

## SUBDIVISIONS EXEMPT FROM PLANNING UNDER ACT 537

Act 537 (the Pennsylvania Sewage Facilities Act) requires each municipality in the Commonwealth to have an Official Sewage Facilities Plan (“Official Plan”) that addresses the existing and future sewage disposal needs of the municipality. In most cases, Chapter 71 of DEP’s regulations requires completion of sewage facilities planning for new land development (a “planning module”) to update or “revise” the municipal official plan before a subdivision is created. However, the Act 149 of 1994 amendments to the Sewage Facilities Act created a process by which some subdivisions or other new land developments may be exempted from the planning module process. Questions about these new land developments and the exemption process are discussed below.

### **Who determines if a subdivision is exempt from planning?**

Depending on the location of the proposed subdivision, the department or delegated agency will make this determination using information provided by the developer on the “Application for Sewage Facilities Planning Module” mailer. Upon request, the department will assist delegated agencies by providing them with information necessary for making exemption determinations.

### **If a delegated agency makes the determination that a subdivision is exempt, must they inform the department?**

Yes. Delegated agencies are required to submit quarterly reports to the department. The reports should include the names and locations of subdivisions determined to be eligible for the planning exemption, the number of lots in each, and the projected sewage flow for each subdivision.

### **What information is necessary to make the determination?**

The information contained in the “Application for Sewage Facilities Planning Module” mailer may be sufficient to make the determination. If not, additional information may be requested to support the request for determination. Mailers should be sent to the department or the delegated local agency for evaluation.

### **What types of subdivisions are eligible for the planning exemption?**

Subdivisions served by either on-lot sewage disposal systems or public sewers may be eligible, if they fit the requirements outlined in Act 537. These requirements are discussed below.

### **What are the requirements for subdivisions served by on-lot sewage disposal systems?**

To be eligible for an exemption from the sewage facilities planning requirements, the proposed subdivision must fulfill the following conditions:

1. The Official Plan must show that the area planned for the development is to be served by on-lot sewage disposal facilities, as confirmed by the signature of the appropriate municipal official(s) on the mailer.
2. The area proposed for the use of the on-lot systems must not be underlain by carbonate geology (determined by the department from USGS geology maps) nor be located within one-quarter mile of water supplies having documented nitrate-nitrogen concentrations exceeding five ppm (determined by the department from existing sampling data).
3. The area proposed for development is outside of high quality (HQ) or exceptional value (EV) watersheds established under the Clean Streams Law (as confirmed by the department from the location of the proposed development on a USGS topographic quadrangle map).
4. All subdivided lots and the remaining portion of the original tract after subdivision (if any) will be one acre or larger in size, as confirmed by the signature of the applicant on the appropriate line on the mailer.
5. Soils testing and site evaluation have established that separate sites are available for both a permitted primary on-lot sewage disposal system and a replacement on-lot sewage disposal system on each lot of the subdivision, as confirmed by the signature of the Sewage Enforcement Officer (SEO) serving the municipality in which the development is proposed on the appropriate line of the application mailer.

### **What are the requirements for subdivisions proposed to be served by public sewers?**

Sewage facilities planning is not required for subdivisions proposing service by public sewers when the following conditions are met:

1. The department or delegated agency has determined that the existing collection, conveyance and treatment facilities are in compliance with the

Clean Streams Law and related rules and regulations.

2. The department or delegated agency has determined that the permittees of the receiving sewerage facilities have submitted information under Chapter 94 of the department's regulations that documents that the existing collection, conveyance and treatment system does not have either an existing hydraulic or organic overload or a five-year projected overload.
3. The applicant has provided written certification from the permittees of the receiving collection, conveyance and treatment facilities to the municipality in which the subdivision is located that there is capacity to receive and treat the sewage flows from the applicant's proposed new land development and that the additional wasteload will not create a hydraulic or organic overload within the next five years.
4. The municipality in which the project is located has a current, approved sewage facilities plan which is being implemented. The official plan of the municipality may not be under an order from the department to submit an update revision or special study for the area in which the subdivision is proposed.

**Note:** New land development proposals intended to be served by sewage facilities which require a new or modified permit from the department under the Clean Streams Law are ineligible for a planning exemption.

### What happens if the subdivision is found to be ineligible for the planning exemption?

If the proposed subdivision is found to be ineligible for the planning exemption, sewage facilities planning must be completed and approved before the subdivision may be developed. Should this occur, the approving agency will provide the applicant with the proper forms and instructions necessary to complete sewage facilities planning for the development.

#### For additional information on Pennsylvania's Sewage Facilities Program contact:

##### Southeast Region

Lee Park, Suite 6010  
555 North Lane  
Conshohocken, PA 19428  
610-832-6130  
Counties: Bucks, Chester, Delaware, Montgomery and Philadelphia

##### Northeast Region

2 Public Square  
Wilkes-Barre, PA 18711-0790  
717-826-2553  
Counties: Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming

##### Northcentral Region

208 W. Third St., Suite 101  
Williamsport, PA 17701  
717-327-3670  
Counties: Bradford, Cameron, Clearfield, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder Sullivan, Tioga and Union

##### Southcentral Region

909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
717-705-4707  
Counties: Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York

##### Southwest Region

400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
412-442-4000  
Counties: Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland

##### Northwest Region

230 Chestnut Street  
Meadville, PA 16335-3481  
814-332-6942  
Counties: Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren

This fact sheet and related environmental information are available electronically via Internet. Access the DEP website at <http://www.dep.state.pa.us> (choose Information by Subject/Water Management).