
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 449 Session of
2013

INTRODUCED BY SOLOBAY, FONTANA, KASUNIC, WHITE AND WAUGH,
FEBRUARY 7, 2013

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, FEBRUARY 7, 2013

AN ACT

1 Amending the act of January 24, 1966 (1965 P.L.1535, No.537),
2 entitled, as amended, "An act providing for the planning and
3 regulation of community sewage systems and individual sewage
4 systems; requiring municipalities to submit plans for systems
5 in their jurisdiction; authorizing grants; requiring permits
6 for persons installing such systems; requiring disclosure
7 statements in certain land sale contracts; authorizing the
8 Department of Environmental Resources to adopt and administer
9 rules, regulations, standards and procedures; creating an
10 advisory committee; providing remedies and prescribing
11 penalties," further providing for permits; and making
12 editorial changes.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The title of the act of January 24, 1966 (1965
16 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities
17 Act, amended December 2, 1976 (P.L.1264, No.280), is amended to
18 read:

AN ACT

20 Providing for the planning and regulation of community sewage
21 systems and individual sewage systems; requiring
22 municipalities to submit plans for systems in their
23 jurisdiction; authorizing grants; requiring permits for

1 persons installing such systems; requiring disclosure
2 statements in certain land sale contracts; authorizing the
3 Department of Environmental [Resources] Protection to adopt
4 and administer rules, regulations, standards and procedures;
5 creating an advisory committee; providing remedies and
6 prescribing penalties.

7 Section 2. The definitions of "delegated agency,"
8 "department," "official plan," "official plan revision" and
9 "secretary" in section 2 of the act, amended December 14, 1994
10 (P.L.1250, No.149), are amended to read:

11 Section 2. Definitions.--As used in this act:

12 * * *

13 "Delegated agency" means a municipality, local agency,
14 multimunicipal local agency or county or joint county department
15 of health to which the Department of Environmental [Resources]
16 Protection has delegated the authority to review and approve
17 subdivisions for new land developments as supplements to the
18 official plan of a municipality in which the subdivision is
19 located.

20 "Department" means the Department of Environmental
21 [Resources] Protection of the Commonwealth [of Pennsylvania].

22 * * *

23 "Official plan" means a comprehensive plan for the provision
24 of adequate sewage systems adopted by a municipality or
25 municipalities possessing authority or jurisdiction over the
26 provision of such systems and submitted to and approved by the
27 [State] Department of Environmental [Resources] Protection as
28 provided herein.

29 "Official plan revision" means a change in the municipality's
30 official plan to provide for additional or newly identified or

1 future sewage facilities needs, which may include, but not be
2 limited to, any of the following:

3 (1) Update revision.--A comprehensive revision to an
4 existing official plan required when the Department of
5 Environmental [Resources] Protection or municipality determines
6 an official plan or any of its parts is inadequate for the
7 existing or future sewage facilities needs of a municipality or
8 its residents or landowners.

9 (2) Revision for new land development.--A revision to a
10 municipality's official plan resulting from a proposed
11 subdivision.

12 (3) Special study.--A study, survey, investigation, inquiry,
13 research report or analysis which is directly related to an
14 update revision. Such study shall provide documentation or other
15 support necessary to solve specific problems identified in the
16 update revision.

17 (4) Supplement.--A sewage facilities planning module for a
18 subdivision for new land development which will not be served by
19 sewage facilities requiring a new or modified permit from the
20 Department of Environmental [Resources] Protection under the act
21 of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams
22 Law," and which is reviewed and approved by a delegated agency
23 under section 7(b)(4.3)(iv) of this act.

24 (5) Exception to the requirement to revise.--A process
25 established by regulation promulgated under this act which
26 provides the criteria under which a revision for new land
27 development is not required.

28 * * *

29 "Secretary" means the Secretary of Environmental [Resources]
30 Protection of the Commonwealth [of Pennsylvania].

1 * * *

2 Section 3. Section 4(a) of the act, amended July 1, 1989
3 (P.L.124, No.26), is amended to read:

4 Section 4. Advisory Committee.--(a) An advisory committee
5 shall be appointed within three months of the passage of this
6 act and biennially thereafter, membership of which shall be
7 composed of one representative from the following organizations,
8 the name of said representative to be submitted to the secretary
9 within ten days of receipt of request for same: Pennsylvania
10 State Association of Township Supervisors, Pennsylvania State
11 Association of Boroughs, Pennsylvania League of Cities,
12 Pennsylvania State Association of Township Commissioners,
13 Pennsylvania State Association of County Commissioners,
14 Pennsylvania Association of Plumbing, Heating, Cooling,
15 Contractors, Inc., Pennsylvania Society of Professional
16 Engineers, Mortgage Bankers' Association, Pennsylvania Builders
17 Association, Pennsylvania Association of Realtors, Pennsylvania
18 Landowners Association, Pennsylvania Society of Architects,
19 County Health Departments, Pennsylvania State University,
20 Pennsylvania Municipal Authorities Association, Pennsylvania
21 Section of the American Water Works Association, Water Pollution
22 Association of Pennsylvania, American Society of Civil
23 Engineers, Pennsylvania Environmental Health Association,
24 Farmers Home Administration, Consulting Engineers Council of
25 Pennsylvania, National Association of Water Companies,
26 Pennsylvania Vacation Land Developers Association, United States
27 Department of Housing and Urban Development, [Pennsylvania
28 Department of Commerce, Pennsylvania Department of Community
29 Affairs] Department of Community and Economic Development,
30 Office of State Planning and Development, Pennsylvania Bar

1 Association, and such other organizations having a direct
2 interest in the area of water and sewage as the secretary deems
3 necessary.

4 * * *

5 Section 4. Sections 7(a) and 10 heading of the act, amended
6 December 14, 1994 (P.L.1250, No.149), are amended to read:

7 Section 7. Permits.--(a) (1) (i) No person shall install,
8 construct, or award a contract for construction, or alter,
9 repair or connect to an individual sewage system or community
10 sewage system or construct, or request bid proposals for
11 construction, or install or occupy any building or structure for
12 which an individual sewage system or community sewage system is
13 to be installed without first obtaining a permit indicating that
14 the site and the plans and specifications of such system are in
15 compliance with the provisions of this act and the standards
16 adopted pursuant to this act.

17 (ii) A permit shall not be required by a person where a new
18 dwelling is proposed to replace a previously existing dwelling
19 where the size and anticipated use of the new dwelling is the
20 same as the previously existing dwelling and the previously
21 existing dwelling was in use within one year of the anticipated
22 date of the completion of construction. This exception shall not
23 apply when an active investigation of malfunction is under way
24 by the local agency or the department.

25 (iii) No permit may be issued by the local agency in those
26 cases where a permit from the department is required pursuant to
27 the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean
28 Streams Law," as amended, or where the department pursuant to
29 its rules and regulations, determines that such permit is not
30 necessary for the protection of the public health.

1 (iv) Except where a local agency or municipality requires a
2 permit by ordinance, no permit or plan revision shall be
3 required for the installation of an individual on-lot sewage
4 system for a residential structure occupied or intended to be
5 occupied by the property owner or a member of his immediate
6 family on a contiguous tract of land ten acres or more if the
7 owner of the property was the owner of record as of January 10,
8 1987.

9 (v) No ordinance of a local agency or municipality may
10 require a permit or plan revision for the installation of an
11 individual on-lot sewage system for a residential structure
12 occupied or intended to be occupied by the property owner or a
13 member of the property owner's immediate family on a contiguous
14 tract of land one hundred acres or more.

15 (2) (i) The installation of such a permit-exempt system
16 shall not be required to be approved by or meet the standards of
17 the department or local agency pursuant to their rules and
18 regulations for the siting, design or installation of on-lot
19 sewage systems, except for the siting requirements of subsection
20 (a.1), unless a permit is required by a regulation or ordinance
21 of a local agency or municipality or the person qualifying for
22 the permit exemption chooses to not use the permit exemption.

23 (ii) A permit exemption may also be granted where a ten-acre
24 parcel or lot is subdivided from a parent tract after January
25 10, 1987, or where there is a one-hundred acre or more parcel.

26 (iii) When one permit exemption has been granted for a lot,
27 tract or parcel under this section, any lot, tract or parcel
28 remaining after subdivision of the lot or parcel which received
29 the permit exemption or any lots or parcels subdivided therefrom
30 in the future shall not be eligible for a ten-acre permit

1 exemption and must meet the planning, permitting, siting and
2 construction standards of the department for on-lot sewage
3 systems.

4 (iv) Persons otherwise qualified for a permit exemption who
5 do not choose to use the permit exemption remain exempt from the
6 planning requirements of this act.

7 (3) For the purposes of this section, the term "immediate
8 family" shall mean brother, sister, son, daughter, stepson,
9 stepdaughter, grandson, granddaughter, father or mother of the
10 property owner.

11 * * *

12 Section 10. Powers and Duties of the Department of
13 Environmental [Resources] Protection.--The department shall have
14 the power and its duty shall be:

15 * * *

16 Section 5. This act shall take effect in 60 days.