

## **ACT 537: AN OVERVIEW OF THE SEWAGE FACILITIES PROGRAM**

### **History of the Act 537 Program**

Domestic sewage is treated and disposed of by various methods, ranging from large municipally-owned sewage treatment plants to community or individual on-lot disposal systems (OLDS), also called “septic systems.” Malfunctioning sewage disposal systems, regardless of type, pose a serious threat to public health and the environment. They can pollute public and private drinking water sources, often by discharging directly to the groundwater, and they can expose humans and animals to various bacteria, viruses, and parasites. Repairs to these systems often can lead to financial hardships for affected municipalities or homeowners.

On January 24, 1966, the *Pennsylvania Sewage Facilities Act (Act 537)* was enacted to address existing sewage disposal problems and prevent future problems. To meet these objectives, Act 537 requires proper planning of all types of sewage facilities, permitting of individual and community OLDS, as well as uniform standards for designing OLDS.

The sewage facilities program, often referred to as simply the “Act 537 program,” is largely administered by individual municipalities, groups of municipalities, local agencies including county health departments, and groups of local agencies (known as joint local agencies). These agencies receive technical assistance and oversight from the Department of Environmental Protection (DEP).

### **The Major Provisions of Act 537**

- All municipalities must develop and implement a comprehensive official sewage facilities plan that addresses their present and future sewage disposal needs. These plans are modified when new land development projects are proposed or whenever a municipality’s sewage disposal needs change. DEP reviews and approves the official plans and any subsequent revisions.
- Local agencies are required to employ both primary and alternate Sewage Enforcement Officers (SEO). After successfully completing pre-certification training and being certified by the State Board for Certification of Sewage Enforcement Officers (the Board), an SEO can work for a local agency. The SEO is responsible for implementing the operation of that agency’s OLDS permitting program. SEOs are not DEP employees.
- Local agencies, through their SEO, approve or deny permits for construction of on-lot sewage disposal systems prior to system installation.
- The Environmental Quality Board (EQB) must adopt regulations establishing standards for sewage disposal facilities. These regulations then apply throughout the state.
- The Sewage Advisory Committee (SAC) reviews existing and proposed rules, regulations, standards, and procedures and advises the Secretary of DEP. This advisory committee is comprised of members representing many sectors of the regulated community.

### **The Planning Process**

Municipalities are required to develop and implement comprehensive official sewage plans that: address existing sewage disposal needs or problems; account for future land development; and provide for future sewage disposal needs of the entire municipality. This document is called an “Official Plan,” or sometimes a “base plan.”

Official Plans contain comprehensive information, including:

- Population figures and projections.
- Drinking water supplies.
- Waterways, soil types, and geologic features.
- Sanitary survey results.
- Location, type, and operational status of existing sewage facilities.
- Local zoning and land use designations.

- Estimates of future sewage disposal needs.
- Identification of potential problem-solving alternatives.
- Cost estimates necessary to carry out those alternatives.
- Selection of appropriate problem-solving alternatives.

Municipalities are required to revise (unless they are exempt from revising) the Official Plan if a new land development project is proposed or if unanticipated conditions or circumstances arise that make the Official Plan inadequate. There are two basic types of plan changes. "Official Plan Revisions" result from new land development and are completed using "planning modules" that are specific to individual projects. "Update Revisions" are used by municipalities to make broad changes to their Official Plan.

### **The OLDS Permitting Program**

Act 537 requires local or joint local agencies, through their SEO, to manage the permitting program for individual OLDS and community OLDS with design flows of 10,000 gallons per day or less. An individual OLDS is a system that serves a single lot, while a community OLDS serves two or more lots.

SEOs are trained to DEP standards and certified by the Board. The SEO is responsible for conducting soil profile testing, percolation testing, OLDS design review and approving or denying OLDS permit applications. The SEO and the individual installing an OLDS must follow the standards established in 25 Pa. Code Chapter 73 of DEP's regulations.

DEP's primary role in the on-lot permit program is to provide oversight to local agencies and SEOs. Wherever possible, DEP will assist local agencies in carrying out their permitting responsibilities. However, other than to provide technical information, DEP does not interfere in on-lot system permitting disputes between local agencies and homeowners.

### **Financial Assistance Programs**

One financial assistance program is available through funding from the Act 13 Marcellus Legacy Fund. This grant program assists municipalities and local agencies in administering their Act 537 planning responsibilities. This is an annual grant program administered by the Department of Community and Economic Development (DCED) through the Commonwealth Financing Authority (CFA). For more information on this grant program, visit [www.dced.pa.gov](http://www.dced.pa.gov) or call 717-787-6245.

A second program to financially assist municipalities and local agencies is administered by the Pennsylvania Infrastructure Investment Authority (PENNVEST). In addition, they offer low interest loans to qualified private landowners to assist in the repair of malfunctioning on-lot sewage disposal systems. PENNVEST information is available at [www.pennvest.pa.gov](http://www.pennvest.pa.gov).

Recently, a third financial assistance program became available through the Single Family Housing Repair Loans and Grants Program, otherwise known as the Section 504 Home Repair Program. This program is administered by the United States Department of Agriculture Rural Development and can provide funding to low income homeowners for OLDS repair and replacement. For further information, visit [www.rd.usda.gov](http://www.rd.usda.gov).

### **Act 537 Sewage Facilities Program Regulations**

DEP regulations that address the administration of the Act 537 planning process are located in 25 Pa. Code Chapter 71. Rules for the OLDS permitting process are located in Chapter 72 and technical standards addressing the design of OLDS in Pennsylvania are located in Chapter 73. All three chapters are available on [The Pennsylvania Code](http://The Pennsylvania Code) website.

For more information, visit [www.dep.pa.gov/About/Regional](http://www.dep.pa.gov/About/Regional).