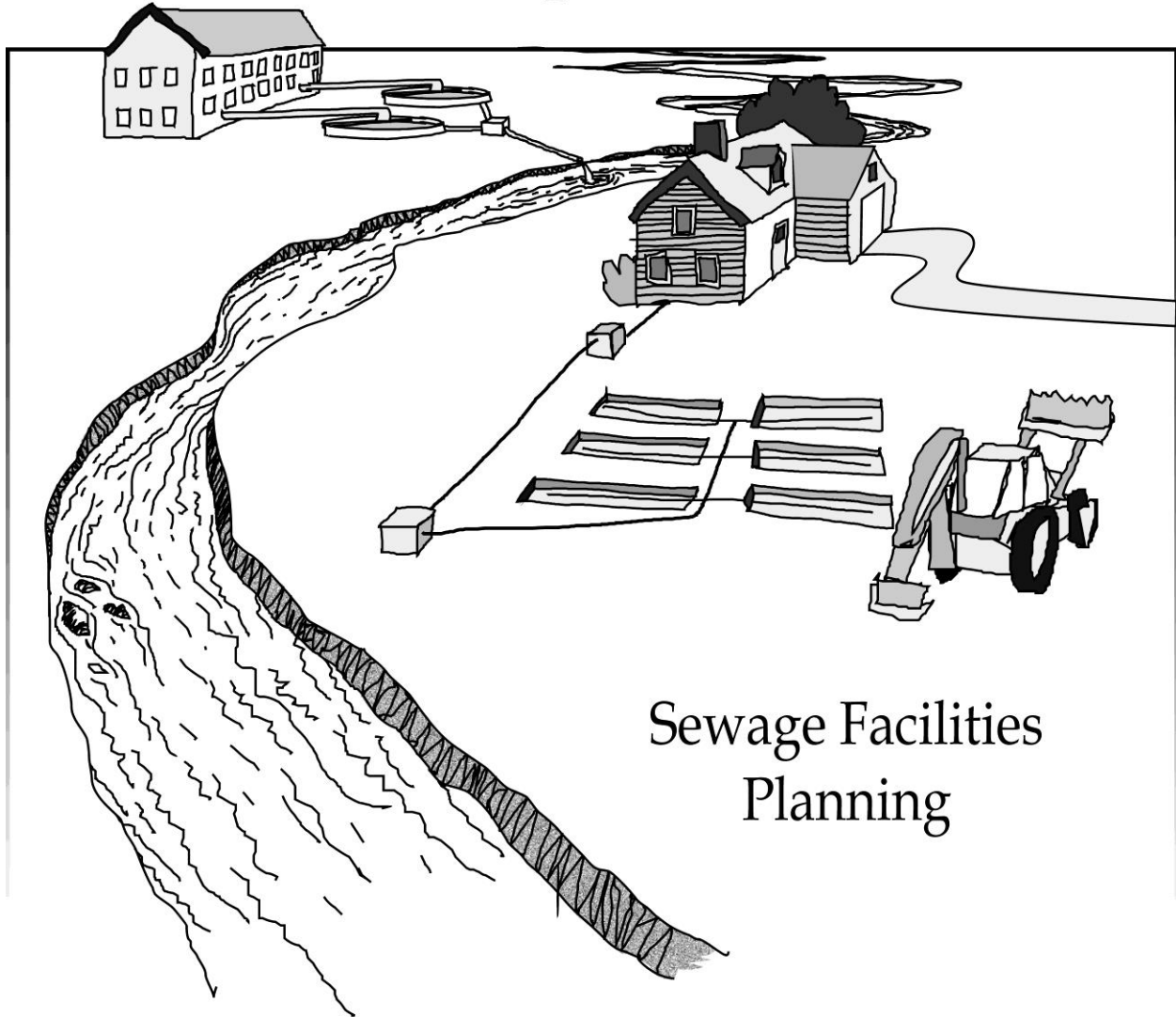


Pennsylvania Sewage Facilities Act

A Guide for Preparing Act 537 Update Revisions



Sewage Facilities Planning



COMMONWEALTH OF PENNSYLVANIA
Department of Environmental Protection

For more information, visit DEP's Web site at www.depweb.state.pa.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Water Standards and Facility Regulation

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TITLE: Sewage Facilities Planning: A Guide for Preparing Act 537 Update Revisions

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AUTHORITY: Pennsylvania Sewage Facilities Act, Section 5(f) 35 P.S. § 750.5(f).

POLICY: Department of Environmental Protection (DEP) publishes technical guidance for use by municipal officials and other persons concerned with the preparation of Official Plans required by Act 537, the Pennsylvania Sewage Facilities Act.

PURPOSE: DEP supplements basic information found in Title 25, Pennsylvania Code, Chapter 71 as needed. This guidance document is provided so that municipal officials with the responsibility for revising Act 537 Official Plans have available to them background and reference information upon which the DEP bases its decisions. It is intended to assist these municipal officials in their efforts to include all necessary information within Act 537 Official Plans submitted for the final DEP approval necessary prior to plan implementation.

APPLICABILITY: This guidance applies to the preparation of all sewage facilities planning update revisions and special studies as defined by 25 Pa. Code § 71.1.

DISCLAIMER: The policies and procedures outlined in this guidance document are intended to supplement existing requirements. Nothing in these policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

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Preface

This technical guidance document was prepared by the Department of Environmental Protection (DEP) to address the official plan update requirements of Title 25, Pa. Code, Chapter 71 (DEP regulations). The regulations are promulgated under the Pennsylvania Sewage Facilities Act 537.

This guidance is designed to provide an overview of the sewage facilities planning process. It emphasizes the importance of good communication with DEP prior to and during the development of a sewage facilities plan. Although this guidance is intended to assist local government officials in the development of a comprehensive official sewage facilities plan update revision, it also will be useful to planners, engineers and other consultants.

Special emphasis has been placed on several key planning elements that are highlighted in the appendices. In some instances, these elements are modified from past requirements due to changes of law or other regulation affecting the application of Chapter 71.

The guidance is not intended to serve as a substitute for good professional judgment, and should not be used as such. Furthermore, the guidance is not intended to be used in place or as an interpretation of the specific language of Act 537 or the rules and regulations adopted under the act.

ACT 537 PLAN UPDATE PROCESS

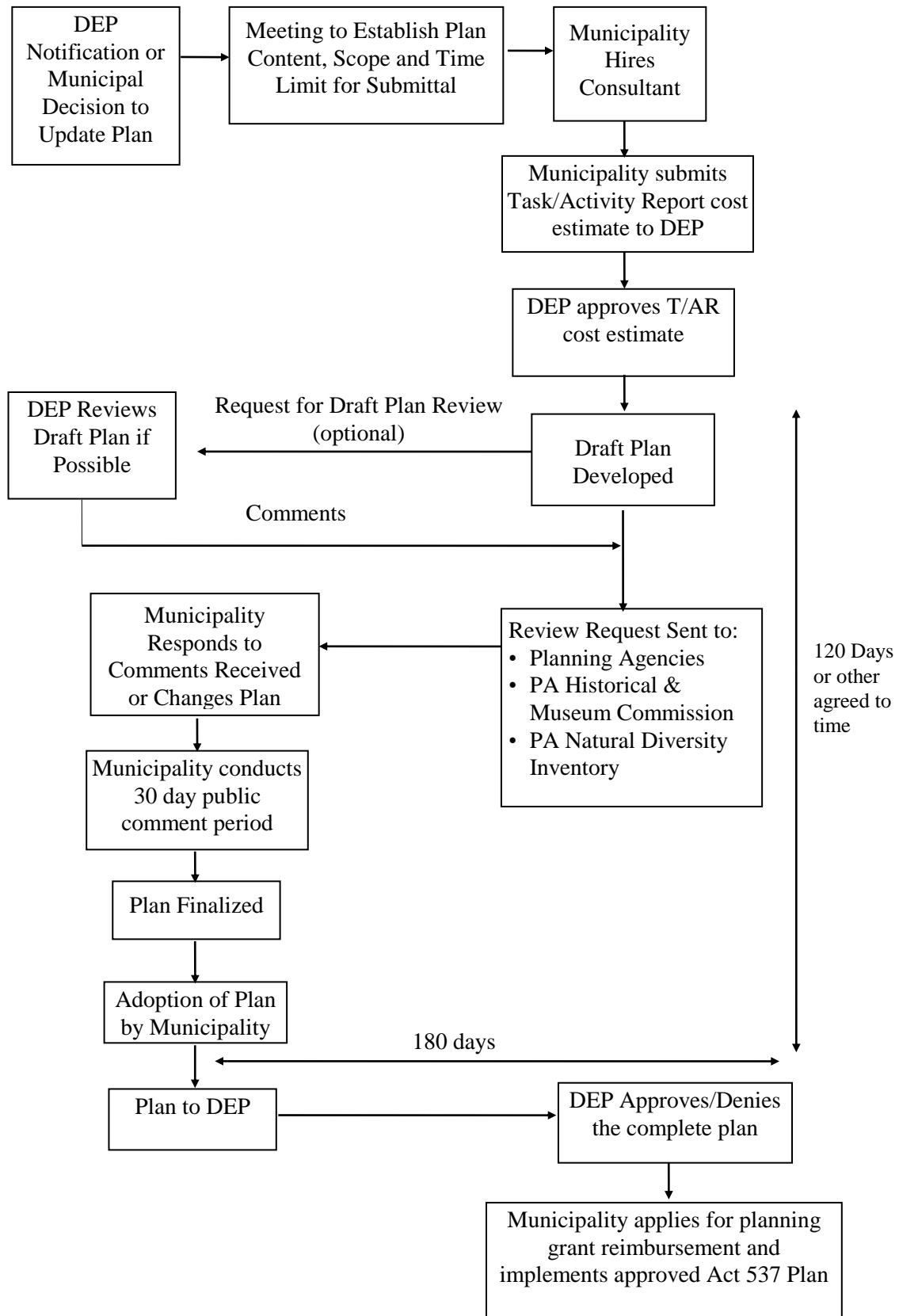


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A GUIDE FOR PREPARING ACT 537 UPDATE REVISIONS

The purpose of these guidelines is to provide municipal officials and their consultants with a general description of the Pennsylvania Sewage Facilities Act (Act 537) plan update revision process and to show how the plan can be used as a tool to resolve existing sewage disposal problems and prevent new problems from occurring. While DEP has both statutory and regulatory authority to require these plans, Act 537 plans are municipal plans. They are developed by municipalities and must be implemented by municipalities. For this reason, **local municipal officials must be actively involved in the plan update revision process.**

I. Background

Act 537, enacted by the Pennsylvania Legislature in 1966, requires that every municipality in the state develop and maintain an up-to-date sewage facilities plan. The act establishes the requirements for these plans and allows for reimbursement of up to 50 percent of the eligible costs incurred in preparing the plans. The first Sewage Facilities Plans prepared under Act 537 ranged in scope from countywide comprehensive sewage facilities plans to plans for specific areas experiencing sewage problems within a municipality.

Since 1966, growth patterns and sewage needs in Pennsylvania's municipalities have been constantly changing. Some municipalities have kept pace with the need for adequate sewage facilities, while others have critical needs for improved public treatment facilities. New land developments have increased pressure for new or expanded public treatment facilities, increased use of onlot disposal systems and privately-owned treatment facilities, or have caused overloads to existing facilities.

Many municipalities have reacted to these changes by updating their Sewage Facilities Plan several times since the original plan was completed. Sewage facilities plan update revisions have resulted in new or improved wastewater facilities to meet the needs of the municipality. Municipal officials have found it necessary to update their Sewage Facilities Plan because it is out-of-date, not implementable, inconsistent with other municipal planning, or does not provide adequate solutions to resolve existing sewage problems or provide for growth.

Municipalities also have been required to update their Sewage Facilities Plan when DEP determined that the existing plan did not adequately meet the sewage disposal needs of the municipality.

II. Purpose of Sewage Facilities Plans

The main purpose of a municipality's Sewage Facilities Plan is to protect the health, safety, and welfare of the citizens living in the municipality. It is the plan for correcting malfunctioning onlot septic systems, overloaded treatment plants or sewer lines, and wildcat sewers. The existence of untreated or improperly treated sewage in surface water, on the surface of the ground, or in the groundwater allows disease organisms to reach people through drinking water, through insects or other animals, and through direct contact. The most publicized recent transmissions of disease caused by sewage discharges to drinking water supplies were the numerous *Giardia* outbreaks in Pennsylvania. This organism causes severe gastric and intestinal distress. Development and implementation of plans for the sanitary disposal of sewage waste can be very effective in resolving existing problems which threaten the public health in a municipality. Such planning is necessary before funding, permitting and construction of improved sewage treatment and disposal systems can begin.

A second but equally important purpose of the sewage facilities plan is to prevent future sewage disposal problems from occurring. Municipal officials are able to direct new land development to areas where adequate sewage disposal facilities are available or will be available when sewage facilities plans are

consistent with land use planning, zoning and other municipal planning. Sewer lines can be extended in a planned manner, treatment plants can be expanded as planned, and onlot systems can be installed in soils suitable for such systems and maintained through municipal sewage management programs. Proper planning can prevent future sewage disposal problems associated with improper or poorly planned new land development and the lack of adequate planning for the long term operation and maintenance of sewage facilities.

The third major purpose of the Sewage Facilities Plan is to provide protection for both the groundwater and surface waters of the Commonwealth. All citizens of this Commonwealth are guaranteed clean water by the Pennsylvania Constitution. In carrying out this mandate, DEP uses the Official Sewage Planning requirements of Act 537 to prevent and eliminate pollution of the waters of the Commonwealth by coordinating planning for the sanitary disposal of sewage with a comprehensive program of water quality management.

III. Scope of Sewage Facilities Plans

Sewage Facilities Plans can be simple enough to address the repair, replacement and maintenance of malfunctioning onlot systems in a small village using local resources, or complex enough to provide a planning basis to obtain funding for the design and construction of a multi-million dollar collection, conveyance and treatment system to serve a city. This flexibility in scope allows DEP and municipality to tailor the plan content to the specific planning needs of the municipality. It also allows expansion of the scope to cover a multi-municipal area under a single plan.

IV. Professional Assistance

Municipalities may not have the expertise to develop a sewage facilities plan update revision without assistance. It is strongly recommended that municipalities consider obtaining professional assistance, even in the early stages of planning.

Municipalities usually seek professional assistance from a municipal authority, planning agency or consulting firm to prepare an official plan update revision. While many of the planning requirements can be completed successfully by general consultants and planners, a plan being prepared to provide improved or new collection, conveyance and treatment facilities requires engineering expertise.

A consulting firm with practical experience in the planning of water and sewer systems will identify and explore various sewage facilities options and, based on the alternatives it finds, should develop an implementable sewage facilities plan. The consultant's function is to prepare sewage facilities plans that meet local, state and federal requirements. The municipality retains, by law, the final decision regarding alternative selection and implementation of the plan.

There are a wide range of capabilities in consulting firms, so a municipality should be very careful in selecting a firm. The typical process for selecting a firm to develop a sewage facilities plan update revision is as follows:

- * Establish a list of qualified consultants. This can be done by calling other municipalities that are familiar with such firms, contacting state associations or checking with professional societies.
- * Invite letters of interest and lists of references from the firms selected.
- * Narrow the list to three to five qualified firms and request written proposals from these firms. Proposals should include references from municipalities with similar projects completed by the firm.

- * Hold interviews during which the firm will present their qualifications, capabilities and experience so that the community can ask questions about their capabilities.
- * Contact municipalities for which firms did similar work and ask if the municipalities were satisfied and had plans approved by DEP.
- * Select a firm from those interviewed. Notify all others interviewed of the selection.

As with any business or profession, there is a substantial difference in the quality of consulting services among firms. The best way to investigate an individual firm is to inquire about its reputation and performance on previous projects and with other clients. It is suggested that a community check a firm's references before committing to a contract.

Some funding agencies have their own requirements on selecting a consultant. It is recommended that the municipality check with the funding agency for any specific requirements it may have in selecting a consultant.

The community may either request a proposal containing only qualifications and negotiate a fee after selecting a consultant, or it may request proposals containing fee estimates so that cost may be considered in the selection. If a community requests cost proposals, it should be very careful to compare the kind and quality of work proposed related to the cost. Municipal officials should be as wary of extremely low cost estimates as they are of extremely high cost estimates.

V. Overview of the Sewage Facilities Planning Process

The sewage facilities planning process involves a number of distinct steps which allow for communication between the municipality and DEP during the preparation of the plan.

A. Initiation of the Sewage Facilities Plan Update Process

1. Municipality-Initiated Plan Updates

Municipalities may initiate an update to their Official Sewage Facilities Plan without being required to prepare a plan update by DEP. This may be done because the municipality has determined that its plan is out-of-date or does not address the need for new or improved sewage facilities.

2. DEP Required Update Revision

Act 537 gives DEP the authority to require a municipality to update its Sewage Facilities Plan. The notice from DEP to the municipality includes the reasons for the required update, specific areas of the municipality to be included in the study, the time limit for submitting the proposed plan content, and the deadline for completing the plan. When DEP requires a plan update, specific legal responsibilities fall on the shoulders of municipal officials. (These are briefly discussed in Section V.I.) These responsibilities should be discussed with DEP's staff and/or the municipal solicitor.

B. Meeting with DEP

In either case, before a municipality commits money to prepare a sewage facilities plan update revision, a meeting with DEP's regional office is necessary. Through this contact, the

municipality and DEP establish the required content of the sewage facilities plan update. The “Act 537 Plan Content and Environmental Assessment Checklist” in Appendix I is used to establish the specific planning elements which must be included in the plan.

This pre-planning meeting is important for several reasons:

1. Both the municipality and DEP may have specific items they want to have included in the plan. DEP wishes to advise each municipality concerning its current determination as to minimum plan content.
2. While the municipality may include many additional sewage related items they want in their official sewage plan, only specific sewage facility planning costs are eligible for reimbursement under the 50 percent planning grant. All of the planning elements which may be eligible for an Act 537 planning grant are listed in the “*Act 537 Plan Content and Environmental Assessment Checklist*” Appendix I. DEP makes the final determination on the eligibility of a specific planning element for planning cost reimbursement.
3. DEP and the municipality may refine the study areas. They may establish the level of planning required for each study area, where more than one study area exists.
4. Establishment of the proposed plan content of the sewage facilities plan update revision will allow the municipal officials to get several proposals for its preparation from different consultants. This may result in a reduction in cost.

C. Submittal of the Proposed Plan Content with Cost Estimates

A municipality should require its consultant to submit cost estimates for completion of each of the required planning elements (see Appendix I) because DEP may ultimately be reimbursing the municipality 50 percent of the cost to the municipality to prepare the sewage facilities plan. This report or other type of document listing planning activities must be completed for all Act 537 Official Sewage Planning proposals and it is a regulatory requirement for eventual planning grant eligibility. The purpose of this report is to provide DEP and the municipality with a record of the specific activities, from the *Act 537 Plan Content and Environmental Assessment Checklist* (Appendix I), to be included in the municipality’s plan and the cost/time estimates to complete each activity. The cost/time estimates should be broken down only to the major planning elements listed as roman numerals and capital letters in the “General Plan” section of the *Act 537 Plan Content and Environmental Assessment Checklist* (Appendix I). Additional detailed estimates may be developed for other planning elements if high costs or long completion times are anticipated. DEP regulations require municipal officials to forward these cost estimates to DEP prior to beginning the plan update. A *Task/Activity Report* or other cost estimating document is used for this purpose (see Appendix A and Title 25 Pa. Code, Section 71.41).

This report allows DEP to screen out costly or unnecessary activities or planning elements already completed in a previous plan. The municipality should not begin development of the sewage facilities plan update revision until written concurrence on the proposed plan content is received from DEP. If costs or tasks change during plan preparation, these changes must also be submitted to and approved by DEP in order to become eligible for the reimbursement program.

In addition to the *Task/Activity Report*, a narrative and map of the planning area should be submitted to DEP. The narrative should provide an overview of the proposed sewage planning project. The narrative should also detail the approach/methodology which will be utilized to

adequately address the major planning elements (identified by roman numerals and capital letters) found in DEP's *Act 537 Plan Content and Environmental Assessment Checklist* (Appendix I).

D. Plan Development

Municipal officials may assign oversight of the plan development to their planning commission, an *ad hoc* committee or other group. The municipality also may allow a county or an authority to complete the plan. Plans which are initiated by the municipality without a department notice to do so have no time restraints for completion of the plan unless a subsequent DEP notice sets a time limit. In all of these cases, timely completion of the plan and the content of the plan remains a municipal responsibility. Appropriate agreements or contracts should be developed prior to delegation of authority to another entity to develop or oversee a plan.

When two or more municipalities are developing a joint official plan update, the plan may be prepared by one of the municipalities, and submitted on behalf of the other participating municipalities. The plan must be adopted by resolution of the governing body of each municipality to which it relates. A resolution of adoption from a municipal authority is not an acceptable substitute for a municipal adoption.

DEP may require completion of the official sewage facilities plan update revision within 120 days of the municipal officials' receipt of a notice to update. If the municipality cannot complete the plan within the 120-day time limit (if such a time limit has been established), a request for a time extension should be sent to DEP with justification of why the plan cannot be completed. DEP may, at its discretion, allow a time extension.

E. Review and Adoption of the Plan by the Municipality

1. Planning Agency Review

When a draft of the plan is completed, a copy must be sent to the municipal planning agency and area wide or county planning agency and/or county health department for comment. Comments received from any of the preceding agencies must be included with the submission to the department along with responses to these comments from the municipality. Evidence that the official plan has been before these agencies for 60 days without comment is sufficient to satisfy this requirement. Also, if no comments on the plan were received or made by the previously-mentioned planning agencies, a statement from the municipality reflecting this fact must accompany the official plan submitted to DEP.

The municipality must assure that all of the consistency requirements are addressed in the plan and that any required letters or documents are attached to the plan. (See Appendix B)

2. Public Notification

A Public Notice and comment period is required as part of the plan update revision process. As a minimum, the following items must be contained in the notice.

- a. Name of project.
- b. Type of project (sewer line extension, collection, treatment facility, etc.).

- c. User fees.
- d. Location or areas of the municipality affected.
- e. Major recommendations of the new sewage facilities planning.
- f. Antidegradation classification of the receiving water (where a discharge is proposed to a body of water designated as high quality or exceptional value.)
- g. Establishment of a public 30-day review and comment period.
- h. Where and when the plan can be seen for review and comment, preferably the municipal office or other local site.
- i. Address of municipal office or person who will accepted comments.

All comments, the municipal response to comments and proof of public notice must be submitted to DEP with the sewage facilities plan update revision. If no comments on the proposed plan are received, a statement, from the municipality, reflecting this fact must accompany the plan revision submitted to DEP.

The public notice must appear at least once in a newspaper of general circulation in the legal notice section. The consultant should work closely with the municipality in coordinating the comment period, and the time and location where the plan can be reviewed.

3. Department Review of Draft Plans

DEP may agree to review draft plans to provide direction to the municipality prior to the final plan adoption. This service is dependent upon the availability of staff resources. Contact the regional office to make such a request.

F. Plan Implementation

The Pennsylvania Sewage Facilities Act requires complete and timely implementation of the activities described in sewage facilities plans. An implementation schedule is developed which identifies the actions required to carry out the plan's recommendations and when these actions will be completed. If the municipal officials determine that there are financial, legal or administrative barriers which would prevent this complete and timely implementation, they must have these barriers addressed in the plan before it is adopted. If the plan is determined to be inconsistent with other planning or natural resource protection actions or requirements, these inconsistencies must be resolved (see Appendix B).

Resolution of these inconsistencies may vary. All that may be required may be scheduling action to correct the inconsistency at some point in the project. In other circumstances, municipalities must actually obtain a required permit or complete a mitigation action. If plan implementation requires the passage of ordinances, regulations or the development of agreements, these may be developed as part of the planning process or listed in the implementation schedule for future development.

Initial completion of the sewage facilities plan update revision process occurs for the municipality when the municipality adopts it by resolution (see sample resolutions in Appendix F). Executing the resolution and adopting the plan acknowledges that the municipality assures DEP that the revision meets the requirements of the Act and that the municipality accepts the current content of the plan and its implementation schedule.

DEP will monitor the progress of the municipality in meeting the schedule of implementation in the plan update revision. If the municipality anticipates missing a milestone in the implementation schedule, the municipality should notify DEP and provide an explanation.

G. Review by DEP

Once the plan update revision is adopted, it must be submitted to DEP for review and approval. A complete submittal includes those items listed in the Act 537 Plan Content and Environmental Assessment Checklist provided in Appendix I. The completeness and general plan checklist must be completed and submitted with the plan.

DEP normally will review and act upon a complete sewage facilities plan revision update within 120 days of receipt. If an extension of time is needed, DEP will notify the municipality of the need for an additional 60 days to complete its review. If the plan is disapproved, or incomplete, a letter will be sent by DEP listing the plan's deficiencies and establishing a time limit for resubmission. Major revisions to the previously submitted plan including, but not limited to, a change to the service area, change in the cost of the project or change in the method or location of disposal may require a new review by the planning agency, another public comment process and a new adoption of the modified plan by the municipal officials prior to resubmittal.

H. Planning Grants

When DEP approves the plan, an application for a planning grant reimbursement of 50 percent of the municipality's cost of plan preparation may be submitted to DEP. An application for requesting this reimbursement is included in Appendix G. The application will be processed and paid as soon as possible. Legitimate plan preparation costs incurred by other groups on behalf of a municipality are also eligible for reimbursement if previously authorized in writing by the municipality. Contact your local DEP Regional Office for specific procedures.

I. Compliance

If a municipality fails to update a sewage facilities plan within the time allowed in the regulations or agreed to at the preplanning meeting with the department or if the municipality fails to implement a sewage facilities plan according to its implementation schedule, the plan may be placed in a disapproved status from the date of DEP's notice, and some restrictions may begin. First, no onlot sewage disposal system permits may be issued by the municipality in any area where there is a serious risk to the public health or safety. These limitations are limited to a delineated area. Limitations on permit issuance are an automatic provision of the law. Additionally, where collection, conveyance or treatment facilities are overloaded or projected to be overloaded, DEP or municipality may impose a moratorium on new construction. Finally, the municipality may be subject to legal action or fines where pollution incidents are documented.

J. Cooperation

The sewage facilities planning process works best when a cooperative effort between the department and municipality exists. Good communication and knowledge of the process are

critical to the development of a good plan. This communication begins at the preplanning meeting with the DEP.

In all but the most unusual cases, the municipality will have at least a minimum of 120 days to complete and submit a plan to the department without penalty. If the municipal officials or the consultant do not think the plan can be completed within an existing time limit, this should be discussed at the first meeting with DEP and a modified schedule for submittal of the plan should be justified. If, during the development of the plan, it becomes evident that an established deadline may not be met, the municipality should immediately notify DEP and submit justification for an extension of the deadline. This will lessen the potential for imposition of penalties for defaulting during the planning process.

The municipality should work with DEP as soon as possible to delineate the area or areas of the municipality which will be studied in the plan update. The municipality should develop documentation supporting the establishment of delineated study areas and present this information to DEP as soon as possible in the process as they develop an update revision.

Timely action by the municipality and DEP will reduce the time period that the current plan is in a disapproved status. Timely action will also resolve public health and environmental problems more quickly, thus protecting the citizens of the municipality.

APPENDIX A

Task/Activity Report

This appendix contains the most recent version of the *Task/Activity Report* (TAR) form and instructions available at the time of publishing this guidance. Periodically, this TAR document is revised by DEP. The most current version of the TAR form is available from your DEP Regional office (see Appendix J) or may be obtained online at www.dep.state.pa.us. To access the correct area of the website, use PA Keyword: “Wastewater,” select “Act 537 Sewage Facilities Electronic Forms” and “Act 57 Sewage Facilities Program Administration Forms.”



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER SUPPLY AND WASTEWATER MANAGEMENT

Remove and recycle these instructions before mailing component to the approving agency

INSTRUCTIONS FOR COMPLETING TASK/ACTIVITY REPORT

This report or other type of document listing planning activities must be completed for all Act 537 Official Sewage Planning proposals and it is a regulatory requirement for eventual planning grant eligibility. The purpose of this report is to provide DEP and the municipality with a record of the specific activities, from the Act 537 Plan Content and Environmental Assessment Checklist (Appendix I), to be included in the municipality's plan and the cost/time estimates to complete each activity. The cost/time estimates should be broken down only to the major planning elements listed as roman numerals and capital letters in the "General Plan" section of the Act 537 Plan Content and Environmental Assessment Checklist (Appendix I). Additional detailed estimates may be developed for other planning elements if high costs or long completion times are anticipated.

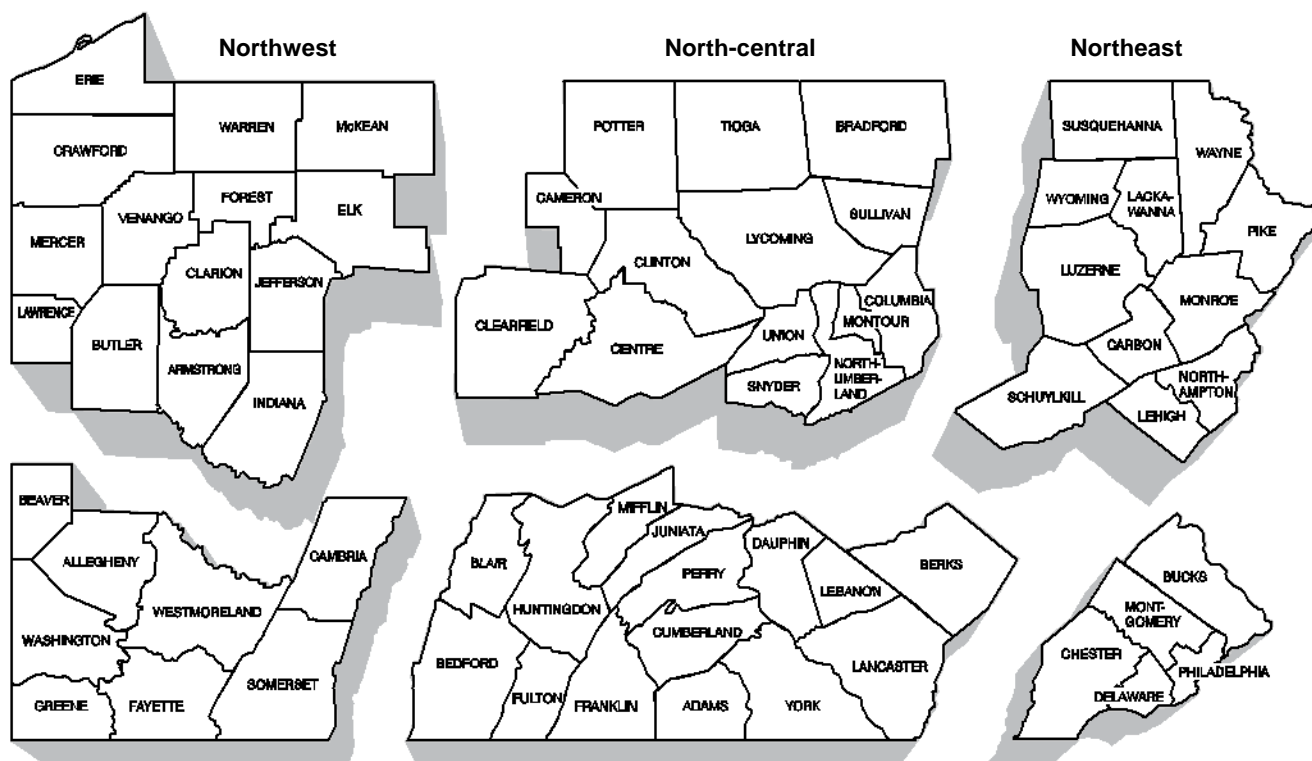
When Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP) planning activities are included in Act 537 Official Plan events, these activities must be listed as separate line items from those activities referenced in the Act 537 Plan Content and Environmental Assessment Checklist. While some of these CSO/LTCP activities should be eligible for an Act 537 planning grant, the nature of your intended product must be clarified. If your intention is to simply update the Act 537 Official Plan by preparing a LTCP, then that intention should be indicated and only those common planning elements consistent with preparing both an Act 537 Official Plan or Update revision and an LTCP should be addressed. Conversely, if your intent is to combine a comprehensive Act 537 Plan Update Revision with preparation of a LTCP, your TAR must clearly indicate to which project an activity is associated. In addition to using the Act 537 Plan Content Checklist item identification previously mentioned, the TAR should be organized so that a reviewer can easily determine the part of the LTCP a section of the TAR is addressing. For LTCP items, we suggest labeling each section of the TAR with one of the LTCP planning elements in bold. For instance, when addressing sensitive areas, label that section **Protection of Sensitive Areas**.

Please note that, although continued implementation of the Nine Minimum Controls and Post-Construction Monitoring are required parts of the LTCP, they are considered "implementation" items, not part of 537 planning activities. They are not eligible expenses.

In addition to the Task/Activity Report, a narrative and map of the planning area should be submitted to DEP. The narrative should provide an overview of the proposed sewage planning project. The narrative should also detail the approach/methodology which will be utilized to adequately address the major planning elements (identified by roman numerals and capital letters) found in DEP's Act 537 Plan Content and Environmental Assessment Checklist (Appendix I).

This information will be used by DEP to review the proposed plan content and monitor the progress of the preparation of the Official Plan. Prior to completing this report, the municipality should meet with representatives of DEP to determine the specific activities which must be included in the official plan. When this report is completed, forward one copy to the regional office serving your municipality to obtain DEP approval (Appendix J). If during plan preparation, costs or planning scope change, repeat this process for the modified Task/Activity Report.

For more information,
call the DEP regional office in your area:



Southwest

Northwest Region
230 Chestnut St.
Meadville, PA 16335-3481
Main Telephone: 814-332-6945
24-Hour Emergency: 800-373-3398

Counties: Armstrong, Butler, Clarion, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Venango, and Warren

Southwest Region
400 Waterfront Drive
Pittsburgh, PA 15222-4745
Main Telephone: 412-442-4000
24-Hour Emergency: 412-442-4000

Counties: Allegheny, Beaver, Cambria, Fayette, Greene, Somerset, Washington, and Westmoreland

South-central

North-central Region
208 W. Third St., Suite 101
Williamsport, PA 17701-6448
Main Telephone: 570-327-3636
24-Hour Emergency: 570-327-3636

Counties: Bradford, Cameron, Clearfield, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, and Union

South-central Region
909 Elmerton Ave.
Harrisburg, PA 17110-8200
Main Telephone: 717-705-4700
24-Hour Emergency: 866-825-0208

Counties: Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, and York

Southeast

Northeast Region
2 Public Square
Wilkes-Barre, PA 18701-1915
Main Telephone: 570-826-2511
24-Hour Emergency: 570-826-2511

Counties: Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming

Southeast Region
2 E. Main St.
Norristown, PA 19401-4915
Main Telephone: 484-250-5900
24-Hour Emergency: 484-250-5900

Counties: Bucks, Chester, Delaware, Montgomery, and Philadelphia



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER SUPPLY AND WASTEWATER MANAGEMENT

TASK/ACTIVITY REPORT

Municipality

County

Proposed Planning Area (Attach Map)
Date of Report

Date Completed plan will be submitted to DEP _____ Estimated Cost of Plan _____

Column Headings May Be Changed To Suit The Needs of the Planning Effort Use Additional Sheets if Necessary Sheet _____ of _____

TASK ACTIVITY NUMBER FROM APPENDIX I	PRINCIPAL		PROJECT ENG.		SR. ENG.		ENGINEER		PLANNER		DRAFTSMAN		CLERICAL		LEGAL		SUB TOTAL
	HR/ RATE		HR/ RATE		HR/ RATE		HR/ RATE		HR/ RATE		HR/ RATE		HR/ RATE		HR/ RATE		
	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	

Name of Person Completing Report

Signature

Title

Municipal Secretary Signature

APPENDIX B

CONSISTENCY DETERMINATIONS IN UPDATE REVISIONS

Official sewage facilities plan update revisions provide the basis for a wide range of decisions made by municipalities and DEP. These decisions may range from construction of a multi-municipal treatment plant to the establishment of a sewage management program. The obvious benefit of a well-done plan update revision is that it will reflect municipal goals and objectives in light of the overall goals and objectives of county, state and federal programs. This planning will allow for the provision of adequate sewage facilities which will serve existing problem areas and will allow for planned growth which is compatible with other plans and program objectives for the area.

When consistency determinations between sewage facilities alternatives and other programs are made at the planning stage of municipal projects, potential problems are resolved before major resources are committed to any one alternative. Municipal plans which are consistent with the programs described in this appendix will result in the selection of a sewage facilities alternative which is implementable.

In addition, official sewage facilities plan update revisions which are comprehensive and consistent with the programs in this appendix will allow for timely review and action on new land development proposals by both the municipality and DEP. Such plans also will allow the municipality to more easily support appropriate proposals for new land development and defend their denial of inappropriate new land development proposals on the basis of sewage-related issues.

I. Background

Update revisions to official sewage facilities plans must evaluate wastewater facility and management alternatives to resolve existing sewage problems and provide adequate future facilities to serve anticipated growth in the municipality. When a specific alternative is being considered, it is important to evaluate both the good points and the bad points of that alternative. In addition to capital cost, cost for ongoing operation and maintenance, and administrative differences between alternatives, there are other concerns which must be evaluated. These concerns involve the relationship of the alternative being proposed to the various goals and objectives of the planning, environmental and natural resource laws and policies of the Commonwealth. The planning process should involve the screening of sewage facilities alternatives to narrow the field to those alternatives determined viable from a cost-effectiveness standpoint. These viable alternatives must then be weighed against the planning, environmental and natural resource goals and objectives. When an otherwise acceptable alternative is determined to conflict with or be inconsistent with these goals and objectives, these conflicts and inconsistencies must be resolved by the municipality before the municipality may pursue DEP approval of that alternative. Costs associated with the mitigation of conflicts and inconsistencies may impact the cost effectiveness of an alternative.

This guidance is intended to alert municipalities to the major laws, programs and policies of the Commonwealth which directly impact the evaluation and selection of wastewater alternatives in sewage facilities planning. A discussion of each law, program or policy and its general requirements is included along with a brief description of how to evaluate the consistency between these requirements and the proposed wastewater alternatives. Specific information and requirements regarding these laws, programs or policies may be obtained from the responsible "contact agency". These agencies are listed for each area discussed. Any reviews or approvals needed to document consistency with these laws or policies must be coordinated between the municipality and the appropriate contact agency.

II. Specific Consistency Determinations

These acts, programs and policies may influence the areas available for projected growth and the extent of that growth. As the official sewage facilities plan update revision is developed, the municipality must assure that its content includes an assessment of each of these areas for consistency. This will require that the municipality or consultant obtain the information necessary to make this assessment. The municipality can then identify and resolve inconsistencies before committing itself to plan implementation.

The following discusses each of the areas where consistency is required, describes briefly what the municipality should consider in the evaluation and identifies the agency which should be contacted to assist you with questions specific to each consistency issue. A listing of contact agencies which manage these required areas of consistency is contained in Appendix K.

A. Plans Developed and Approved under Sections 4 and 5 of the Clean Streams Law or Section 208 of the Clean Water Act

Sections 4 and 5 of the Clean Streams Law require that consideration be given to: water quality management and pollution control in a watershed as a whole, present and possible future uses of particular waters, the feasibility of combined or joint facilities, the state of scientific and technical knowledge, and immediate and long-range economic impact upon the Commonwealth and its citizens. Section 208 of the Clean Water Act calls for the development of plans for the identification of treatment works necessary to meet the anticipated municipal and industrial waste treatment needs of an area over a 20-year period. This would include any requirements for the acquisition of land for treatment purposes, the necessary wastewater collection and urban storm water runoff systems, programs to provide the necessary financial arrangements for the development of such treatment works, an identification of open space and recreation opportunities that can be expected to result from improved water quality, consideration of potential use of lands associated with treatment works and increased access to water-based recreation.

Comprehensive Water Quality Management Plans were developed under Sections 4 and 5 of the Clean Streams Law and 208 of the Clean Water Act for all areas of the Commonwealth. While these plans have not been subject to an ongoing maintenance process, the plans still represent a planning resource which can serve as a basis for the incorporation of the Commonwealth's water quality goals and objectives in local sewage facilities plans.

Every official plan update must discuss the content of the appropriate portions of the Comprehensive Water Quality Management Plan. Where there are inconsistencies between the Comprehensive Water Quality Management Plan and the sewage facilities plan, a description of these differences must be included in the official plan update. When these differences conflict with the basic water quality goals and objectives of the planning area established in the Comprehensive Water Quality Management Plan, an explanation of the conflict and justification for or resolution of the conflict must be included in the official plan update.

For example, a potential conflict might involve an individual municipal wastewater treatment facility proposed to serve an area designated to be served by a regional treatment facility in the Comprehensive Water Quality Management Plan. Resolution of such a conflict could include a discussion of the reasons why the regional approach is no longer the best alternative and justification for pursuing the other alternative.

While these documents are out of print and no longer available for purchase from the Commonwealth, Comprehensive Water Quality Management Plans for specific municipalities may be available for review at the county or area-wide planning agency or DEP's regional offices.

B. Municipal Wasteload Management under Chapter 94

Sewage collection, conveyance and treatment facilities are designed to transport a specific volume of wastewater. Sewage treatment facilities are designed to treat a specific organic strength of wastewater. When sewage facilities are overloaded either hydraulically or organically, untreated or partially treated sewage is discharged into the environment. These discharges may cause both environmental problems and public health hazards. Because of these risks, municipalities that own or operate sewage facilities must control the organic and hydraulic loading on their facilities. Permittees must keep track of the present status of the loading on their facilities by submitting annual reports to DEP which show the present flows and organic loading versus design flows and design loading of their facilities. Flows must also be projected for five years into the future to identify projected future overloads. When an overload is projected or is in existence at its sewage treatment facilities, a municipality **must** take action. Connections to the collection facilities must be carefully controlled, even banned in extreme situations, until the overload issue is resolved. In addition, a corrective plan and schedule must be submitted which outlines the actions the municipality will take to resolve the overload.

As an official plan update is being prepared by your municipality and sewage facilities alternatives are being assessed, these will be dependent upon adequate capacity in a municipal sewage facility (treatment plant, pump station, interceptor, etc.). The plan must evaluate the status of that facility under the municipal wasteload management requirements of Chapter 94. Where there is an existing or a projected organic or hydraulic overload, the impact of this overload must be related to the alternatives being evaluated in the official plan update. If a corrective plan and schedule has been completed, the plan must evaluate the actions proposed to eliminate an existing overload and how those actions impact the sewage facilities alternative being evaluated. Where conflicts between the alternative proposed and the municipal wasteload management program are identified, they should be resolved in a sewage facilities plan update revision before municipal officials commit to implement the plan. Where conflicts can not be resolved, other alternatives must be pursued.

Copies of annual Chapter 94 reports may be available from the municipal governing body, municipal sewer authority or from the appropriate regional office of DEP.

C. State Water Plan Developed Under the Water Protection Planning Act and the Pennsylvania Administrative Code

The alternative must be consistent with comprehensive plans for the development, utilization and conservation of the water and related resources of drainage boundaries located within the boundaries of the state. Problems with water quantity and/or quality and the proposed wastewater alternative must be mitigated.

The State Water Plan was developed as a comprehensive management tool to guide the conservation, development and administration of the Commonwealth's water and related land resources. The State Water Plan is made up of 19 subbasin reports covering the entire state and includes recommended solutions to water quantity and quality problems as well as recommendations designed to meet short-term and long term water needs. While this document is out of print and no longer available for purchase from the Commonwealth, copies of the State

Water Plan may be available for review at county or area wide planning agency or your local DEP Regional Office (Appendix J).

The content of this plan may influence the alternative analysis in an official sewage facilities plan update. If the State Water Plan identifies either water quantity or quality problems in a wastewater planning area, the municipality must consider these problems when they evaluate alternatives in their official sewage facilities plan update. An alternative using land treatment may be a better alternative than an alternative using a stream discharge in an area where the State Water Plan shows groundwater quantity problems exist and where recharge of groundwater is critical. A discharge to the surface waters may, in this case, further deplete groundwater and thus would be inconsistent with the State Water Plan.

The State Water Plan identifies existing or potential water quantity problems based on population projections. The plan uses these projections to identify potential water supply yield deficiencies and the solutions available to resolve them. Unfortunately, analyses contained in the State Plan Subbasin Reports are based upon population data which are not current. When official sewage facility plan update revisions are being prepared, a close comparison of the projected populations in existing and proposed five and ten year service areas must be made with the water supply quantity issues contained in the State Water Plan. Conflicts between the population projections used to establish the solution thresholds in the State Water Plan and the locally developed population projections in growth areas must be resolved. Justification for a change in population projections must be provided as part of the official sewage facilities plan update. Other population data, such as that developed by the Pennsylvania State Data Center or planning agencies with area wide jurisdiction, may be used to develop such justification.

The review comments developed by planning agencies with area wide jurisdiction must be closely evaluated by the municipality to assure that regional concerns relative to water quantity issues and problems have been fully addressed prior to municipal adoption of the official plan update revision.

D. Comprehensive Plans Developed Pursuant to the Municipalities Planning Code

The Municipalities Planning Code provides the basis for a municipality to prepare a comprehensive plan which includes the municipality's objectives relative to the location, character and timing of future development, and a plan for community facilities and utilities. This plan also may cover a wide range of related issues including housing, transportation and municipal services. The comprehensive plan evaluates the interrelationships of various planning components (development, community facilities and related issues) including an estimate of the environmental, energy conservation, fiscal, economic development and social impacts on the municipality from these components. The plan assesses the relationship of existing and proposed development in the municipality to the existing and proposed development and plans in contiguous municipalities, the county-wide objectives, plans for development and regional trends. Finally, the comprehensive plan may include a plan for reliable water supply, which considers current and future water resource availability, uses, limitations, and protection of sources. These comprehensive plans must be consistent with the State Water Plan and any applicable water resource plan adopted by a river basin commission.

It is obvious that there is a very close relationship between the content of a municipality's comprehensive plan developed under the Municipalities Planning Code and the official sewage facilities plan update. These two plans must be coordinated so that they complement and support each other.

When an official sewage facilities plan update is being developed, the municipal comprehensive plan developed under the Municipalities Planning Code must be closely evaluated to assure that the sewage facilities being proposed are consistent with the land uses shown in the comprehensive plan. Conflicts between the two plans should be resolved before the municipality commits to implementing the official sewage facilities plan update. This consistency assessment extends to the various wastewater alternatives being considered by the municipality as potential solutions to its wastewater facilities needs.

E. Previous Plans Developed under Title II of the Clean Water Act or Titles II & VI of the Water Quality Act of 1987

Previous plans developed under Title II of the Clean Water Act contain information on waste treatment management plans and practices which provided for: the application of the best practicable waste treatment technology before discharge into receiving waters, including reclaiming and recycling of water; the confined disposal of pollutants so they will not migrate to cause water or other environmental pollution; and the consideration of advanced waste treatment techniques.

Where plans have been completed in the past for projects under Title II, the recommendations of those plans must be discussed as part of the alternative analysis.

F. Anti-degradation Requirements Contained in Chapters 93, 95 and 102

Proposed wastewater alternatives must be consistent with the water quality criteria of Chapter 93. Chapter 93 designates uses of the waters of the Commonwealth which apply to any proposed receiving stream. They must be consistent with the wastewater treatment requirements of Chapter 95. The chosen alternative must also be consistent with the erosion and sedimentation control regulations contained in Chapter 102.

Section 4 of the Pennsylvania Clean Streams Law states in part, "It is the objective of the Clean Streams Law not only to prevent further pollution of the waters of the Commonwealth, but also to reclaim and restore to a clean, unpolluted condition every stream in Pennsylvania that is presently polluted." The federal Clean Water Act sets as a national goal that the discharge of pollutants into all surface streams be eliminated. It further states that water quality standards shall be established to protect the public health or welfare and enhance the quality of water. Such standards are to consider the use and value of water for public water supply, propagation of fish and wildlife, recreation, agriculture, industry and navigation.

In compliance with these laws, DEP has classified all surface waters. The classification establishes water uses to be protected and water quality criteria (levels or parameters) which need to be maintained in order to prevent or eliminate pollution. This classification system is known as Pennsylvania's Water Quality standards. These standards are implemented through the provisions of Chapter 93 and Chapter 95 under the Clean Streams Law and the National Pollutant Discharge Elimination System (NPDES) permitting process.

Pennsylvania's water quality standards are important in the assessment of sewage facilities alternatives. They set general and specific goals for the quality of the state's water and are used in the control of sources of wastewater pollution. The standards are used as a basis for establishing effluent limits (levels of pollutants) in wastewater discharges where minimum technology-based treatment is not adequate to meet the standards.

When a municipal sewage facilities plan is evaluating alternatives which will discharge treated effluent to surface waters of the Commonwealth, it is critical that the water quality standards for the receiving stream be known. The level of treatment required will influence the type of treatment facilities needed to meet the effluent limitations. Effluent limitations are obtained from DEP's regional offices.

In addition, there are specific surface waters that are under special protection because of their existing quality. These watersheds are classified as High Quality or Exceptional Value. Any proposed wastewater discharge to these special protection watersheds will require additional justification.

Projects proposing alternatives which discharge to special protection waters will be required to justify the discharge alternative against all available non-discharge alternatives. If the discharge alternative is selected, it must be supported by a socio-economic evaluation and justification which documents that the social and economic benefits attained through the discharge alternative outweigh effects of potential environmental harm caused by the discharge. Refer to Title 25 Pa. Code Section 93.4c for additional details concerning proposed sewage discharges to special protection waters.

Where a sewage facilities plan alternative proposing a discharge of treated effluent to a stream or other surface water is found to conflict with the provisions of Chapter 93, Chapter 95 or Chapter 102, these conflicts must either be resolved in the content of the plan or other alternatives must be pursued. Because of the significant role water quality standards play in assessing surface discharge alternatives, effluent limitations must be obtained from DEP's regional office early in the planning process. *Contact the appropriate regional office for assistance in requesting effluent limitations.*

G. Pennsylvania's Prime Agricultural Land Policy

Pennsylvania's Prime Agricultural Land Policy orders and directs the prevention of the irreversible conversion of prime agricultural land to uses that result in its loss as an environmental or essential food production resource. This is to be accomplished through the administration of current programs and regulations of agencies of the Commonwealth. In addition, state agencies are to prohibit the use of state and federal funds from encouraging the conversion of prime agricultural land to other uses when feasible alternatives are available. The policy specifies the definition of prime agricultural land as "prime", "unique", or "of State or local importance" by the United States Department of Agriculture Natural Resource Conservation Service (NRCS), as well as land "characterized by active agricultural use" or soils within the bounds of an agricultural preservation area established under Section 604(3) of the Pennsylvania Municipalities Planning Code. The listing of soils identified as prime agricultural land is available from the county Soil Conservation Service offices. Prime agricultural land soils are typically those listed as belonging to NRCS Soil Capability Classes I, II, III, or IV.

The Natural Resource Conservation Service inventory must be used by the municipality to assess where the above classifications are present and where the Policy applies. Plan update revisions must identify and map those areas where prime agricultural land is located. Mapping must relate the prime agricultural lands to proposed service areas and the five and ten year projected growth areas.

In addition, local efforts to preserve prime agricultural land through zoning, land use planning or other provisions of the Pennsylvania Municipalities Planning Code must be identified and used in sewage facilities alternatives analysis. Identification of farmland enrolled in the Pennsylvania

Farmland Forest Land Assessment Act, Act 319 of 1974, as amended, (Clean and Green); under county covenant for preservation of land in farm, forest, water supply or open space uses as provided by Act 515 of 1966, as amended; Agricultural Security Areas under Act 43 of 1981, as amended, or Agricultural Preservation Areas under Act 149 of 1988 is also required. Copies of the statutes may be obtained from the Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, PA 17120-0033, (717) 783-1960.

The sewage facilities plan update revision is affected by the policy when the plan establishes service areas or future growth areas to be served by either sewerage facilities or other means of sewage disposal (onlot systems) in an area in which the municipality has taken action to protect prime agricultural land. When this occurs, the plan update revision must evaluate the potential adverse primary impacts from any proposed irreversible conversion of use of the land, and, also, secondary impacts caused by the extension of sewer service to areas adjacent to prime agricultural preservation areas. The plan must evaluate local efforts to protect this land and the proposed sewerage facilities alternative. The alternatives analysis must show how this conflict will be resolved. Where the conflict cannot be resolved, other alternatives must be evaluated or local agricultural land preservation efforts must be modified. The municipality must resolve these conflicts prior to adoption of the sewage facilities plan update revision.

H. Plans Adopted by the County and Approved by DEP Under the Storm Water Management Act

The Storm Water Management Act states that inadequate management of stormwater resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control storm water, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge and threatens public health and safety. The act requires that each county in the Commonwealth prepare and adopt a stormwater management plan for each watershed located in that county in consultation with the municipalities located in each watershed area. These plans are to address a wide range of hydrologic concerns including an assessment of projected land development patterns in the watershed and the potential impact of runoff quantity, velocity and quality. In addition, these plans must analyze the present and projected development in flood hazard areas and set criteria and standards for the control of stormwater runoff.

Where stormwater plans are in effect, they may influence the areas of the municipality which are being scheduled for centralized sewer service or other methods of sewage treatment and disposal which would allow growth at high densities. The municipality should closely compare the wastewater facilities alternatives which are proposed in growth areas to the content and recommendations of the stormwater management plan for the area. Where there are conflicts between the two plans, the sewage facilities plan must resolve these conflicts or pursue other alternatives which do not conflict with the watershed stormwater management plan. Stormwater management plans are available from the county in which they were developed. The agency listed in Appendix K under Number 5 can tell you if your county has a stormwater management plan in effect.

I. Wetland Protection Under Chapter 105

Wetlands are described as areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes and bogs. Wetlands provide for natural flood control, flow stabilization of streams and

rivers, improved water quality and aquifer recharge. Because of the value of wetlands to the Commonwealth, DEP has established an intensified effort to protect these natural resources.

When an official sewage facilities plan update revision is being developed, each alternative proposed must be evaluated to determine if it will impact any wetland areas. If there is an impact on a wetland from an alternative, the official plan update revision must assess the options available to eliminate this impact. This assessment should include the option of using another alternative that does not impact wetlands compared to options available to mitigate impacts to retain the selected alternative.

When planning proposes sewage facilities, National Wetlands Inventory Maps and U.S. Soil Conservation Service hydric soils identification must be used to show the relationship between the proposed sewage facilities alternative and potential wetlands. These maps are available from the agencies listed under Number 6 of Appendix K. The listing of hydric soils is available from the County Soil Conservation Services offices.

When this mapping shows that proposed sewer lines or system components will be placed in or run through mapped wetlands, there are several options available to the municipality:

- (1) If sewage facilities system component locations or routes are set, the municipality may obtain a letter from DEP's Water Management Program or the municipality's consulting engineer stating that a general permit is applicable to the encroachments and identifying which general permit will apply.
- (2) The proposed facilities may be relocated to avoid impacts on wetlands.
- (3) Full delineation may be completed and encroachment permits obtained.
- (4) If sewage facilities system component locations or route are tentative pending permit level design, the municipality may request DEP approval to plan activity and facilities which will impact wetlands.

If it is determined that there will be no impact on wetlands from the construction of sewage facilities (sewers, treatment plants, etc.) but it is obvious from the information submitted that associated construction activities (road crossings, utility lines, etc.) will be in or through mapped wetland areas, the sewage facilities plan may be approved by DEP with a specific statement in the approval letter which identifies this obvious wetland impact, and the need to secure Chapter 105 permits prior to construction.

When it is obvious that the viability of the proposed sewage facilities is dependent upon costs associated with mitigation of wetland impacts (i.e. replacement of destroyed wetlands), these costs must be included in the alternative analysis.

J. Protection of Plant and Animal Species of Concern as Designated by the Department of Conservation and Natural Resources, Bureau of Forestry, Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission and/or Contained in the Pennsylvania Natural Diversity Inventory

There is an increasing effort at the local, state and federal levels of government to protect the habitat of rare, endangered and threatened species. There are state and federal laws and regulations administered by numerous agencies that protect these species. These laws and regulations make it necessary for municipalities to assess the impact a proposed sewage facilities

planning alternative may have on protected species and to assess ways to reduce any impact. Impacts must be assessed for proposed collection, conveyance and treatment facility locations.

The Department of Conservation and Natural Resources (DCNR), Bureau of Forestry maintains the “Pennsylvania Natural Diversity Inventory” (PNDI), a database containing site specific information about the Commonwealth’s most uncommon natural resources. Included are plant species regulated by DCNR, Bureau of Forestry, animal species regulated by the Pennsylvania Fish and Boat Commission and Pennsylvania Game Commission, outstanding geologic features, and significant natural communities. Municipalities or their consultants may access this system when evaluating various alternatives in the sewage facilities planning process.

To access the system, complete the “*Municipal Request for Pennsylvania Natural Diversity Inventory (PNDI) Data Search*” form attached as Appendix L and mail it with the required map to the Bureau of Forestry. Be as detailed as you are able to be. General area requests may return responses that do not return accurately apply to the impacts of a sewage facilities project. As responses are for possible impacts, responses to information submitted with a request that shows clearly that impacts should be in specific locations normally will not include protected species and habitats in the vicinity that are obviously distant from planned activity. You will be notified of the results. If there is no potential impact identified, the plan revision update alternative may be pursued.

If a potential impact is identified, a copy of your notification will be supplied to the appropriate agency having jurisdiction. You should work with that agency and DEP to assess your options to resolve the conflict.

It is possible that the sewage facilities plan will have to be modified as a result of the impact on the protected species. Municipalities must, therefore, resolve any conflict between the sewage facilities plan and protected species before they submit the adopted plan to DEP for review and approval.

Please Note: PNDI review currently may not reliably identify all species protected by the United States Fish and Wildlife Service and Pennsylvania Fish and Boat Commission. Projects requiring review for compliance with protective measures enforced by these organizations must contact them directly.

K. The Pennsylvania Historic Preservation Act

The Pennsylvania Historical Preservation Act of 1978 requires that Commonwealth agencies and political subdivisions (municipalities) cooperate fully with the Pennsylvania Historical and Museum Commission (PHMC) in the preservation, protection and investigation of archaeological resources. The act lists specific activities which must be completed to meet this obligation. One of these activities requires that the commission be notified when either the Commonwealth or a municipality becomes aware of any undertaking in connection with any Commonwealth assisted, permitted or contracted project, activity or program which affects or may affect an archaeological or historical site. This also requires that the commission be provided with information concerning the project, program or activity.

Sewage facilities plan update revisions that may impact archaeological or historical resources fall under these general requirements. When a sewage facilities plan has been developed and an alternative of choice has been selected, the municipality must notify the commission to determine what impact that alternative will have on archaeological or historical resources. The PHMC does not maintain a publicly-accessible inventory of known archaeological resources in the

Commonwealth. The municipality must use a completed copy of a *Cultural Resources Notice* form (see Appendix M) to request a determination from the PHMC. PHMC will review the form and determine within 15 days of receipt of the notification if any additional action is required. If the commission fails to respond within 15 days, it will be assumed they have no comments. (Certified Mail, return receipt, should be used). To supplement this process and avoid confusion, it is strongly recommended to meet with PHMC to discuss project details and specific PHMC requirements.

The proposed sewage facilities project may appear likely to have significant impacts on archeological or historical resources. Consult with the PHMC to resolve these matters reasonably. Please inform your DEP regional water management program about situations in which there are significant differences, between the municipality and the PHMC, concerning selection of a course of action that avoids or mitigates a project's effects on archeological and historical resources.

If the commission initiates additional surveys or investigations of an archaeological resource, the municipality must closely evaluate the impact this may have on the future implementation of the alternative of choice. Inconsistencies between the alternative of choice and the requirements of the Pennsylvania Historic Preservation Act should be resolved before the municipality commits itself to the implementation of the plan and submits the plan to DEP.

Where significant known archaeological or historical resources will be affected by a proposed alternative and no mitigation is available to eliminate that impact, any survey, recovery or preservation work of the commission should be completed prior to municipal adoption of the proposed plan update revision.

Where sewerage facilities component locations are tentative pending permit level design, the municipality may request a conditional approval of the plan update revision from DEP.

Please Note: Sewage facilities construction projects may require federal permits, or may be constructed using federal funding sources. The final project will be required, as a federal condition of permitting or funding, to comply with the National Historical Preservation Act. Compliance will have to be demonstrated during the process of application for the permit or the application for funding. The most advantageous time to resolve issues relating to compliance with the National Historical Preservation Act is during the time of the Act 537 Official Plan update revision. Always notify PHMC if you anticipate that your project will require federal funding or permits.

FACILITY PLAN CONSISTENCY REQUIREMENTS SUMMARY

CONSISTENCY ELEMENT	WHAT YOU NEED	SOURCE OF INFORMATION	CONTACT AGENCY
A. Comprehensive Planning	Access to the content of the Comprehensive Water Quality Management Plan for the area of your municipality included in the official plan update.	Out of Print Contact the appropriate DEP office or planning agency with area wide jurisdiction for record copy availability.	PA DEP, Regional Water Management Office serving your municipality. (See Appendix J)
	Access to other plans completed under Act 537 for the municipalities and areas (county, watershed, etc.) interacting with your plan.	Adjacent municipalities, local and area wide planning agencies, river basin commissions, county health departments or the appropriate PA DEP Regional Office.	PA DEP, Regional Water Management Office serving your municipality. (See Appendix J)
	Access to the appropriate State Water Plan containing information related to the subbasin in which your municipality is located.	Out of Print Contact the appropriate DEP office or planning agency with area wide jurisdiction for record copy availability.	PA DEP, Bureau of Watershed Management, Division of Water Use Planning, Rachel Carson State Office Bldg., P.O. Box 8555, Hbg., PA 17105-8555
	Access to the text of the Act 247 Comprehensive Plans of the appropriate municipalities.	Local municipal office, planning commission office, or county/regional planning agency.	Governor's Center for Local Government Services, DCED (Department of Community and Economic Development), Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225 1-888-223-6837 717-783-1402 Fax
B. Wasteload Management	Access to the most recent Chapter 94 Annual Report or Correction Action Plan and Schedule.	The permittee of the sewerage facilities proposed to be used by the proposed alternative or the appropriate DEP Regional Office.	PA DEP, Regional Water Management Office serving your municipality. (See Appendix J)
C. Plans developed under the federal Water Quality Act or Clean Water Act	Access to a copy of any "201" sewage facility plan previously proposed for this planning area	PENNVEST Staff or the PA DEP, Regional Water Management Office serving your municipality	PA DEP, Regional Water Management Office serving your municipality. (See Appendix J)
D. Antidegradation Requirements	Effluent limitations for the point of discharge of the proposed wastewater facilities.	PA Regional Water Management Office serving your municipality.	PA DEP, Regional Water Management Office serving your municipality. (See Appendix J)

CONSISTENCY ELEMENT	WHAT YOU NEED	SOURCE OF INFORMATION	CONTACT AGENCY
E Prime Agriculture Land Policy	Mapping of prime agriculture land as defined by Pennsylvania's Prime Agriculture Land Policy.	Local office of the Natural Resources Conservation Service (NRCS) (see your telephone directory, may also be listed as Soil Conservation Service)	United States Department of Agriculture, Natural Resources Conservation Service, One Credit Union Place, Hbg., PA 17110 (717) 772-3700
F. Stormwater Management	The Stormwater Management Plan for the area being studied.	The county government unit in which the watershed is located	PA DEP, Bureau of Watershed Management, Division of Water Use Planning, P.O. Box 8555, Hbg., PA 17105-8555 (717) 772-4048
G. Wetland Protection	National Wetland Inventory Maps and consultation on wetland issues.	United States Environmental Protection Agency 1-(800)-USA-MAPS Use option to contact the information specialist, currently option 5 (touch tone)	County Natural Resources Conservation Service Office
	NRCS soils unit mapping (hydric soils).	Local office of the Natural Resources Conservation Service (NRCS) (see your telephone directory, may also be listed as Soil Conservation Service)	County Natural Resources Conservation Service Office
			PA DEP, Bureau of Watershed Management; Division of Waterways , Wetlands, and Erosion Control P.O. Box 8554, Hbg., PA 17105-8554
H. Protection of Plant and Animal Species	Documentation that a PNDI search was requested and a response was received. If an impact was identified, documentation that the impact was resolved with the appropriate agency.	The Pennsylvania Natural Diversity Inventory (PNDI) U.S. Fish and Wildlife Service Pa. Fish and Boat Commission	PA Department of Conservation and Natural Resources, Bureau of Forestry, PNDI Program P.O. Box 8552 Hbg., PA 17105-8552
I. The Pennsylvania Historic Preservation Act	Historical and Museum Commission review of the information on the Cultural Resource Notice and determination of any potential impact the sewage facilities plan may have on archaeological resources.	See Appendix M. Determination of any potential impact is made by the contact agency.	Historical and Museum Commission Bureau of Historic Preservation P.O. Box 1026 Harrisburg, PA 17108-1026

APPENDIX C

SEWAGE MANAGEMENT PROGRAMS

I. Background

Sewage facilities planning for municipal collection, conveyance and treatment facilities has always included provisions for the legal, administrative and financial mechanisms needed to carry out long term operation and maintenance activities. These activities are considered absolutely necessary to assure that the system will serve the community over its designed life.

This same planning concern for establishing legal, administrative and financial mechanisms for long term operation and maintenance must be given to onlot sewage disposal systems or privately owned treatment facilities if long term use is to be assured. These systems have, in the past, been labeled as interim. This gave the illusion that eventually they would be replaced with public sewers. Some municipalities were led to be unconcerned about assuring long term maintenance of these types of systems.

Onlot sewage disposal systems are not interim facilities. The majority of these systems are used in the first place because of the isolation of the property they serve or because of the lack of municipal sewerage. The use of these systems in many cases has become permanent.

Onlot sewage systems and privately owned treatment systems are practical for many rural areas. If properly designed, installed, operated and maintained, these systems will function well for many years. While the potential life of these systems makes them good choices for these isolated areas, each technology has specific operation and maintenance requirements. If these requirements are not met, the system will either fail completely or function well below its capabilities. In either case, public health hazards or pollution problems will be the result.

When public health hazards or pollution problems occur, the municipal government is legally responsible to find solutions. These solutions may range from individual enforcement actions against the owners of malfunctioning onlot systems to planning, designing and constructing municipal facilities to replace malfunctioning onlot systems or private treatment systems.

Each of the options available to municipal governments to resolve problems created by lack of attention to existing systems has drawbacks. Malfunctions due to lack of maintenance are sometimes not repairable with standard onlot technology. Extending municipal sewers to rural low density areas creates sewer systems with high user fees. In some cases, municipal facilities bring unwanted growth to rural areas and strain municipal resources. These solutions may be costly and unpopular with the citizens of a municipality.

Without a coordinated management approach to operation and maintenance, sewage facilities plans which propose onlot systems or privately owned treatment systems for long term use to serve existing homes or new land developments may create new, long term sewage problems. In addition, existing problems with onlot systems and privately owned treatment systems continue unresolved. These problems can be prevented and resolved through official sewage facilities plan updates which adequately evaluate the operation and maintenance requirements of all existing and proposed sewage facilities and establish the legal, administrative and financial mechanism to assure needed system maintenance. This sewage management approach can also be linked with system repair or replacement options to resolve existing sewage problems. Such a sewage management approach should not be considered a cure all. It should receive serious attention in sewage planning.

II. Evaluating Sewage Management Options in Official Sewage Plan Updates

All official sewage facilities plan update revisions must address the need for a sewage management program. When a plan update is being prepared, the municipality must assure that operation and maintenance requirements for private, non-municipal sewage facilities will be evaluated. Any legal, administrative or financial mechanisms necessary for to maintain long term use of these systems should be established. This sewage management program evaluation is important in the consideration of non-municipal system use both in regulation of repair and replacement of existing malfunctioning systems in needs areas and for consideration of future new land developments.

The following sections describe sewage management programs for both areas served by onlot systems and areas served by privately owned treatment systems. Each municipality must tailor the program to meet their specific needs.

A. Sewage Management Programs to Assure Long Term Operation and Maintenance of Individual and Community Onlot Sewage Facilities

1. Using Existing Agencies to Establish Management Agencies

Municipal governments which have suburban and rural residents are involved in the onlot sewage system permitting program. This enforcement program, based on state regulations, requires that local agencies (municipalities, joint municipalities, counties) issue permits for onlot systems. These activities involve site testing, design review and final inspection of onlot sewage systems and require that procedures and fees be established to carry out the program. Some of the activities of these local permitting agencies extend to resolving system malfunctions as required by local ordinances or state laws.

Sewage management programs are a natural extension of these existing permitting programs. While the existing onlot permitting program stops at the final inspection of the system installation, the sewage management program extends the municipal oversight of these systems through required maintenance or inspection. This assures that the special precautions taken to make sure these systems are designed and installed properly are not wasted because of the lack of owner maintenance. It also assures that all new land developments proposed within the established sewage management program area will become part of the management program and will have maintained systems. Malfunctions of existing systems will be reduced due to more frequent maintenance. Informed municipal officials will want to protect their municipality and its citizens from the financial burden of failed onlot systems, which may require future installation of community sewers and treatment as correcting action.

2. Function of an Onlot Management Agency

A management program should be designed to:

- a. Actively identify malfunctions.
- b. Take enforcement action to abate nuisances.
- c. Provide technical assistance to help correct malfunctions.
- d. Update old systems to present disposal technology.

- e. Require property owners to pump septage from septic tanks.
- f. Conduct operation inspections.
- g. Require financial assurances of system operation and maintenance.

Not all sewage management programs currently include all of these activities. Some rural municipalities with scattered homes served by onlot systems have chosen to merely pass an ordinance requiring periodic septic tank pumping. Others with more densely populated areas may include more active inspection functions.

3. Planning Elements Required to Establish an Onlot Management Agency

Official plan update revisions must include the following planning elements in order to properly assess a sewage management program:

- a. Identification of the areas of the municipality in which sewage management activities will be established.
- b. An evaluation of the types of periodic inspections, operation or maintenance activities (such as the pumping of septic tanks) needed to assure long term use of onlot systems.
- c. An identification of the legal authority the municipality intends to use to carry out these activities, including enforcement and restraint of violations of the program.
- d. Standards for operation, maintenance, repair and replacement of sewage facilities consistent with any state standards.
- e. Establishment of a fee schedule for the services provided by the municipality or management agency.
- f. Establishment of bonding or other financial assurances for systems installed within the agency's jurisdiction.
- g. An ordinance which implements the program.

4. Minimum Requirements for Sewage Management Programs

The basic options available to a municipality anticipating establishing a sewage management program are controlled by the minimum maintenance standards contained in Chapter 71 of DEP's regulations. These standards were established to make sure that each management program established carries out at least the minimum activities necessary to maintain onlot systems. These minimum standards require that a sewage facilities plan update revision proposing sewage management include:

- a. Removal of septage or other solids from the treatment tanks once every three years or whenever a tank inspection reveals that the tank is filled in excess of 1/3 the liquid depth of the tank with scum or solids.

- b. Maintenance of surface contouring around the system to divert stormwater away from the system and protect the system from damage.
- c. Water conservation requirements.
- d. Requirements for maintenance of electrical, mechanical and chemical components of the sewage facility including collection/conveyance piping, pressure lines and manholes, alarm and flow recorders, pumps, disinfection equipment and related safety equipment.
- e. Provisions for septage pumping and disposal.
- f. Requirements for holding tank maintenance.

5. **Options Available to Establish Sewage Management Programs**

Municipalities have established numerous approaches to sewage management in Pennsylvania. While most of the programs in existence are based on a municipal ordinance, the methods of managing systems under these programs has varied. Two of the approaches which have been used represent the wide variation in the options available to assure maintenance. The program established by any municipality must be based on the specific needs of that municipality and would probably fall somewhere between the two programs which are described below.

a. **Maintenance/Operation Permit**

Some municipalities have established a management approach using a maintenance/operation permit which is issued to the property owner upon final inspection of the onlot system. This permit requires the property owner to meet certain periodic maintenance requirements. The property owner has the duty to carry out these activities through contracted services. The permit is valid until the required maintenance is due and can only be renewed after submittal of proof to the municipality that the maintenance was carried out.

For example, the maintenance permit may require that the septic tank be pumped every three years and that when needed for specific systems, a number of system inspections be carried out (piping, electrical connections, dosing pump, water diversion around the absorption area, etc.). The individual carrying out this maintenance (usually a septic hauler) would provide a detailed bill or permit verification to the property owner or municipality when the maintenance was completed. Upon receipt of proof of system maintenance, the municipality would renew the maintenance/operation permit. The maintenance/operation permit would be valid until the next required maintenance. This is one of the simplest management programs available.

b. **Municipal Inspection**

Other municipalities have established programs with much more municipal involvement including the use of a municipal employee, usually the sewage enforcement officer, to conduct periodic inspections of septic systems. Access to properties is obtained through municipal ordinance, easements or municipal ownership of individual systems. Municipally owned trucks or municipally

contracted services may be used to provide septage pumping. Septage disposal facilities may be owned and operated by the municipality. Fees can be charged for the services rendered and money set aside through system bonding or escrow accounts to assure that funds will be available for future maintenance and repair of new systems.

6. Using Sewage Management Programs to Correct Sewage Problems

The traditional approach taken to resolve existing sewage problems in areas experiencing numerous malfunctioning systems has been to evaluate alternatives to provide municipal collection, conveyance and treatment systems to the entire area. In some cases, sewers were extended to fringe areas to serve a small number of houses. In other cases, sewers have been extended to areas where suitable soils and site conditions may have allowed for the repair or replacement of onlot systems. Providing sewer service to these areas can be expensive and may encourage unwanted growth and development.

In recent years, some municipalities have required the repair or replacement of onlot systems where suitable soils and site conditions are available. Others have proposed placing the flows from a number of homes into a single community onlot system to resolve problems which are isolated from proposed sewer service areas. Without adequate municipal commitments concerning operation and maintenance of these systems, such proposals have not been acceptable to DEP. DEP is concerned about the potential to recreate the same problem the proposals are intended to resolve. With an adequate commitment from the municipality to manage these non-centralized systems, a decentralized approach is more readily accepted by DEP as the best alternative to serve a needs area.

These municipal commitments must be adopted as part of the official plan update. An evaluation of management agency options and the implementation of action is needed to establish such an agency. The following examples illustrate some of the available options sewage management agencies, districts, and programs provide.

EXAMPLE 1 Management of Individual Onlot Disposal Systems

PROBLEM: There are areas in most municipalities which will never be served by public sewerage facilities. These areas may contain scattered malfunctioning onlot systems which can cause public health hazards. Municipal government is responsible to cause the correction of these problems and in the past, some municipalities handled these problems by requiring repairs to individual systems as malfunctions occur. These repairs typically do not solve the problem because the improper maintenance practices that caused the problem continue uncorrected.

GOAL: Develop a sewage facilities plan which evaluates the available options and establishes a management program to resolve existing sewage related problems and to prevent reoccurrence of the problems.

SOLUTION: One solution to these problems is to assess the administrative, technical, financial and management options for the long term repair or replacement of these malfunctions through a sewage facilities plan. This approach will allow the municipality to take planned, consistent, corrective action and to prevent future problems from occurring.

ADMINISTRATIVE

Administrative actions must result in the identification of all malfunctioning systems in the study area and a determination of the suitability of the soils, geology and site conditions in the area for the use of onlot repair or replacement systems. At a minimum, soils must be tested on each property proposed for an onlot system repair. Fee schedules for the soils work and access to the properties should be included in the administrative actions.

LEGAL AUTHORITY

The plan must include municipal ordinances or other legal authorities needed to carry out repairs and management of onlot sewage systems. Access to properties to identify malfunctions and conduct soils testing must be provided. In addition, provisions for specific notification and permitting processes should be included in the plan as well as enforcement actions and penalty provisions for violations.

TECHNICAL ALTERNATIVES

The technical solutions available for onlot repair and placement of onlot replacement systems are limited by soil and site conditions. If the soils are suitable in the area of the repair, standard inground systems may be used; if the soils are marginal, elevated sand mounds, oversized systems, or shallow placement systems can be considered for use. The plan should closely evaluate the advantages of testing for and protecting a second suitable site on each lot for future replacement systems. The system design must include provisions for access to system components for maintenance requirements.

The plan should include other options for situations where soils are found to be unsuitable for onlot repair systems. Municipalities should be wary of any cure all system proposals outside the scope of Chapter 73 standards for onlot systems. If major portions of the study area are found to be unsuitable for individual or community onlot sewage systems, then other collection, conveyance and disposal alternatives must be pursued.

FINANCIAL

Financing the repair or replacement systems should be evaluated in the official sewage facilities plan. Potential sources of grants or loans should be pursued. In addition, the plan should evaluate private financing through the property owners of the systems and the potential of cost savings if the municipality acts to contract all repairs as one project.

SEWAGE MANAGEMENT

The above actions will only assure long term, functional systems if a sewage management program is established. For management of onlot systems, the plan should establish a management ordinance, evaluate required septage management needs (i.e. pumpers, disposal options) and develop administrative and legal procedures to assure that septic tanks are maintained.

EXAMPLE 2 Management of Community Onlot Disposal Systems

PROBLEM: There are areas of malfunctioning onlot sewage disposal systems located in areas which have poor soils or small lot size. These conditions make it impossible to repair or replace these systems on an individual lot-by-lot basis.

GOAL: Develop a sewage facilities plan to resolve existing malfunctions and establish assurances for ongoing operation and maintenance.

SOLUTION: One solution to this type of problem is to assess the administrative, technical, financial and management options available for the long term repair or replacement of these systems using community onlot systems through a sewage facilities plan.

ADMINISTRATIVE

Administrative actions should be taken to identify all malfunctioning systems and to locate and obtain access for site testing to areas potentially available for the use of a community onlot sewage system. Easements or property acquisition should be pursued for the treatment system and collection/conveyance system. Sewage facilities planning, design and permitting approvals should be initiated.

LEGAL AUTHORITY

The sewage facilities plan should evaluate ordinances or other legal authority, the property and rights-of-way, connection requirements for community systems and user fees needed to pursue this alternative. In addition, access to properties for site testing must also be obtained.

TECHNICAL

Potential sites for the use of community onlot systems must be tested for soils suitability. In addition to the normally required soils probes and percolation tests, large community system proposals must meet additional soil permeability testing and hydrogeologic evaluations to assure that the hydraulic and organic load on the system will be able to be treated and disposed. Groundwater monitoring to protect drinking water supplies must also be evaluated. System sizing and configuration relative to terrain become factors which impact site selection.

FINANCIAL

Opportunities for grants and loans should be evaluated to offset the cost of construction. Ongoing maintenance and operation costs must be evaluated and a stable source of income must be established through user fees or other sources. Money must be set aside to provide finances for future system repairs.

SEWAGE MANAGEMENT

Operation and maintenance of community onlot systems is low cost and not technically difficult, but a lack of adequate maintenance will cause irreversible system damage. The municipality is ultimately responsible for failed systems. The best approach for management of community onlot systems is for the municipality to own, operate and maintain the treatment system and collection and conveyance lines. This provides assurances for continued operation and maintenance needed for DEP to approve such a proposal. While other approaches are available, such as the formation of a property owners association or private ownership of the system, these options will be carefully evaluated by DEP to assure that they will provide for adequate system maintenance and operation and protect the interests of the municipality.

These two cases provide some information on what should be considered when municipalities evaluate the use of onlot technology for repairs or replacement systems in a needs area. These cases do not cover all of the factors which must be considered. Before pursuing such proposals, it is important that the municipality meet and discuss with DEP's staff the proposed sewage facilities planning approach to assess these alternatives. The primary concern of the municipality should be to protect the investment they and their citizens are making in these systems by establishing adequate sewage management programs to oversee long term maintenance of the system components.

B. Sewage Management Programs for Collection and/or Treatment Facilities Regulated by DEP

Municipalities have been faced with proposals for non-municipal sewerage facilities for both new land development and existing needs areas ranging from single residential sewage treatment plants to package treatment facilities to serve commercial or residential areas. While these proposals may be the most appropriate wastewater facilities for the needs area or new land development, improper operation and maintenance of these non-municipal systems will result in pollution and public health hazards. When individuals or operators are unable or unwilling to correct these problems, DEP can require municipal takeover. This can lead to difficult administrative and financial burdens on a municipality. It may even mean new municipal facilities must be planned, designed and constructed.

When a proposal for individual or community sewerage systems is made, the municipality must be sure that adequate provisions for proper operation and maintenance are provided through its sewage facilities plan. A close evaluation of the operation and maintenance requirements of the system must be included in the plan update revision. The anticipated costs associated with these operation and maintenance requirements must be assessed as well as the level of expertise required to operate the system. The plan must include an evaluation of methods available to assure proper operation and maintenance of the system and a commitment by the municipality to implement the best alternative. Such assurances will protect the municipality and its citizens from the cost of failed wastewater facilities due to inadequate maintenance and improper operation.

There are a number of methods available to assure adequate operation and maintenance of individual and community sewerage facilities. Direct municipal control, often through creation of an authority, is clearly the traditional management approach. In some instances, private financing of initial system construction may occur. However, regardless of whether facilities were built under municipal or private control, responsibility for future system performance is greatly simplified by municipal operation and maintenance.

When municipal control cannot be achieved, other management systems include:

1. Requiring the system owner to post a bond or other security sufficient to cover the costs of any improvements to the system which may be required either prior to final approval of the system or thereafter. This option can be proposed using the Pennsylvania Municipalities Planning Code.
2. Passing an ordinance which requires a bond or escrow sufficient to cover the costs of future operation and maintenance of the sewage facilities.

3. Establishment of a properly chartered association, trust or other private legal entity to manage the systems.
4. Municipal ownership of the sewage facilities upon completion.
5. Establishment of a sewage management agency through existing municipal codes or ordinances. These agencies may include municipal sewage management agencies, municipal authorities, sanitary boards and boards of health.
6. Establishment of a sewage management agency through the adoption of new ordinances.

Please note that often a combination of these systems will be needed to adequately address all management aspects of the sewerage alternative.

When substantial new wastewater collection and/or treatment facilities must be constructed, municipal control of the project nearly always exists. However, other management systems as described may be appropriate for a very limited problem area in a municipality or, more typically, for a specific new land development proposal. The sewage facilities planning process may be used to evaluate a variety of non-municipal management systems. Although alternatives to direct municipal control of sewage facilities are possible, it must be stressed that in nearly all cases some level of municipal oversight must be identified.

EXAMPLE 3 Management of Department-Permitted Small Flow Treatment Facilities (SFTFs)

PROBLEM: There are areas in many municipalities where soils do not support the use of onlot subsurface sewage disposal systems. Too remote for the economical extension of public sewers, these areas may contain scattered malfunctioning onlot systems and may be subject to low density residential development pressures for which SFTFs may be ideally suited. SFTFs can function safely in such areas, but they require routine maintenance to perform properly and thus protect public health. Where such systems are proposed, municipal government is responsible to provide assurance of proper long-term operation and maintenance.

GOAL: Develop a Sewage Facilities Plan which evaluates the available options for municipal oversight of SFTFs and establishes a management program which provides assurances of public health protection. The selected program should match the level of oversight to the level of public health risk which increases proportionally to the density of these systems.

SOLUTION: One solution to this problem is to assess the administrative, technical, financial, and management issues and options for the long-term proper operation and maintenance of SFTFs through an update revision to the municipality's Sewage Facilities Plan. This update would allow the municipality to take effective measures to correct existing onlot system malfunctions and permit limited growth without unnecessarily compromising public health.

ADMINISTRATIVE

Administrative actions should be taken to identify soils suitability for on-lot systems and locate all existing SFTFs. In addition, areas of special concern such as undeveloped existing subdivision lots and an assessment of the probability of increasing future density of SFTFs needs to be made. Provisions for record-keeping and program enforcement are also needed.

LEGAL AUTHORITY

The Sewage Facilities Plan should evaluate ordinances or other local means to establish responsibilities between the municipality and system owners, service providers, or other county or local agencies. Legal means will also be needed in order to carry out the provisions of an active oversight program such as inspections and collections of revenues to support implementation of the program should an active program be needed.

TECHNICAL

Special Protection waters (where SFTF use is restricted) need to be identified and requirements for the analysis of community collection and treatment alternatives need to be established based on SFTF density, lot sizes, growth patterns and proximity to existing public sewage facilities.

FINANCIAL

Opportunities for grants or loans should be evaluated to offset construction costs, operation and maintenance costs, and costs of program administration. A stable source of revenue must be established, including the possibility of user fees, to provide for long-term viability of the program.

SEWAGE MANAGEMENT

Operation and maintenance of SFTFs is low-cost and not technically difficult. But a lack of attention to routine maintenance will be quickly lead to public health problems. The greater the density of SFTFs in an area, the greater the risk to public health becomes if this routine maintenance is not performed. The municipality is ultimately responsible to ensure the provisions of sanitary sewage facilities. Options available to the municipality to ensure the performance of this routine maintenance range from municipal ownership and operation of systems serving private dwellings to passive municipal programs providing for escrow accounts and specifying operation and maintenance requirements for private system owners. The option proposed by the municipality will be carefully evaluated by DEP to assure it will protect public health and the environment by providing for adequate long-term system operation and maintenance.

III. Management Ordinances

Appendix D contains four model ordinances which are useful in establishing sewage management programs. The first two, privy ordinance and holding tank ordinance are based upon DEP regulations and should be followed closely. They represent the minimum standards expected by DEP from a municipal program. The model sewage management ordinance is drafted to reflect the requirements which would be typical of the "Municipal Inspection" approach to Sewage Management described in II.A.5 of this section. This model ordinance does not represent the minimum required sewage management program to meet DEP's regulations. It also does not represent the type of program necessary in all areas of the state using onlot disposal. Finally, the Preemption of 10-acre Permit Exemption Ordinance represents a method for a municipality to ensure all sewage systems constructed within their service area meet acceptable technical standards. Each plan must evaluate the need for a sewage management program, the extent of the program needed and the best way to meet that need. Municipalities should keep their programs as simple and effective as possible.

APPENDIX D

MODEL ORDINANCES FOR SEWAGE MANAGEMENT PROGRAMS

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MODEL ORDINANCE CONTENT

As previously mentioned in the text, these four model ordinances do not represent the same level of regulatory compliance. The Model Privy Ordinance and the Model Holding Tank Ordinance represent the minimum standard necessary for a municipality to comply with Act 537 requirements. Conversely, the Model Onlot Sewage Management Program Ordinance represents a typical “Municipal Inspection” type program. It is provided as an example of such a program. Since sewage management program options cover a spectrum of activities that must be tailored to individual municipal circumstances, providing a model sewage management ordinance for each possibility is outside the scope of this publication. Finally, the Model Preemption of 10-Acre Permit Exemption Ordinance is provided as an example for progressive municipalities desiring to prevent construction of sewage systems that do not comply with acceptable technical standards.

NEED FOR PRIVY ORDINANCE

No local ordinance that controls the siting, operation and maintenance is required to regulate the use of privies when they are used on isolated lots that are one acre or larger,` with no piped water provided. Where privies are proposed for use in situations not meeting this isolated lot criteria, an ordinance is required.

**MODEL
PRIVY ORDINANCE**

BE IT ENACTED AND ORDAINED by the _____ (Supervisors)
(Council members) _____ of _____ (Township) (Borough) _____ of
County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Purposes. The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new privies designed to receive and retain sewage whether from residential or commercial uses. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

Section 2. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. “Agency” shall mean _____ (Supervisors) (Council members)
of _____ Township, _____ County, Pennsylvania.
- B. “Privy” shall mean a watertight receptacle, either permanent or temporary, designed and constructed to facilitate the ultimate disposal of the sewage at another site, which receives and retains sewage at sites where no piped water under pressure and no piped wastewater is available.
- C. “Improved Property” shall mean any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.
- D. “Owner” shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- E. “Person” shall mean any individual, partnership, company, association, corporation or other group or entity.
- F. “Sewage” shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Streams Law (35 PS §§691.1–691.1001).
- G. “Municipality” shall mean _____ (Township) (Borough) _____,

Section 3. Right and privileges granted. That the Agency is hereby authorized and empowered to undertake within the Township the control and methods of privy use, sewage disposal and sewage collection and transportation thereof.

Section 4. Rules and Regulations. That the Agency is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

Section 5. Rules and Regulations to be in Conformity with Applicable Law. All such rules and regulations adopted by the Agency shall be in conformity with the provisions herein, all other ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 6. Rates and Charges. The Agency shall have the right and power to fix, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

Section 7. Condition of Privy Use.

- A. The property owner must show that site and soil suitability testing of the lot has been conducted by the Sewage Enforcement Officer and that the site meets the Title 25, Pa. Code Chapter 73 (Standards for Sewage Disposal Facilities) requirements for the ultimate sewage disposal by an approved onlot sewage disposal system if water under pressure or piped wastewater becomes available to the lot.
- B. At such time that piped water or water under pressure becomes available, the property owner must remove the privy and replace the privy with an approved onlot sewage disposal system.
- C. The conditions of use described in A. above do not apply:
 - 1. To a privy to be used on an isolated lot which is one acre or larger and is not nor will be served by piped water or water under pressure in the future.
 - 2. To temporary use of portable retention tanks where their use is proposed at construction sites or at the site of public gatherings and entertainment.
- D. Specific conditions for use of privies shall be incorporated in the permit application and permit for the proposed use of a privy.

- E. The Agency is provided the opportunity to inspect the privy for proper operation, maintenance and content disposal.

Section 8. Exclusiveness of Rights and Privileges. The collection and transportation of all sewage from any improved property utilizing a privy shall be done solely by or under the direction and control of the Agency, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

Section 9. Duties of Improved Property Owner. The owner of an improved property that utilizes a privy shall:

- A. Maintain the privy in conformance with this or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Agency and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Agency or its agent to collect, transport and dispose of the contents therein.
- C. Abandon the privy consistent with applicable public health and environmental standards and obtain a permit for and install an approved onlot system meeting Title 25 Pa. Code Chapter 73 standards in the event that piped water, water under pressure or piped wastewater becomes available to the property.
- D. Permit the Agency to enter upon lands to inspect the privy for proper operations, maintenance and contents disposal.

Section 10. Violations. Any person who violates any provisions of Section 7, 8, or 9 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than Five-hundred (\$500.00) dollars and not more than Five Thousand (\$5,000.00) dollars and no cents, and in default of said fine and costs of undergo imprisonment in the county prison for a period not in excess of 90 days.

Section 11. Abatement of Nuisances. In addition to any other remedies provided in this ordinance, any violation of Section 9 above shall constitute a nuisance and shall be abated by the municipality or the Agency by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

Section 12. Repeal. All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

Section 13. Severability. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the

intent of the (appropriate formal title of the legislative body of the municipality) (Board of Supervisors of the Township) that this ordinance would have been adopted has such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 14. Effective Date. This ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an ordinance this _____ day of _____ A.D., 20 _____, by the _____ (Council members) _____ (Supervisors) of the _____ of _____ County in Lawful Session duly assembled.

(Council members) (Supervisors) OF
THE (Township) (Borough) OF

CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy of an ordinance adopted by the

_____ of the _____
(Supervisors) (Council members)

(Township (Borough) , _____ County, Pennsylvania, at
a regular meeting of the Board on _____.

Secretary

**MODEL
HOLDING TANK ORDINANCE**

BE IT ENACTED AND ORDAINED by the _____ (Supervisors)
(Council members) _____ of _____ (Township) (Borough) _____ of
County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Purposes. The purpose of this Ordinance is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage whether from residential or commercial uses. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

Section 2. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. “Agency” shall mean _____ (Supervisors) (Council members)
of _____ Township, _____ County, Pennsylvania.
- B. “Holding Tank” shall mean a watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.
- C. “Improved Property” shall mean any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.
- D. “Owner” shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- E. “Person” shall mean any individual, partnership, company, association, corporation or other group or entity.
- F. “Sewage” shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Stream Law (35 PS §§ 691.1-691.1001).
- G. “Municipality” shall mean _____ (Township) (Borough) _____.

Section 3. Right and privileges granted. That the Agency is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

Section 4. Rules and Regulations. That the Agency is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

Section 5. Rules and Regulations to be in Conformity with Applicable Law. All such rules and regulations adopted by the Agency shall be in conformity with the provisions herein, all other ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 6. Rates and Charges. The Agency shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

Section 7. Exclusiveness of Rights and Privileges.

- A. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Agency, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- B. The Agency will receive, review and retain pumping receipts from permitted holding tanks.
- C. The Agency will complete and retain annual inspection reports for each permitted holding tank.

Section 8. Duties of Improved Property Owner. The owner of an improved property that utilizes a holding tank shall:

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

Section 9. Violations. Any person who violates any provisions of Section 8, shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than Five-hundred (\$500.00) dollars and not more than Five Thousand (\$5,000.00) dollars and no cents, and in default of said fine and costs of undergo imprisonment in the county prison for a period not in excess of 90 days.

Section 10. Abatement of Nuisances. In addition to any other remedies provided in this ordinance, any violation of Section 8 above shall constitute a nuisance and shall be abated by the municipality or the Agency by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

Section 11. Repeal. All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

Section 12. Severability. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the (appropriate formal title of the legislative body of the municipality) (Board of Supervisors of the Township) that this ordinance would have been adopted has such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 13. Effective Date. This ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an ordinance this _____ day of _____ A.D., 20____, by the _____ (Council members) _____ (Supervisors) of the _____ (Borough) (Township) of _____ County in Lawful Session duly assembled.

(Council members) (Supervisors) OF
THE (Township) (Borough) OF

CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy of an ordinance adopted by the

_____ (Supervisors) (Council members) _____ of the _____

_____ (Township) (Borough) , _____ County, Pennsylvania, at

a regular meeting of the Board on _____.

Secretary

MODEL ONLOT SEWAGE MANAGEMENT PROGRAM ORDINANCE

AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT OF ONLOT SUBSURFACE SEWAGE DISPOSAL FACILITIES THE (BOROUGH, TOWNSHIP) OF _____, _____ COUNTY, PA

The [Council] [Board of Supervisors] of the [Borough] [Township] of _____
_____, in the County of _____
and the Commonwealth of Pennsylvania, hereby ordains:

Section I. Short Title: Introduction; Purpose

- A. This ordinance shall be known any may be cited as “An ordinance providing for a Sewage Management Program for _____
[Borough] [Township].”
- B. In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, 35 P.S. §§691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §750.1 *et seq.* known as Act 537), it is the power and the duty of [Name of Borough or Township] to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for _____ indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.
- C. The purpose of this ordinance is to provide for the regulation, inspection, maintenance and rehabilitation of onlot sewage disposal systems; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

Section II. Definitions

- A. “Authorized Agent” shall mean a sewage enforcement officer, employee of the [Borough or Township], professional engineer, plumbing inspector, or any other qualified or licensed person who is authorized to function within specified limits as an agent of _____
to administer or enforce the provisions of this ordinance.
- B. “Board” shall mean the Board of Supervisors, _____
Township, _____ County, Pennsylvania.
- C. “Borough” shall mean the Borough of _____,
_____ County, Pennsylvania.
- D. “Community Sewage System” shall mean any system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

- E. “Council” shall mean the Council of the Borough of _____ ,
_____ County, Pennsylvania.
- F. “Department” shall mean the Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).
- G. “Individual Sewage System” shall mean a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.
- H. “Malfunction” shall mean a condition which occurs when an onlot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.
- I. “Official Sewage Facilities Plan” shall mean a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the [Board or Council] and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.
- J. “Onlot Sewage Disposal System” shall mean any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewage systems.
- K. “Person” shall mean any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau of agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.
- L. “Rehabilitation” shall mean work done to modify, alter, repair, enlarge or replace an existing onlot sewage disposal system.
- M. “Sewage” shall mean 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 animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as “The Clean Streams Law,” as amended.
- N. “Sewage Enforcement Office (SEO)” shall mean a person certified by DEP who is employed by the [Borough or Township]. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by the [Borough or Township].

- O. “Sewage Management District” shall mean any area or areas of the [Borough or Township] designated in the Official Sewage Facilities Plan adopted by the [Council or Board] as an area for which a Sewage Management program is to be implemented.
- P. “Sewage Management Program” shall mean a comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the [Council or Board] to effectively enforce and administer this ordinance.
- Q. “Subdivision” shall mean the division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.
- R. “Township” shall mean the township of _____,
_____ County, Pennsylvania.
- S. For the purposes of this ordinance, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and Regulations promulgated thereto.

Section III. Applicability

- A. From the effective date of this ordinance, its provisions shall apply in any portion of the [Borough or Township] identified in the Official Sewage Facilities Plan as a sewage management district. Within such as area or areas, the provisions of this ordinance shall apply to all persons owning any property serviced by an onlot sewage disposal system and to all persons installing or rehabilitating onlot sewage disposal systems.

Section IV. Permit Requirements

- A. No person shall install, construct or request bid proposals for construction, or alter 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 sewage enforcement officer which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law (35 P.S. §§691.1-691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 *et seq.*) and the regulations adopted pursuant to those Acts.
- B. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by a sewage enforcement officer. If 72 hours have elapsed, excepting Sundays and Holidays, since the sewage enforcement office issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission has been specifically refused by the sewage enforcement officer.
- C. Applicants for sewage permits may be required to notify the sewage enforcement officer of the schedule for construction of the permitted onlot sewage disposal system so that inspection(s) in addition to the final

inspection required by the Sewage Facilities Act may be scheduled and performed by a sewage enforcement officer.

- D. No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from a sewage enforcement officer.
- E. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the [Borough or Township] receive written notification from a sewage enforcement officer that such a permit will not be required. The sewage enforcement officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.
- F. Sewage permits may be issued only by a sewage enforcement officer employed by the [Borough or Township]. DEP shall be notified as to the identify of each sewage enforcement officer employed by [Borough or Township].

Section V. Inspections

- A. Any onlot sewage disposal system may be inspected by an authorized agent at any reasonable time as of the effective date of this ordinance.
- B. Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.
- C. An authorized agent shall have the right to enter upon land for the purposes of inspections described in this section.
- D. An initial inspection shall be conducted by an authorized agent within one year of the effective date of this ordinance for the purpose of determining the type and functional status of each sewage disposal system in the sewage management district. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the [Borough or Township] records.
- E. A schedule of routine inspections may be established to assure the proper functioning of the sewage systems in the sewage management district.
- F. An authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the authorized agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of DEP including, but not limited to, those outlined in Chapter 73 of Title 25 of Pennsylvania Code or, is not technically or financially feasible in the opinion of the authorized agent and a representative of DEP; then action by the property owner to mitigate the malfunction shall be required.
- G. If there arises a geographic area where numerous onlot sewage disposal systems are malfunctioning, a resolution of these area wide problems may necessitate detailed planning and a revision to the portion of

the Sewage Facilities Plan pertaining to areas affected by such malfunctions. If a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action will be compelled whenever a malfunction, as determined by [Borough or Township] officials and/or DEP, represents a serious public health or environmental threat.

Section VI. Operation

- A. Only normal domestic wastes shall be discharged into any onlot sewage disposal system. The following shall not be discharged into the system.
 - 1. Industrial waste.
 - 2. Automobile oil and other non-domestic oil.
 - 3. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
 - 4. Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains.

Section VII. Maintenance

- A. Each person owning a building served by an onlot sewage disposal system which contains a septic tank shall have the septic tank pumped by a qualified pumper/hauler within six months of the effective date of this ordinance. Thereafter that person shall have the tank pumped at least once every three years or whenever an inspection reveals that the septic tank is filled with solids or with scum in excess of 1/3 of the liquid depth of the tank. Receipts from the pumper/hauler shall be submitted to the [Borough or Township] within the prescribed six month and three year pumping periods.
- B. The required pumping frequency may be increased at the discretion of an authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown. If any person can prove that such person's septic tank had been pumped within three years of the six-month anniversary of the effective date of this ordinance, then that person's initial required pumping may be delayed to conform to the general three-year frequency requirement except where an inspection reveals a need for more frequent pumping frequencies.
- C. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement, from the pumper/hauler or from any other qualified individual acceptable to the [Borough or Township], that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact a sewage enforcement officer for approval of the necessary repair.
- D. Any person owning or building served by an onlot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the [Borough or Township] within six months of the effective date of this ordinance.

Thereafter, service receipts shall be submitted to the [Borough or Township] at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.

- E. Additional maintenance activity may be required as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

Section VIII. System Rehabilitation

- A. No person shall operate or maintain an onlot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit for such discharge has been obtained from DEP.
- B. A written notice of violation shall be issued to any person who is the owner of any property which is found to be served by a malfunctioning onlot sewage disposal system or which is discharging sewage without a permit.
- C. Within seven (7) days of notification by the [Borough or Township] that a malfunction has been identified, the property owner shall make application to the sewage enforcement officer for a permit to repair or replace the malfunctioning system. Within 30 days of initial notification by the [Borough or Township], construction of the permitted repair or replacement shall commence. Within 60 days of the original notification by the [Borough or Township], the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the [Borough or Township] shall set an extended completion date.
- D. A sewage enforcement officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal areas, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site.
- E. In lieu of, or in combination with, the remedies described in Subsection D above, a sewage enforcement officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.
- F. In the event that the rehabilitation measures in Subsections A through E are not feasible or effective, the owner may be required to apply for a permit to install an individual spray irrigation treatment system or to DEP for a single residence treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within 30 days.
- G. Should none of the remedies described in this Section be totally effective in eliminating the malfunction of an existing onlot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The [Borough or Township] may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

Section IX. Liens

The [Borough or Township], upon written notice from a sewage enforcement officer that an imminent health hazard exists due to failure of property owner to maintain, repair or replace an onlot sewage disposal system as provided under the terms of this ordinance, shall have the authority to perform, or contract to have performed, the work required by the sewage enforcement officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefor in accordance with law.

Section X. Disposal of Septage

- A. All septage originating within the sewage management district shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101 *et seq.*) and all other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.
- B. Pumper/haulers of septage operating within the sewage management district shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101–6018.1003) and all other applicable laws.

Section XI. Administration

- A. The [Borough or Township] shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this ordinance.
- B. The [Borough or Township] shall employ qualified individuals to carry out the provisions of this ordinance. Those employees shall include a sewage enforcement officer and may include an administrator and such other persons as may be necessary. The [Borough or Township] may also contract with private qualified persons or firms as necessary to carry out the provisions of this ordinance.
- C. All permits, records, reports, files and other written materials relating to the installation, operation and maintenance and malfunction of onlot sewage disposal systems in the sewage management district shall become the property of, and be maintained by, the [Borough or Township]. Existing and future records shall be available for public inspection during regular business hours at the official office of the [Borough or Township]. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of DEP.
- D. The [township board/borough council] shall establish all administrative procedures necessary to properly carry out the provisions of this ordinance.
- E. The [township board/borough council] may establish a fee schedule, and authorize the collection of fees, to cover the cost to [Borough or Township] of administering this program.

Section XII. Appeals

- A. Appeals from final decisions of the [Borough or Township] or any of its authorized agents under this ordinance shall be made to the [borough council/board of supervisors] in writing within 30 days from the date of written notification of the decision in question.
- B. The appellant shall be entitled to a hearing before the [borough council/board of supervisors] at its next regularly scheduled meeting, if a written appeal is received at least 14 days prior to that meeting. If the appeal is received within 14 days of the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting. The municipality shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the [Borough or Township]. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.
- C. A decision shall be rendered in writing within 30 days of the date of the hearing.

Section XIII. Penalties

Any person failing to comply with any provision of this ordinance shall be subject to a fine of not less than Five-Hundred dollars (\$500) and costs, and not more than Five Thousand dollars (\$5,000) and costs, or in default thereof shall be confined in the county jail for a period of not more than 90 days. Each day of noncompliance shall constitute a separate offense.

Section XIV. Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section XV. Severability

If any section or clause of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

Duly Enacted and Ordained this _____ day of _____,
20___ by the [borough council/board of supervisors] of the (borough/township) of _____
_____, County, Pennsylvania, in lawful sessions duly assembled.

[borough or township] of _____
_____County, Pennsylvania

ATTEST:

Secretary

BY: _____
Chairman of the (borough council) (board of supervisors)

MODEL PREEMPTION OF 10-ACRE PERMIT EXEMPTION ORDINANCE

TOWNSHIP OF _____
_____ COUNTY
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE PERMITTING OF ALL ONLOT
SEWAGE DISPOSAL SYSTEMS PROPOSED TO BE INSTALLED ON ALL
LOTS IN _____ TOWNSHIP, REGARDLESS OF LOT
SIZE, AND PROVIDING PENALTIES AND ENFORCEMENT REMEDIES

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania adopted, and the Governor of said Commonwealth approved, under the date of January 124, 1966, P.L. 1535, No. 537 (35 P.S. §§750.1-750.20), known as the Pennsylvania Sewage Facilities Act, which Act has been subsequently amended and is referred to hereinafter as the "Act";

WHEREAS, Section 4 of the Act of December 14, 1994 (P.L. 1250, No. 149) contains an amendment to Section 7(a) of the Act which provides that, except where a local agency or municipality requires a permit by ordinance, certain owners of lots 10 acres or larger are exempt from the requirements of the Act to obtain a permit for the installation of an onlot sewage disposal system on such person's lot:

WHEREAS, the Township of _____ is a municipality as defined in Section 2 of the Act.

WHEREAS, Section 7(a)(1) of the Act, as amended by the Act of December 14, 1994, authorizes the Township to enact an ordinance requiring a permit for the installation of all onlot sewage disposal systems within the Township, including those proposed to be installed on lots 10 acres or larger, irrespective of whether any such lot 10 acres or larger otherwise qualifies for an exemption from the permitting requirements of the Act; and

WHEREAS, the Township of _____ desires that permits be required for the installation of onlot sewage disposal systems on all lots 10 acres or larger which lots otherwise qualify for an exemption from the permitting requirements of the Act;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of _____ Township, _____ County, Pennsylvania, as follows:

Section I. Short Title, Statutory Basis, Purpose

1. This ordinance shall be known as the "_____ Township Onlot Sewage Disposal System Permit Ordinance."

2. This ordinance is adopted pursuant to Section 7(a)(1) of the Pennsylvania Sewage Facilities Act, as amended (35 P.S. §740.7(a)(1)).

3. The purpose of this Ordinance is to provide for the permitting of all onlot sewage disposal systems within the Township in accordance with the standards and regulations of 25 Pa. Code Chapters 72 and 73, including those systems otherwise eligible for an exemption from the permitting requirements of the Act, as authorized by Section 7(a)(1) of the Act.

Section II. Permit Requirements

1. From and after the effective date of this ordinance, all persons proposing to install an onlot sewage disposal system on any lot within the Township, including those persons proposing to install such a system on a lot 10 acres or larger and who are otherwise qualified for a permit exemption in accordance with the provisions of Section 7(a)(1) of the Act, shall apply to the Township for a permit for the installation of such system.

2. No person shall install or commence construction of any onlot sewage disposal system for which a permit is required until such permit has been issued by a Sewage Enforcement Officer employed by or contracted to the Township.

Section III. Enforcement

1. Any person violating any of the provisions of this ordinance shall be subject to the civil and criminal penalties authorized pursuant to Sections 13 and 13.1 of the Act, as amended. Note: The penalties are not specified here because of the delayed effective date of the penalty provisions of the 1994 amendments to the Act. Those provisions become effective December 15, 1995. Thus, the incorporation by reference.

2. In addition to the penalties for non-compliance set forth in subsection 1 above, it is further provided that all of the civil and equitable remedies set forth in Sections 12, 14 and 15 of the Act (35 P.S. §§750.12, 750.14 and 750.15), as amended, shall be applicable to violations of this ordinance.

Section IV. Repealer

All ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section V. Severability

If any section or clause of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions of this Ordinance which shall be deemed severable therefrom.

Section VI. Effective Date

This ordinance shall be effective immediately upon enactment [or such time as desired by Township].

ENACTED AND ORDAINED into an ordinance this _____ day of _____ A.D. 20____, by the _____ of the _____ of County in Lawful Session duly Assembled.

TOWNSHIP
SUPERVISORS

CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy of an ordinance adopted by the

_____ (Supervisors) (Council members) _____ of the _____

_____ (Township) (Borough) , _____ County, Pennsylvania, at

a regular meeting of the Board on _____.

_____ Secretary

APPENDIX E

FUNDING SOURCES FOR SEWAGE FACILITIES

The following is a list of some common sources of funding for the construction of sewage facilities in Pennsylvania. Detailed information can be obtained from the agencies listed.

USDA Rural Development Agency — A program of loans and grants to rural communities for construction of improved sewage facilities (collection and treatment).

Contact: **USDA Rural Development
Rural Utilities Services
Suite 330, One Credit Union Place
Harrisburg, PA 17110-2996
(717) 237-2188
<http://www.rurdev.usda.gov/pa>**

Pennsylvania Infrastructure Investment Authority (PENNVEST) — A program of loans and grants to communities for the construction of new or improved sewage facilities. PENNVEST funding is available to both public and private owners of operators of wastewater systems. PENNVEST programs currently include loans to eligible owners of residential homes to finance the installation of replacement onlot sewage disposal systems.

Contact: **PENNVEST
4th Floor Keystone Building
22 South 3rd Street
Harrisburg, PA 17101
(717) 787-8137
<http://www.pennvest.state.pa.us/>**

Small Communities Development Block Program (SCDBG) — A program of financial assistance through the PA Department of Community and Economic Development that provides up to \$350,000 per eligible municipality for sewage facilities.

Contact: **PA Department of Community and Economic Development
Office of Community Development
4th Floor Commonwealth Keystone Building
Harrisburg, PA 17120
(717) 787-5327
<http://www.inventpa.com/>**

Infrastructure Development Program — A state grants program that may provide grants for construction of sewage facilities collection lines.

Contact: **PA Department of Community and Economic Development**
Center for Business Finance
Grants Division
Commonwealth Keystone Building
400 North St., Fourth Floor
Harrisburg, PA 17120
(717) 787-7120
(717) 772-3581 Fax
<http://www.inventpa.com/>

Economic Development Administration — A program of federal grants and loans for sanitary sewer systems which stimulate economic growth.

Contact: **Economic Development Administration**
Curtis Center
Suite 140 South
Independence Square West
Philadelphia, PA 19106
(215) 597-4603
<http://www.osec.doc.gov/eda>

or

Economic Development Administration
523 North Broad Street
West Hazleton, PA 18202-1107
(570) 459-6861

APPENDIX F

MODEL RESOLUTIONS OF ADOPTION

MODEL RESOLUTION FOR PLAN REVISION

RESOLUTION OF THE COUNCIL OF _____ BOROUGH (city),
_____ COUNTY, PENNSYLVANIA (hereinafter "the municipality").

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act," as amended, and the Rules and Regulations of the Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the **Pennsylvania Code**, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality, and

WHEREAS, _____
has prepared a _____
which provides a for sewage facilities in a portion of _____
Borough, and

The alternative of choice to be implemented is _____.
_____. The key implementation activities/dates include _____.

WHEREAS, _____ Borough finds that the Facility Plan described above conforms to applicable zoning, subdivision, other municipal ordinances and plans and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of _____ hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Plan" of the municipality, the above referenced Facility Plan. The municipality hereby assures the Department of the complete and timely implementation of the said plan as required by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).

I, _____, Secretary,
_____ Borough Council, hereby certify that the foregoing is a true copy of the Borough's (city's) Resolution No. _____, adopted _____, 20 ____.

AUTHORIZED SIGNATURE

BOROUGH SEAL

**MODEL
RESOLUTION FOR PLAN REVISION**

RESOLUTION OF THE SUPERVISORS OF _____ TOWNSHIP,
_____ COUNTY, PENNSYLVANIA (hereinafter "the municipality").

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act," as amended, and the Rules and Regulations of the Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the **Pennsylvania Code**, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality, and

WHEREAS, _____
has prepared a _____
which provides a for sewage facilities in a portion of _____
Township, and

The alternative of choice to be implemented is _____
_____. The key implementation activities/dates include
_____.

WHEREAS, _____ Township finds that the Facility Plan
described above conforms to applicable zoning, subdivision, other municipal ordinances and plans and to a
comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Supervisors of the Township of _____
_____ hereby adopt and submit to the Department of
Environmental Protection for its approval as a revision to the "Official Plan" of the municipality, the above
referenced Facility Plan. The municipality hereby assures the Department of the complete and timely
implementation of the said plan as required by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).

I, _____, Secretary,
_____ Township Board of Supervisors hereby certify that the
foregoing is a true copy of the Township's Resolution No. _____, adopted
_____, 20 ____.

AUTHORIZED SIGNATURE

TOWNSHIP SEAL

APPENDIX G

This Appendix contains the most recent version of the *Application For Sewage Facilities Planning Assistance* form available at the time of publishing this guidance. Periodically, this document is revised by DEP. The most current version is available from your DEP Regional Office (see Appendix J) or may be obtained online at www.dep.state.pa.us . To access the correct area of the website, use PA Keyword: “Wastewater,” select “Act 537 Sewage Facilities Electronic Forms” and “Act 537 Sewage Facilities Program Administration Forms.”



APPLICATION FOR ACT 537 SEWAGE FACILITIES PLANNING ASSISTANCE

A completed application for sewage facilities planning assistance consists of:

- A. Two (2) copies of this form completed by the lead agency or municipality.
- B. One (1) copy of the following administrative action documents:
 - 1. Resolutions adopting the Plan by all participating municipalities.
 - 2. Comments by the Planning Commission with areawide jurisdiction of the Plan.
 - 3. DEP's letter approving the Plan.
 - 4. When the applicant for a planning grant is not a municipality, written proof that the municipality has authorized the applicant to receive the grant shall be submitted with the application.
- C. One (1) copy of:
 - 1. The Official Plan.
 - 2. DEP's approved Task Activity Report (T/AR) or Plan or Study (POS).
 - 3. Invoices documenting the cost of the Plan.
 - 4. Proof of payment in the form of cancelled checks.

The completed application must be submitted to:

**Department of Environmental Protection
Bureau of Water Supply and Wastewater Management
Division of Wastewater Management
11th Floor, Rachel Carson State Office Building
P.O. Box 8774
Harrisburg, PA 17105-8774**



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER SUPPLY AND WASTEWATER MANAGEMENT

DATE SUBMITTED:

APPLICATION FOR ACT 537 SEWAGE FACILITIES PLANNING ASSISTANCE

1. APPLICANT		TELEPHONE		FEDERAL E.I.N. No.	
2. ADDRESS		CITY		ZIP	
				COUNTY	
3. OFFICIAL OF APPLICANT		TITLE		DEPARTMENT USE ONLY Review Initials and Approval Dates Central Office ____ / ____ / ____ ____ / ____ / ____	
PLANNING BOARD OR COMMISSION				Paid V.T. # _____ Check No. _____ Date of Check _____	
1. NAME OF PLANNING AGENCY		TELEPHONE			
2. ADDRESS		CITY			
		ZIP		COUNTY	
3. CHAIRMAN OF AGENCY			POLITICAL SUBDIVISION SERVED:		
IF THE PLAN SUBMITTED IS A JOINT EFFORT LIST THE POLITICAL SUBDIVISIONS AND PLANNING AREAS					
4. NAME OF POLITICAL SUBDIVISION		PLANNING AREA		FOR APPLICANT USE 5. THE OFFICIAL PLAN IS: • A new plan • A revision of existing plan • A part of a comprehensive plan 6. DATE PLANNING STARTED: 7. DATE OFFICIAL PLAN COMPLETE:	
10. NAME OF PLANNING CONSULTANT SUBDIVISION		11. ADDRESS OF PLANNING CONSULTANT		8. DATE OFFICIAL PLAN ADOPTED: 9. DATE OFFICIAL PLAN APPROVED BY DEP:	
TELEPHONE:					
PLANNING ASSISTANCE INFORMATION			AFFIDAVIT		
COST OF OFFICIAL PLAN ATTACH INVOICES	\$	COMMONWEALTH OF PENNSYLVANIA COUNTY OF: I, _____ being duly sworn according to law depose and say that I am an official of the applicant and that the information included in this application and documents attached as a part of the application are true and correct to the best of my knowledge and belief. Sworn to and subscribed before me this _____ day of _____ 20 ____ . <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> _____ Signature of Notary Public </div> <div style="width: 45%;"> _____ Signature of Applicant's Official </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> _____ MY COMMISSION EXPIRES: </div> <div style="width: 45%;"> _____ TITLE </div> </div> <div style="text-align: center; margin-top: 20px;"> SEAL </div>			
FUNDS PREVIOUSLY RECEIVED FROM THIS DEPARTMENT OR OTHER AGENCIES					
AGENCY:	\$				
DATE:					
AGENCY:	\$				
DATE:					
AGENCY:	\$				
DATE:					
TOTAL RECEIVED	\$				
APPLICANT'S SHARE OF COST	\$				
AMOUNT REQUESTED - EQUAL TO ½ OF APPLICANT'S SHARE	\$				

APPENDIX I

ACT 537 PLAN CONTENT AND ENVIRONMENTAL ASSESSMENT CHECKLIST

This appendix contains the most recent version of the *Act 537 Plan Content and Environmental Assessment Checklist* form available at the time of publishing this guidance. Periodically, this checklist is revised by DEP. The most current version is available from your DEP Regional Office (see Appendix J) or may be obtained online at www.dep.state.pa.us . To access the correct area of the website, use PA Keyword: “Wastewater,” select “Act 537, Sewage Facilities Electronic Forms,” and “Act 537, Sewage Facilities Planning Packages.” Be sure to include an up-to-date checklist version with your Act 537 Plan submission.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER SUPPLY AND WASTEWATER MANAGEMENT

Instructions for Completing Act 537 Plan Content and Environmental Assessment Checklist

Remove and recycle these instructions prior to submission

CHECKLIST INSTRUCTIONS

These instructions are designed to assist the applicant in completing the Act 537 Plan Content and Environmental Assessment Checklist.

This checklist is composed of three parts: one for "General Information," one for "Administrative Completeness," and one for "General Plan Content". A plan must be "administratively complete" in order to be formally reviewed by DEP. The General Plan Content portion of the checklist identifies each of the issues that must be addressed in your Act 537 Plan Update based on the pre-planning meeting between you and/or your consultant and DEP.

Use the right-hand column blanks in the checklist to identify the page in the plan on which each planning issue is found or to reference a previously approved update or special study (title and page number).

If you determine a planning issue is not applicable even though it was previously thought to be needed, please explain your decision within the text of the plan (or as a footnote) and indicate the page number where this documentation is found.

When information required as part of an official plan update revision has been developed separately or in a previous update revision, incorporate the information by reference to the planning document and page.

For specific details covering the Act 537 planning requirements, refer to Chapters 71 and 73 of DEP's regulations.

Wastewater projects proposing funding through the following sources must prepare an "Environmental Report" as described in the Uniform Environmental Review Process (UER) and include it with the plan submission designated as "Plan-Appendix A". The following funding programs use the UER process.

- The Clean Water State Revolving Loan Fund (PENNVEST, DEP, EPA)
- The RUS Water and Waste Disposal Grant and Loan Program (USDA-RD)
- The Community Development Block Grant Program (DCED, HUG)
- Other Federal Funding Efforts (EPA)

The checklist items or portions of checklist items required in the Act 537 Plan Update revision and that are also included in the UER process are indicated by **shading**. Most of the "Environmental Report" document may be constructed from the Act 537 Official Plan Update revision by using "copy & paste" techniques. The technical guidance document *Uniform Environmental Review Process* (UER) (DEP ID. 381-5511-111) is available electronically on DEP's website at www.dep.state.pa.us.

After Municipal Adoption by Resolution, submit three copies of the plan, any attachments or addenda and this checklist to DEP.

A copy of this completed checklist must be included with your Act 537 plan. DEP will use the "DEP USE ONLY" column during the completeness evaluation of the plan. This column may also be used by DEP during the pre-planning meeting with the municipality to identify planning elements that are not required to be included in the plan.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER SUPPLY AND WASTEWATER MANAGEMENT

Act 537 Plan Content and Environmental Assessment Checklist

PART 1 GENERAL INFORMATION

A. Project Information

1. Project Name

2. Brief Project Description

B. Client (Municipality) Information

Municipality Name	County	City <input type="checkbox"/>	Boro <input type="checkbox"/>	Twp <input type="checkbox"/>
Municipality Contact Individual - Last Name	First Name	MI	Suffix	Title
Additional Individual Last Name	First Name	MI	Suffix	Title
Municipality Mailing Address Line 1		Mailing Address Line 2		
Address Last Line -- City		State	ZIP+4	
Phone + Ext.	FAX (optional)	Email (optional)		

C. Site Information

Site (or Project) Name	(Municipal Name) Act 537 Plan
Site Location Line 1	Site Location Line 2

D. Project Consultant Information

Last Name	First Name	MI	Suffix
Title	Consulting Firm Name		
Mailing Address Line 1	Mailing Address Line 2		
Address Last Line -- City	State	ZIP+4	Country
Email	Phone + Ext.	FAX	

PART 2 ADMINISTRATIVE COMPLETENESS CHECKLIST

DEP Use Only	Indicate Page #(s) in Plan	In addition to the main body of the plan, the plan must include items one through eight listed below to be accepted for formal review by the department. Incomplete Plans will be returned unless the municipality is clearly requesting an advisory review.
_____	_____	1. Table of Contents
_____	_____	2. Plan Summary
_____	_____	A. Identify the proposed service areas and major problems evaluated in the plan. (Reference - Title 25, §71.21.a.7.i).
_____	_____	B. Identify the alternative(s) chosen to solve the problems and serve the areas of need identified in the plan. Also, include any institutional arrangements necessary to implement the chosen alternative(s). (Reference Title 25 §71.21.a.7.ii).
_____	_____	C. Present the estimated cost of implementing the proposed alternative (including the user fees) and the proposed funding method to be used. (Reference Title 25, §71.21.a.7.ii).
_____	_____	D. Identify the municipal commitments necessary to implement the Plan. (Reference Title 25, §71.21.a.7.iii).
_____	_____	E. Provide a schedule of implementation for the project that identifies the MAJOR milestones with dates necessary to accomplish the project to the point of operational status. (Reference Title 25, §71.21.a.7.iv).
_____	_____	3. Municipal Adoption: Original , signed and sealed Resolution of Adoption by the municipality which contains, at a minimum, alternatives chosen and a commitment to implement the Plan in accordance with the implementation schedule. (Reference Title 25, §71.31.f) Section V.F. of the Planning Guide.
_____	_____	4. Planning Commission / County Health Department Comments: Evidence that the municipality has requested, reviewed and considered comments by appropriate official planning agencies of the municipality, planning agencies of the county, planning agencies with area wide jurisdiction (where applicable), and any existing county or joint county departments of health. (Reference-Title 25, §71.31.b) Section V.E.1 of the Planning Guide.
_____	_____	5. Publication: Proof of Public Notice which documents the proposed plan adoption, plan summary, and the establishment and conduct of a 30 day comment period. (Reference-Title 25, §71.31.c) Section V.E.2 of the Planning Guide.
_____	_____	6. Comments and Responses: Copies of ALL written comments received and municipal response to EACH comment in relation to the proposed plan. (Reference-Title 25, §71.31.c) Section V.E.2 of the Planning Guide.
_____	_____	7. Implementation Schedule: A complete project implementation schedule with milestone dates specific for each existing and future area of need. Other activities in the project implementation schedule should be indicated as occurring a finite number of days from a major milestone. (Reference-Title 25, §71.31.d) Section V.F. of the Planning Guide. Include dates for the future initiation of feasibility evaluations in the project's implementation schedule for areas proposing completion of sewage facilities for planning periods in excess of five years. (Reference Title 25, §71.21.c).
_____	_____	8. Consistency Documentation: Documentation indicating that the appropriate agencies have received, reviewed and concurred with the method proposed to resolve identified inconsistencies within the proposed alternative and consistency requirements in 71.21.(a)(5)(i-iii). (Reference-Title 25, §71.31.e). Appendix B of the Planning Guide.

PART 3 GENERAL PLAN CONTENT CHECKLIST

DEP Use Only	Indicate Page #(s) in Plan	Item Required
_____	_____	I. Previous Wastewater Planning
_____	_____	A. Identify, describe and briefly analyze all past wastewater planning for its impact on the current planning effort:
_____	_____	1. Previously undertaken under the Sewage Facilities Act (Act 537). (Reference-Act 537, Section 5 §d.1).
_____	_____	2. Has not been carried out according to an approved implementation schedule contained in the plans. (Reference-Title 25, §71.21.a.5.i.A-D). Section V.F of the Planning Guide.
_____	_____	3. Is anticipated or planned by applicable sewer authorities or approved under a Chapter 94 Corrective Action Plan. (Reference-Title 25, §71.21.a.5.i.A&B). Section V.D. of the Planning Guide.
_____	_____	4. Through planning modules for new land development, planning “exemptions” and addenda. (Reference-Title 25, §71.21.a.5.i.A).
_____	_____	II. Physical and Demographic Analysis utilizing written description and mapping (All items listed below require maps, and all maps should show all current lots and structures and be of appropriate scale to clearly show significant information).
_____	_____	A. Identification of planning area(s), municipal boundaries, Sewer Authority/Management Agency service area boundaries. (Reference-Title 25, §71.21.a.1.i).
_____	_____	B. Identification of physical characteristics (streams, lakes, impoundments, natural conveyance, channels, drainage basins in the planning area). (Reference-Title 25, §71.21.a.1.ii).
_____	_____	C. Soils - Analysis with description by soil type and soils mapping for areas not presently served by sanitary sewer service. Show areas suitable for in-ground onlot systems, elevated sand mounds, individual residential spray irrigation systems, and areas unsuitable for soil dependent systems. (Reference-Title 25, §71.21.a.1.iii). Show Prime Agricultural Soils and any locally protected agricultural soils. (Reference-Title 25, §71.21.a.1.iii).
_____	_____	D. Geologic Features - (1) Identification through analysis, (2) mapping and (3) their relation to existing or potential nitrate-nitrogen pollution and drinking water sources. Include areas where existing nitrate-nitrogen levels are in excess of 5 mg/L. (Reference-Title 25, §71.21.a.1.iii).
_____	_____	E. Topography - Depict areas with slopes that are suitable for conventional systems; slopes that are suitable for elevated sand mounds and slopes that are unsuitable for onlot systems. (Reference-Title 25, §71.21.a.1.ii).
_____	_____	F. Potable Water Supplies - Identification through mapping, description and analysis. Include public water supply service areas and available public water supply capacity and aquifer yield for groundwater supplies. (Reference-Title 25 §71.21.a.1.vi). Section V.C. of the Planning Guide.

- _____
- _____
- G. Wetlands-Identify wetlands as defined in Title 25, Chapter 105 by description, analysis and mapping. Include National Wetland Inventory mapping and potential wetland areas per USDA, SCS mapped hydric soils. Proposed collection, conveyance and treatment facilities and lines must be located and labeled, along with the identified wetlands, on the map. (Reference-Title 25, §71.21.a.1.v). Appendix B, Section II.I of the Planning Guide.

III. Existing Sewage Facilities in the Planning Area - Identifying the Existing Needs

- A. Identify, map and describe municipal and non-municipal, individual and community sewerage systems in the planning area including:

- _____
- _____
1. Location, size and ownership of treatment facilities, main intercepting lines, pumping stations and force mains including their size, capacity, point of discharge. Also include the name of the receiving stream, drainage basin, and the facility's effluent discharge requirements. (Reference-Title 25, §71.21a.2.i.A).
- _____
- _____
2. A narrative and schematic diagram of the facility's basic treatment processes including the facility's NPDES permitted capacity, and the Clean Streams Law permit number. (Reference-Title 25, §71.21.a.2.i.A).
- _____
- _____
3. A description of problems with existing facilities (collection, conveyance and/or treatment), including existing or projected overload under Title 25, Chapter 94 (relating to municipal wasteload management) or violations of the NPDES permit, Clean Streams Law permit, or other permit, rule or regulation of DEP. (Reference-Title 25, §71.21.a.2.i.B).
- _____
- _____
4. Details of scheduled or in-progress upgrading or expansion of treatment facilities and the anticipated completion date of the improvements. Discuss any remaining reserve capacity and the policy concerning the allocation of reserve capacity. Also discuss the compatibility of the rate of growth to existing and proposed wastewater treatment facilities. (Reference-Title 25, §71.21.a.4.i & ii).
- _____
- _____
5. A detailed description of the municipality's operation and maintenance requirements for small flow treatment facility systems, including the status of past and present compliance with these requirements and any other requirements relating to sewage management programs. (Reference-Title 25, §71.21.a.2.i.C).
- _____
- _____
6. Disposal areas, if other than stream discharge, and any applicable groundwater limitations. (Reference-Title 25, §71.21.a.4.i & ii).

- _____
- _____
- B. Using DEP's publication titled *Sewage Disposal Needs Identification*, identify, map and describe areas that utilize individual and community onlot sewage disposal and, unpermitted collection and disposal systems ("wildcat" sewers, borehole disposal, etc.) and retaining tank systems in the planning area including:

- _____
- _____
1. The types of onlot systems in use. (Reference-Title 25, §71.21.a.2.ii.A).
- _____
- _____
2. A sanitary survey complete with description, map and tabulation of documented and potential public health, pollution, and operational problems (including malfunctioning systems) with the systems, including violations of local ordinances, the Sewage Facilities Act, the Clean Stream Law or regulations promulgated thereunder. (Reference-Title 25, §71.21.a.2.ii.B).

3. A comparison of the types of onlot sewage systems installed in an area with the types of systems which are appropriate for the area according to soil, geologic conditions, topographic limitations sewage flows, and Title 25 Chapter 73 (relating to standards for sewage disposal facilities). (Reference-Title 25, §71.21.a.2.ii.C).

4. An individual water supply survey to identify possible contamination by malfunctioning onlot sewage disposal systems consistent with DEP's *Sewage Disposal Needs Identification* publication. (Reference-Title 25 §71.21.a.2.ii.B).

5. Detailed description of operation and maintenance requirements of the municipality for individual and small volume community onlot systems, including the status of past and present compliance with these requirements and any other requirements relating to sewage management programs. (Reference-Title 25, §71.21.a.2.i.C).

C. Identify wastewater sludge and septage generation, transport and disposal methods. Include this information in the sewage facilities alternative analysis including:

1. Location of sources of wastewater sludge or septage (Septic tanks, holding tanks, wastewater treatment facilities). (Reference-Title 25 §71.71).

2. Quantities of the types of sludges or septage generated. (Reference-Title 25 §71.71).

3. Present disposal methods, locations, capacities and transportation methods. (Reference-Title 25 §71.71).

IV. Future Growth and Land Development

A. Identify and briefly summarize all municipal and county planning documents adopted pursuant to the Pennsylvania Municipalities Planning Code (Act 247) including:

1. All land use plans and zoning maps that identify residential, commercial, industrial, agricultural, recreational and open space areas. (Reference-Title 25, §71.21.a.3.iv).

2. Zoning or subdivision regulations that establish lot sizes predicated on sewage disposal methods. (Reference – Title 25§71.21.a.3.iv).

3. All limitations and plans related to floodplain and stormwater management and special protection (Ch. 93) areas. (Reference-Title 25 §71.21.a.3.iv) Appendix B, Section II.F of the Planning Guide.

B. Delineate and describe the following through map, text and analysis.

1. Areas with existing development or plotted subdivisions. Include the name, location, description, total number of EDU's in development, total number of EDU's currently developed and total number of EDU's remaining to be developed (include time schedule for EDU's remaining to be developed). (Reference-Title 25, §71.21.a.3.i).

2. Land use designations established under the Pennsylvania Municipalities Planning Code (35 P.S. 10101-11202), including residential, commercial and industrial areas. (Reference-Title 25,§71.21.a.3.ii). Include a comparison of proposed land use as allowed by zoning and existing sewage facility planning. (Reference-Title 25, §71.21.a.3.iv).

3. Future growth areas with population and EDU projections for these areas using historical, current and future population figures and projections of the municipality. Discuss and evaluate discrepancies between local, county, state and federal projections as they relate to sewage facilities. (Reference-Title 25, §71.21.a.1.iv). (Reference-Title 25, §71.21.a.3.iii).

4. Zoning, and/or subdivision regulations; local, county or regional comprehensive plans; and existing plans of any other agency relating to the development, use and protection of land and water resources with special attention to: (Reference-Title 25, §71.21.a.3.iv).

--public ground/surface water supplies

--recreational water use areas

--groundwater recharge areas

--industrial water use

--wetlands

5. Sewage planning necessary to provide adequate wastewater treatment for five and ten year future planning periods based on projected growth of existing and proposed wastewater collection and treatment facilities. (Reference-Title 25, §71.21.a.3.v).

V. Identify Alternatives to Provide New or Improved Wastewater Disposal Facilities

A. Conventional collection, conveyance, treatment and discharge alternatives including:

1. The potential for regional wastewater treatment. (Reference-Title 25, §71.21.a.4).

2. The potential for extension of existing municipal or non-municipal sewage facilities to areas in need of new or improved sewage facilities. (Reference-Title 25, §71.21.a.4.i).

3. The potential for the continued use of existing municipal or non-municipal sewage facilities through one or more of the following: (Reference-Title 25, §71.21.a.4.ii).

a. Repair. (Reference-Title 25, §71.21.a.4.ii.A).

b. Upgrading. (Reference-Title 25, §71.21.a.4.ii.B).

c. Reduction of hydraulic or organic loading to existing facilities. (Reference-Title 25, §71.71).

d. Improved operation and maintenance. Reference-Title 25, §71.21.a.4.ii.C).

e. Other applicable actions that will resolve or abate the identified problems. (Reference-Title 25, §71.21.a.4.ii.D).

4. Repair or replacement of existing collection and conveyance system components. (Reference-Title 25, §71.21.a.4.ii.A).

5. The need for construction of new community sewage systems including sewer systems and/or treatment facilities. (Reference-Title 25, §71.21.a.4.iii).

6. Use of innovative/alternative methods of collection/conveyance to serve needs areas using existing wastewater treatment facilities. (Reference-Title 25, §71.21.a.4.ii.B).

- C. The use of small flow sewage treatment facilities or package treatment facilities to serve individual homes or clusters of homes with consideration of: (Reference-Title 25, §71.64.d).
 - 1. Treatment and discharge requirements. (Reference-Title 25, §71.64.d).
 - 2. Soil suitability. (Reference-Title 25, §71.64.c.1).
 - 3. Preliminary hydrogeologic evaluation. (Reference-Title 25, §71.64.c.2).
 - 4. Municipal, Local, Agency or other controls over operation and maintenance requirements through a Sewage Management Program. (Reference-Title 25, §71.64.d). See Part “F” below.
- D. The use of community land disposal alternatives including:
 - 1. Soil and site suitability. (Reference-Title 25, §71.21.a.2.ii.C).
 - 2. Preliminary hydrogeologic evaluation. (Reference-Title 25, §71.21.a.2.ii.C).
 - 3. Municipality, Local Agency or Other Controls over operation and maintenance requirements through a Sewage Management Program (Reference-Title 25, §71.21.a.2.ii.C). See Part “F” below.
 - 4. The rehabilitation or replacement of existing malfunctioning community land disposal systems. (See Part “V”, B, 4, a, b, c above). See also Part “F” below.

5. Financial guarantees when retaining tanks are used as an interim sewage disposal measure. (Reference-Title 25, §71.63.c.2).

F. Sewage Management Programs to assure the future operation and maintenance of existing and proposed sewage facilities through:

1. Municipal ownership or control over the operation and maintenance of individual onlot sewage disposal systems, small flow treatment facilities, or other traditionally non-municipal treatment facilities. (Reference-Title 25, §71.21.a.4.iv).
2. Required inspection of sewage disposal systems on a schedule established by the municipality. (Reference-Title 25, §71.73.b.1.).
3. Required maintenance of sewage disposal systems including septic and aerobic treatment tanks and other system components on a schedule established by the municipality. (Reference-Title 25, §71.73.b.2).
4. Repair, replacement or upgrading of malfunctioning onlot sewage systems. (Reference-Title 25, §71.21.a.4.iv) and §71.73.b.5 through:
 - a. Aggressive pro-active enforcement of ordinances that require operation and maintenance and prohibit malfunctioning systems. (Reference-Title 25, §71.73.b.5).
 - b. Public education programs to encourage proper operation and maintenance and repair of sewage disposal systems.
5. Establishment of joint municipal sewage management programs. (Reference-Title 25, §71.73.b.8).
6. Requirements for bonding, escrow accounts, management agencies or associations to assure operation and maintenance for non-municipal facilities. (Reference-Title 25, §71.71).

G. Non-structural comprehensive planning alternatives that can be undertaken to assist in meeting existing and future sewage disposal needs including: (Reference-Title 25, §71.21.a.4).

1. Modification of existing comprehensive plans involving:
 - a. Land use designations. (Reference-Title 25, §71.21.a.4).
 - b. Densities. (Reference-Title 25, §71.21.a.4).
 - c. Municipal ordinances and regulations. (Reference-Title 25, §71.21.a.4).
 - d. Improved enforcement. (Reference-Title 25, §71.21.a.4).
 - e. Protection of drinking water sources. (Reference-Title 25, §71.21.a.4).
2. Consideration of a local comprehensive plan to assist in producing sound economic and consistent land development. (Reference-Title 25, §71.21.a.4).
3. Alternatives for creating or changing municipal subdivision regulations to assure long-term use of on-site sewage disposal that consider lot sizes and protection of replacement areas. (Reference-Title 25, §71.21.a.4).
4. Evaluation of existing local agency programs and the need for technical or administrative training. (Reference-Title 25, §71.21.a.4).

H. A no-action alternative which includes discussion of both short-term and long-term impacts on: (Reference-Title 25, §71.21.a.4).

1. Water Quality/Public Health. (Reference-Title 25, §71.21.a.4).
2. Growth potential (residential, commercial, industrial). (Reference-Title 25, §71.21.a.4).
3. Community economic conditions. (Reference-Title 25, §71.21.a.4).
4. Recreational opportunities. (Reference-Title 25, §71.21.a.4).
5. Drinking water sources. (Reference-Title 25, §71.21.a.4).
6. Other environmental concerns. (Reference-Title 25, §71.21.a.4).

VI. Evaluation of Alternatives

A. Technically feasible alternatives identified in Section V of this check-list must be evaluated for consistency with respect to the following: (Reference-Title 25, §71.21.a.5.i.).

1. Applicable plans developed and approved under **Sections 4 and 5 of the Clean Streams Law or Section 208 of the Clean Water Act** (33 U.S.C.A. 1288). (Reference-Title 25, §71.21.a.5.i.A). Appendix B, Section II.A of the Planning Guide.

2. Municipal wasteload management **Corrective Action Plans or Annual Reports** developed under PA Code, Title 25, Chapter 94. (Reference-Title 25, §71.21.a.5.i.B). The municipality's recent Wasteload Management (Chapter 94) Reports should be examined to determine if the proposed alternative is consistent with the recommendations and findings of the report. Appendix B, Section II.B of the Planning Guide.

3. Plans developed under **Title II of the Clean Water Act** (33 U.S.C.A. 1281-1299) or **Titles II and VI of the Water Quality Act of 1987** (33 U.S.C.A. 1251-1376). (Reference-Title 25, §71.21.a.5.i.C). Appendix B, Section II.E of the Planning Guide.

4. **Comprehensive plans** developed under the Pennsylvania Municipalities Planning Code. (Reference-Title 25, §71.21.a.5.i.D). The municipality's comprehensive plan must be examined to assure that the proposed wastewater disposal alternative is consistent with land use and all other requirements stated in the comprehensive plan. Appendix B, Section II.D of the Planning Guide.

5. **Antidegradation requirements** as contained in PA Code, Title 25, Chapters 93, 95 and 102 (relating to water quality standards, wastewater treatment requirements and erosion control) and the Clean Water Act. (Reference-Title 25, §71.21.a.5.i.E). Appendix B, Section II.F of the Planning Guide.

6. **State Water Plans** developed under the Water Resources Planning Act (42 U.S.C.A. 1962-1962 d-18). (Reference-Title 25, §71.21.a.5.i.F). Appendix B, Section II.C of the Planning Guide.

7. **Pennsylvania Prime Agricultural Land Policy** contained in Title 4 of the Pennsylvania Code, Chapter 7, Subchapter W. Provide narrative on local municipal policy and an overlay map on prime agricultural soils. (Reference-Title 25, §71.21.a.5.i.G). Appendix B, Section II.G of the Planning Guide.

8. **County Stormwater Management Plans** approved by DEP under the Storm Water Management Act (32 P.S. 680.1-680.17). (Reference-Title 25, §71.21.a.5.i.H). Conflicts created by the implementation of the proposed wastewater alternative and the existing recommendations for the management of stormwater in the county Stormwater Management Plan must be evaluated and mitigated. If no plan exists, no conflict exists. Appendix B, Section II.H of the Planning Guide.

9. **Wetland Protection.** Using wetland mapping developed under Checklist Section II.G, identify and discuss mitigative measures including the need to obtain permits for any encroachments on wetlands from the construction or operation of any proposed wastewater facilities. (Reference-Title 25, §71.21.a.5.i.I) Appendix B, Section II.I of the Planning Guide.

10. **Protection of rare, endangered or threatened plant and animal species** as identified by the Pennsylvania Natural Diversity Inventory (PNDI). (Reference-Title 25, §71.21.a.5.i.J). Provide DEP with a copy of the completed Request For PNDI Search document. Also provide a copy of the response letter from the Department of Conservation and Natural Resources' Bureau of Forestry regarding the findings of the PNDI search. Appendix B, Section II.J of the Planning Guide.

11. **Historical and archaeological resource protection** under P.C.S. Title 37, Section 507 relating to cooperation by public officials with the Pennsylvania Historical and Museum Commission. (Reference-Title 25, §71.21.a.5.i.K). Provide the department with a completed copy of a Cultural Resource Notice request of the Bureau of Historic Preservation (BHP) to provide a listing of known historical sites and potential impacts on known archaeological and historical sites. Also provide a copy of the response letter from the BHP. Appendix B, Section II.K of the Planning Guide.

B. Provide for the resolution of any inconsistencies in any of the points identified in Section VI.A. of this checklist by submitting a letter from the appropriate agency stating that the agency has received, reviewed and concurred with the resolution of identified inconsistencies. (Reference-Title 25, §71.21.a.5.ii). Appendix B of the Planning Guide.

C. Evaluate alternatives identified in Section V of this checklist with respect to applicable water quality standards, effluent limitations or other technical, legislative or legal requirements. (Reference-Title 25, §71.21.a.5.iii).

D. Provide cost estimates using present worth analysis for construction, financing, on going administration, operation and maintenance and user fees for alternatives identified in Section V of this checklist. Estimates shall be limited to areas identified in the plan as needing improved sewage facilities within five years from the date of plan submission. (Reference-Title 25, §71.21.a.5.iv).

E. Provide an analysis of the funding methods available to finance the proposed alternatives evaluated in Section V of this checklist. Also provide documentation to demonstrate which alternative and financing scheme combination is the most cost-effective; and a contingency financial plan to be used if the preferred method of financing cannot be implemented. The funding analysis shall be limited to areas identified in the plan as needing improved sewage facilities within five years from the date of the plan submission. (Reference-Title 25, §71.21.a.5.v).

_____ F. Analyze the need for immediate or phased implementation of each alternative proposed in Section V of this checklist including: (Reference-Title 25, §71.21.a.5.vi).

_____ 1. A description of any activities necessary to abate critical public health hazards pending completion of sewage facilities or implementation of sewage management programs. (Reference-Title 25, §71.21.a.5.vi.A).

_____ 2. A description of the advantages, if any, in phasing construction of the facilities or implementation of a sewage management program justifying time schedules for each phase. (Reference-Title 25, §71.21.a.5.vi.B).

_____ G. Evaluate administrative organizations and legal authority necessary for plan implementation. (Reference - Title 25, §71.21.a.5.vi.D.).

_____ VII. Institutional Evaluation

_____ A. Provide an analysis of all existing wastewater treatment authorities, their past actions and present performance including:

_____ 1. Financial and debt status. (Reference-Title 25, §71.61.d.2).

_____ 2. Available staff and administrative resources. (Reference-Title 25, §71.61.d.2)

_____ 3. Existing legal authority to:

_____ a. Implement wastewater planning recommendations. (Reference-Title 25, §71.61.d.2).

_____ b. Implement system-wide operation and maintenance activities. (Reference-Title 25, §71.61.d.2).

_____ c. Set user fees and take purchasing actions. (Reference-Title 25, §71.61.d.2).

_____ d. Take enforcement actions against ordinance violators. (Reference-Title 25, §71.61.d.2).

_____ e. Negotiate agreements with other parties. (Reference-Title 25, §71.61.d.2).

_____ f. Raise capital for construction and operation and maintenance of facilities. (Reference-Title 25, §71.61.d.2).

_____ B. Provide an analysis and description of the various institutional alternatives necessary to implement the proposed technical alternatives including:

_____ 1. Need for new municipal departments or municipal authorities. (Reference-Title 25, §71.61.d.2).

_____ 2. Functions of existing and proposed organizations (sewer authorities, onlot maintenance agencies, etc.). (Reference-Title 25, §71.61.d.2).

_____ 3. Cost of administration, implementability, and the capability of the authority/agency to react to future needs. (Reference-Title 25, §71.61.d.2).

_____ C. Describe all necessary administrative and legal activities to be completed and adopted to ensure the implementation of the recommended alternative including:

_____ 1. Incorporation of authorities or agencies. (Reference-Title 25, §71.61.d.2).

_____ 2. Development of all required ordinances, regulations, standards and inter-municipal agreements. (Reference-Title 25, §71.61.d.2).

3. Description of activities to provide rights-of-way, easements and land transfers. (Reference-Title 25, §71.61.d.2).
4. Adoption of other municipal sewage facilities plans. (Reference-Title 25, §71.61.d.2).
5. Any other legal documents. (Reference-Title 25, §71.61.d.2).
6. Dates or timeframes for items 1-5 above on the project's implementation schedule.

- D. Identify the proposed institutional alternative for implementing the chosen technical wastewater disposal alternative. Provide justification for choosing the specific institutional alternative considering administrative issues, organizational needs and enabling legal authority. (Reference-Title 25, §71.61.d.2).

VIII. Implementation Schedule and Justification for Selected Technical & Institutional Alternatives

- A. Identify the technical wastewater disposal alternative which best meets the wastewater treatment needs of each study area of the municipality. Justify the choice by providing documentation which shows that it is the best alternative based on:

1. Existing wastewater disposal needs. (Reference-Title 25, §71.21.a.6).
2. Future wastewater disposal needs. (five and ten years growth areas). (Reference-Title 25, §71.21.a.6).
3. Operation and maintenance considerations. (Reference-Title 25, §71.21.a.6).
4. Cost-effectiveness. (Reference-Title 25, §71.21.a.6).
5. Available management and administrative systems. (Reference-Title 25, §71.21.a.6).
6. Available financing methods. (Reference-Title 25, §71.21.a.6).
7. Environmental soundness and compliance with natural resource planning and preservation programs. (Reference-Title 25, §71.21.a.6).

- B. Designate and describe the capital financing plan chosen to implement the selected alternative(s). Designate and describe the chosen back-up financing plan. (Reference-Title 25, §71.21.a.6)

- C. Designate and describe the implementation schedule for the recommended alternative, including justification for any proposed phasing of construction or implementation of a Sewage Management Program. (Reference – Title 25 §71.31d)

IX. Environmental Report (ER) generated from the Uniform Environmental Review Process (UER)

- A. Complete an ER as required by the UER process and as described in the DEP Technical Guidance 381-5511-111. Include this document as "Appendix A" to the Act 537 Plan Update Revision. Note: *An ER is required only for Wastewater projects proposing funding through any of the funding sources identified in the UER.*

ADDITIONAL REQUIREMENTS FOR PENNVEST PROJECTS

Municipalities that propose to implement their official sewage facilities plan updates with PENNVEST funds must meet six additional requirements to be eligible for such funds. See A Guide for Preparing Act 537 Update Revisions (362-0300-003), Appendix N for greater detail or contact the DEP regional office serving your county listed in Appendix J of the same publication.

DEP Use Only	Indicate Page #(s) in Plan	Item Required
_____	_____	1. Environmental Impact Assessment. (Planning Phase) The Uniform Environment Review (UER) replaces the Environmental Impact Assessment that was a previous requirement for PENNVEST projects.
_____	_____	2. Cost Effectiveness (Planning Phase) The cost-effectiveness analysis should be a present-worth (or equivalent uniform annual) cost evaluation of the principle alternatives using the interest rate that is published annually by the Water Resources Council. Normally, for PENNVEST projects the applicant should select the most cost-effective alternative based upon the above analysis. Once the alternative has been selected the user fee estimates should be developed based upon interest rates and loan terms of the selected funding method.
_____		3. Second Opinion Project Review. (Design Phase)
_____		4. Minority Business Enterprise/Women's Business Enterprise (Construction Phase)
_____		5. Civil Rights. (Construction Phase)
_____		6. Initiation of Operation/Performance Certification. (Post-construction Phase)

I/A TECHNOLOGIES

PARTIAL LISTING OF INNOVATIVE AND ALTERNATIVE TECHNOLOGIES

TREATMENT TECHNOLOGIES

Aquaculture
Aquifer Recharge
Biological Aerated Filters
Constructed Wetlands
Direct Reuse (NON-POTABLE)
Horticulture
Overland Flow
Rapid Infiltration
Silviculture
Microscreens
Controlled Release Lagoons
Swirl Concentrator

SLUDGE TREATMENT TECHNOLOGIES

Aerated Static Pile Composting
Enclosed Mechanical Composting (In vessel)
Revegetation of Disturbed Land
Aerated Windrow Composting

ENERGY RECOVERY TECHNOLOGIES

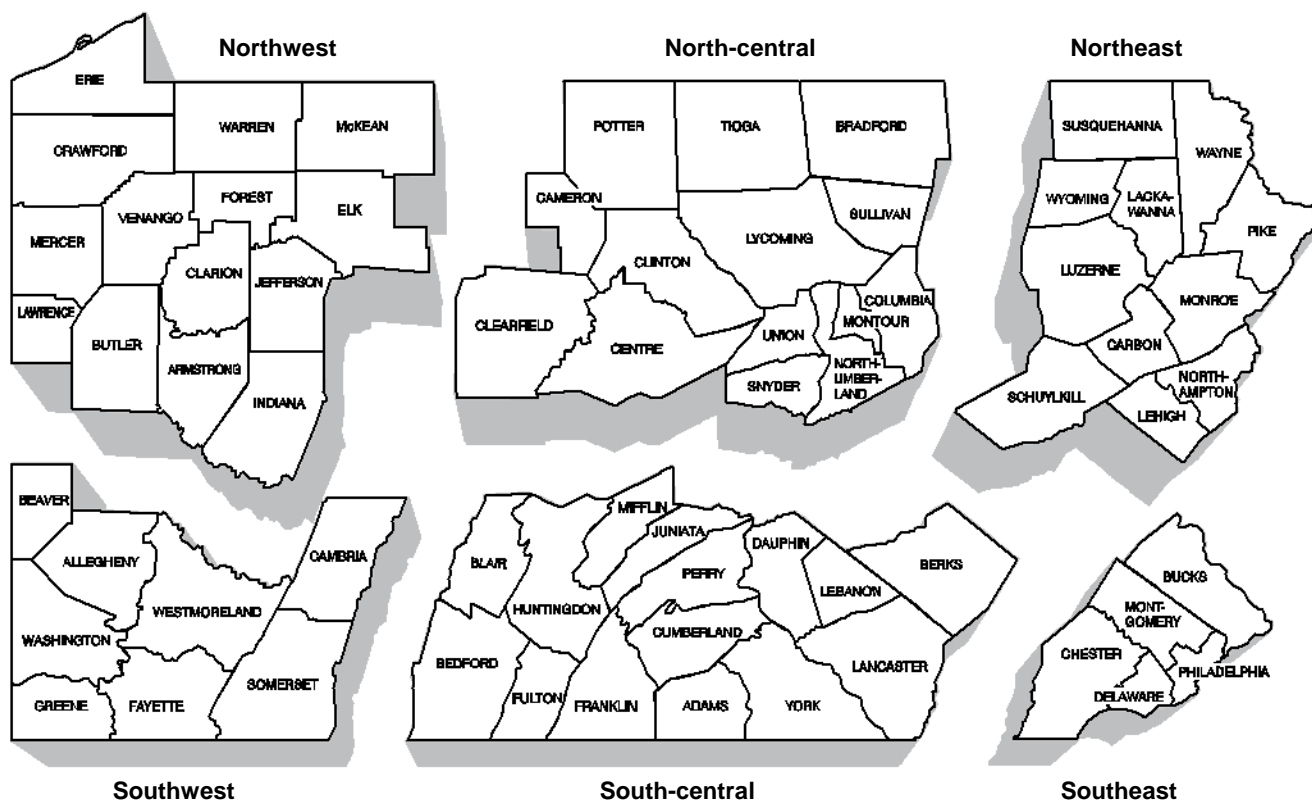
Anaerobic Digestion with more than 90 percent
Methane Recovery
Cogeneration of Electricity
Self-Sustaining Incineration

INDIVIDUAL & SYSTEM-WIDE COLLECTION TECHNOLOGIES

Cluster Systems
Septage Treatment
Small Diameter Gravity Sewers
Step Pressure Sewers
Vacuum Sewers
Variable Grade Sewers
Septic Tank Effluent Pump with
Pressure Sewers

APPENDIX J

For more information,
call the DEP regional office in your area:



Northwest Region

230 Chestnut St.
Meadville, PA 16335-3481
Main Telephone: 814-332-6945
24-Hour Emergency: 800-373-3398

Counties: Armstrong, Butler, Clarion, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Venango, and Warren

Southwest Region

400 Waterfront Drive
Pittsburgh, PA 15222-4745
Main Telephone: 412-442-4000
24-Hour Emergency: 412-442-4000

Counties: Allegheny, Beaver, Cambria, Fayette, Greene, Somerset, Washington, and Westmoreland

North-central Region

208 W. Third St., Suite 101
Williamsport, PA 17701-6448
Main Telephone: 570-327-3636
24-Hour Emergency: 570-327-3636

Counties: Bradford, Cameron, Clearfield, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, and Union

South-central Region

909 Elmerton Ave.
Harrisburg, PA 17110-8200
Main Telephone: 717-705-4700
24-Hour Emergency: 866-825-0208

Counties: Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, and York

Northeast Region

2 Public Square
Wilkes-Barre, PA 18701-1915
Main Telephone: 570-826-2511
24-Hour Emergency: 570-826-2511

Counties: Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming

Southeast Region

2 E. Main St.
Norristown, PA 19401-4915
Main Telephone: 484-250-5900
24-Hour Emergency: 484-250-5900

Counties: Bucks, Chester, Delaware, Montgomery, and Philadelphia

**APPENDIX K
RESOURCE LISTING**

**CONSISTENCY REQUIREMENTS OF TITLE 25
PA. CODE CHAPTER 71.21(a)(5)(i)**

**1. Clean Streams Law, Act 537,
Title 25 Pa. Code Chapter 71, 72, 73, 93,
94, 95**

Bureau of Water Supply &
Wastewater Management
P.O. Box 8467
Harrisburg, PA 17105-8467
(717) 783-3795

**2. Clean Water Act , Water Quality Act of
1987**

U.S. Environmental Protection Agency
Region III WP00
1650 Arch St.
Philadelphia, PA 19103-2029
(215) 814-2300
www.epa.gov/region03

**3. Pennsylvania Municipalities Planning Code
(Act 247)**

Governor's Center for Local Government Services
(DCED (Department of Community and Economic
Development)
Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225
1-888-223-6837
(717) 783-1402 Fax
www.inventpa.com
<Click on **Communities in PA**>

**4. Title 25 Pa. Code Chapter 102
(Soil and Erosion and Sedimentation Control)**

Bureau of Watershed Management
Division of Waterways, Wetlands and Erosion
Control
P.O. Box 8775
Harrisburg, PA 17105-8775
(717) 787-6827

5. Storm Water Management Act

Bureau of Watershed Management
Division of Water Use Planning,
P.O. Box 8555
Harrisburg, PA 17105-8555
(717) 772-4048

**6. Title 25 Pa. Code Chapter 105
(Wetland Protection)**

Bureau of Watershed Management
Division of Waterways, Wetlands and Erosion
Control
P.O. Box 8775
Harrisburg, PA 17105-8775
(717) 787-6827

**7. Pennsylvania Natural Diversity Inventory
(PNDI)**

PA Department of Conservation and Natural
Resources
Bureau of Forestry (FAS)
PNDI Program
P.O. Box 8552
Harrisburg, PA 17105-8552
(717) 772-0258

8. Historical and Archaeological Protection

Pennsylvania Historical and Museum Commission
Bureau of Historic Preservation
P.O. Box 1026
Harrisburg, PA 17108-1026
(717) 787-4363

9. Other Permits and Approvals

DEP has also published **A User's Guide to DEP
Permits** which outlines the permit requirements of
DEP programs. The guide can be obtained by
contacting any office of DEP.

APPENDIX L

MUNICIPAL REQUEST FOR PENNSYLVANIA NATURAL DIVERSITY INVENTORY (PNDI) DATA

This appendix contains the most recent version of the *Municipal Request for Pennsylvania Natural Diversity Inventory (PNDI) Data* form available at the time of publishing this guidance. Periodically, this PNDI data request document is revised by DEP. The most current version of the PNDI data request form is available from your DEP Regional Office (see Appendix J) or may be obtained online at www.dep.state.pa.us. To access the correct area of the website, use PA Keyword: “Wastewater,” select “Act 537 Sewage Facilities Electronic Forms” and “Act 537 Sewage Facilities Program Administration Forms.”



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER SUPPLY AND WASTEWATER MANAGEMENT

MUNICIPAL REQUEST FOR PENNSYLVANIA NATURAL DIVERSITY INVENTORY (PNDI) DATA

Date

TO: Department of Conservation and Natural Resources
Bureau of Forestry (FAS)
PNDI Program
PO Box 8552
Harrisburg, PA 17105-8552

FROM: _____

(municipal planning consultant address)

FOR: _____

(municipality address)

County

Please conduct a review of the Pennsylvania Natural Diversity Inventory (PNDI) information system for records of species of special concern reported from the above municipality. This information will be incorporated in initial planning assessments under the Pennsylvania Sewage Facilities Act and in specific alternative proposals. At this time, the planning process is addressing:

(current project details)

The location of the proposed project components are shown on the attached partial copy of the _____
7.5 minute U.S.G.S. topographic maps.

In its reply, DCNR will notify this municipality regarding plant and animal species of special concern listed by any state agency or tracked by PNDI and reported in the project vicinity. In addition, DCNR will identify the agencies having management authority and expertise to assist with evaluation and mitigation of potential impacts on these species.

If you have questions concerning this project please contact:

Planning Consultant

Telephone Number

Municipal Official

Telephone Number

APPENDIX M

CULTURAL RESOURCES NOTICE

The *Cultural Resource Notice* (CRN) form is used to begin the coordination process with the Pennsylvania Historical and Museum Commission (PHMC) necessary to establish Act 537 Plan consistency and with the Pennsylvania History Code. This form is no longer contained in this publication but is available from your local DEP Regional Office (see Appendix J) or from DEP's website. The most recent version of the form and the instructions for its use are available online from DEP's website located at www.dep.state.pa.us in "Policy Office" technical guidance number 012-0700-001. Another method to access the correct area of the website is to use PA Keyword: "Wastewater," select "Act 537 Sewage Facilities Electronic Forms" and "Department-Wide Permit Application Form Packages."

APPENDIX N

ADDITIONAL REQUIREMENTS FOR PENNVEST FUNDED PROJECTS

A significant provision of the federal Water Quality Act of 1987 provided for the capitalization of state revolving fund programs in all states. This fund is the separate Clean Water State Revolving Fund component of the PENNVEST program in Pennsylvania. See Appendix E for address information. Communities that propose to implement their official sewage plan updates with PENNVEST funds must meet several specific requirements to be eligible for funding. While many of these requirements may be met through the normal plan content of the Act 537 planning process, several are outside the scope of Act 537 and must be completed independent of the Act 537 planning process. They may be done as part of the planning, design or construction process. These requirements include:

1. Uniform Environmental Review (UER) (Planning Phase)

In the UER (Appendix O) process, an Environmental Report (ER) must be prepared, which describes the project's positive and negative consequences, and the mitigative steps to be taken for unavoidable negative consequences. Recommendations of the Pennsylvania Historical and Museum Commission are given a different emphasis in the PENNVEST funding process. Please contact your DEP regional office for further information.

2. Cost Effectiveness (Planning Phase)

Costs of principal alternatives must be compared, using present worth methods. Users rates must be estimated. This is part of the valuations conducted in Chapter 71.21(a)(5) and (6), and is eligible for Act 537 grant reimbursement.

3. Second Opinion Project Review (Design Phase)

Second opinion project review is contracting with a second, independent, engineering firm to evaluate the project design. It is required only if the total estimated construction cost, including contingencies, is greater than \$10 million. It includes the analysis of the basic functions of a facility, system or process, and identifies any alternatives for achieving these functions at lower costs or increased revenues. Contact the project manager at the DEP regional office for further instruction on implementing a second opinion project view.

4. Minority Business Enterprise/Women's Business Enterprise (Construction Phase)

The project sponsor implements this requirement through construction contractors. A standard package of information may be included in the bid documents, as a first step. Contact the project manager at the DEP regional office for a copy of the package.

5. Civil Rights (Construction Phase)

This requirement is met through proper execution of EPA Form 4700-A. Contact the project manager at the DEP regional office for a copy of this form and instructions.

6. Initiation of Operation/Performance Certification (Post-Construction Phase)

The project sponsor must notify the project manager at the DEP regional office when initial operation of the sewage facilities is begun. After one year of successful operation, the sponsor, through its engineer must certify that the facilities operate properly. Contact the project manager at the DEP regional office for instructions.

APPENDIX O

UNIFORM ENVIRONMENTAL REVIEW

The *Uniform Environmental Review Process* (UER) is intended to standardize the process for documenting the environmental effects of proposed wastewater infrastructure projects requiring financial assistance from various federal funding sources in Pennsylvania.

The specific financial assistance programs and agencies that can utilize the UER are:

- The Clean Water State Revolving Loan Fund (PENNVEST, DEP, EPA)
- The Drinking Water State Revolving Loan Fund (PENNVEST, DEP, EPA)
- The RUS Water and Waste Disposal Grant and Loan Program (USDA-RD)
- The Community Development Block Grant Program (DCED, HUD)
- Other Federal Funding Efforts (EPA)

The UER process is intended to streamline and coordinate the environmental review of proposed projects so as to avoid major inconsistencies or duplication of effort, particularly where multiple sources of funding are involved. Most of the items addressed in this environmental review are already required by existing state regulations relating to the planning or permitting phase of the project. It is designed to complement those planning and permitting programs.

The UER process requires preparation of an “Environmental Report” (ER) that, when completed, is included in the Act 537 Plan Update Revision as “Appendix A.” This ER is comprised primarily of information reported elsewhere in the completed Act 537 Plan Update Revision and represents an organized structure for the presentation of that information for funding agency review.

Specific ER content and format requirements are available from your local DEP Regional Office by requesting a copy of Bureau of Water Supply and Wastewater Management’s technical guidance document DEP ID: 381-5511-111 or directly online on DEP’s website.