

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER QUALITY PROTECTION**

**DOCUMENT NUMBER:** 362-2206-007

**TITLE:** POLICY ESTABLISHING NEW PROGRAM DIRECTION FOR ACT 537  
COMPREHENSIVE PLANNING

**EFFECTIVE DATE:** April 15, 1997

**AUTHORITY:** Act 537 of 1966, the Pennsylvania Sewage Facilities Act (as amended), 25 PA  
Code Chapter 71

**POLICY:** DEP will help rural municipalities and their consultants find practical,  
affordable solutions to their existing and newly discovered sewage problems  
that will protect public health and the environment, and will assist them in  
finding the funding necessary to implement these solutions.

**PURPOSE:** Resolving the sewage needs of rural Pennsylvania municipalities may not be  
practical using conventional methods, due to low development density and lack  
of available funding. Without affordable, practical solutions to their sewage  
problems, these municipalities suffer public health and environmental  
conditions that place their residents at risk and limit opportunities for economic  
growth. Through this policy, DEP will:

- Develop information and resources to help rural municipalities and  
their consultants find practical, affordable solutions to existing  
problems that protect the public health and the environment;
- Help them plan for their future growth; and
- Assist them in finding available funding sources.

This policy document describes how the Department plans to achieve these  
objectives.

**APPLICABILITY:** This policy will be used by regional Act 537 program staff to assist rural  
municipalities in resolving their sewage treatment needs.

**DISCLAIMER:** The policies and procedures outlined in this guidance document are intended to  
supplement existing requirements. Nothing in the 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 the Department to give these rules 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.

**PAGE LENGTH:** 3 pages.

**LOCATION:** Volume 34, Tab 14A

## TECHNICAL GUIDANCE:

### I. History of the Problem

A range of factors contribute to the difficulty in resolving the sewage problems of rural Pennsylvania. The primary factors include the following:

- A. Magnitude of the problem: Act 537, the Pennsylvania Sewage Facilities Act, has always placed the primary responsibility for permitting of on-lot sewage disposal systems and planning for new land development on local municipalities. In 1994, amendments to Act 537 were passed that increase the level of the municipality's responsibilities. Rural municipalities, however, have traditionally seen management of rural sewage disposal as DEP's job and have therefore limited their involvement with it. They often begin the sewage facilities planning process before they have a basic land use plan in place that would serve as a blueprint to guide their development. In these cases, the planning process is inverted, since municipal selection of sewage facilities alternatives, rather than the basic land use plan, drives proposed land uses. DEP has also been perceived as disregarding the sewage needs of rural areas, because their low population density and limited financial resources, combined with the scarcity of available grant funds, make conventional solutions to sewage problems extremely difficult to implement. Some rural municipalities' lack of basic planning and needs documentation requires them to do considerable catch-up work to be able to compete for scarce sewage facilities construction grants and loans. This can be a critical problem in low-income areas that could require up to 90% grants to afford a sewerage project using conventional methods.
- B. Alternatives: Many consultants are reluctant to propose innovative or low-tech, low-cost solutions to rural sewage problems due to the lack of reliable cost or performance data on these systems. This lack of reliable data has also resulted in lengthy delays or outright denials when consultants have proposed these new approaches to DEP. Consultants may also find it easier and more profitable to propose conventional technology.

Some rural municipalities see the Department as reluctant to allow them to use the sewage facilities planning process to accomplish the goals they want to achieve. The sewage facilities alternatives selected often appear to have been chosen by DEP and the consultant, not the municipality, when in fact DEP actively avoids taking over this municipal responsibility. Adding to the problem is that municipal officials often do not want the responsibility for decisions that will be considered unnecessary or expensive by their constituents. While DEP must be more flexible when evaluating low-cost yet effective solutions that meet the requirements of existing laws and regulations, municipalities must also be willing to assume responsibility to implement the selected alternatives.

- C. Acceptance of realities: Both municipalities and the Department must realize that it may be impossible for some rural municipalities to correct sewage problems using conventional collection, conveyance and treatment systems, due to low development densities and lack of available funding. The Department encourages municipalities to address management of both their existing and proposed new on-lot systems and their small flow systems as an alternative in their planning. Municipalities who are willing to assume more management responsibility could extend the life of their existing sewage facilities and be able to use noncentralized sewage alternatives which may be more affordable. Both DEP and municipalities must accept that phased implementation and long-term goal setting may be necessary to implement rural projects.

### II. Policy

In accordance with this policy, DEP will provide outreach and assistance to local governments in the Act 537 comprehensive sewage facilities planning process. In its oversight role DEP will provide information

to rural municipalities that have sewage treatment needs. The Department will work with the municipalities' consultants to define the range of alternatives available and to use this information to solve their sewage problems. The Department will use cases that were successfully resolved through implementation of this policy as models in other, similar circumstances.

Key elements in the Department's effort will include:

- encouraging comprehensive, long-range municipal land use and sewage planning;
- assisting in identifying and developing alternative sewage collection, conveyance and treatment technology;
- assisting in identifying and developing noncentralized sewage treatment technologies;
- encouraging practical, affordable technology;
- accepting the possibility of long-term, phased solutions;
- streamlining planning and design requirements;
- expediting and minimizing the paperwork required for implementation;
- assisting in identifying available funding sources;
- assisting municipalities in maximizing their eligibility for funding;
- pursuing the creation of new funding options through PENNVEST to provide low-cost financing for small rural sewerage projects;
- developing information on sewage management programs and elements of sewage facilities planning; and
- developing case studies of rural municipalities that have successfully addressed their sewage needs.