pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ACT 537: EXCEPTIONS TO THE REQUIREMENT TO REVISE THE OFFICIAL PLAN ("EXCEPTIONS")

Act 537, the Pennsylvania Sewage Facilities Act, requires each municipality in the state to have an Official Sewage Facilities Plan that addresses the existing and future sewage disposal needs of the municipality. In most cases, completion of formal sewage facilities planning for new land development is required to update or revise the municipal official plan before a subdivision is created, thus ensuring an adequate means of sewage disposal exists for the subdivision. However, there are certain categories of subdivisions that do not require formal adoption of the plan by the municipality as a revision to the official plan. This fact sheet answers questions that are often asked regarding sewage planning for "exceptions" as described in 25 Pa. Code §71.55. This section of DEP's regulations, as well as others, is available online at www.pacode.com.

What is an "exception?"

To qualify as an "exception," a subdivision must fit the following criteria:

- Planning would normally be required for the subdivision under Act 537 (to determine if planning is required for the project, request information on subdivisions exempt from planning from your DEP regional office or refer to the DEP fact sheet on the subject that is available on the DEP website at www.dep.state.pa.us, keyword: sewage;
- The entire subdivision (proposed lots, previous lots and residual land) must consist of no more than 10 lots created since May 15, 1972;
- The lots must be proposed as sites for construction of detached single family homes;
- The proposed homes must be intended to be served by individual onlot sewage disposal systems; and
- "Exceptions" are not prohibited by local public health or environmental conditions.

If all of these conditions are met, the proposed subdivision should qualify as an "exception."

How is an "exception" planned?

DEP has produced a series of forms, called "planning module components," that are used to gather information about a project. When an exception is proposed, the developer should request a "Component 1" form from the municipality where the proposed subdivision is located, from the DEP regional office serving that municipality, or from the DEP website at www.dep.state.pa.us, keyword: sewage.

Who should complete the Component 1 planning module form?

An individual, such as a consulting engineer or surveyor, who is familiar with the municipality's official plan and with DEP's regulations and procedures, should complete Component 1. The municipality's certified Sewage Enforcement Officer (SEO) also should be consulted to confirm site and soil testing information.

What information must be provided in the Component 1 form?

The Component 1 form contains instructions that describe the planning process and the information required in detail. The developer is required to provide information about the proposed subdivision, including:

- The location of the subdivision;
- The number of lots proposed;
- The planned layout of the subdivision, in the form of a surveyor's drawing or "plot plan";
- The planned source of drinking water (wells or a public supplier); and
- The site conditions, such as soil testing results and ground slope measurements.

When the Component 1 form is complete and all of the associated information required has been attached, the complete plan is called a "planning module for land development" or simply a "planning module."

When the Component 1 planning module is complete, what's the next step?

The municipality where the proposed subdivision is located reviews the completed planning module.

What is the municipality's role in review of "exceptions"?

Each municipality has the primary responsibility to review and, if appropriate, approve "exceptions." DEP provides oversight and assistance to local governments to help them effectively carry out their duties.

How long does it take to get municipal approval?

If the planning module is complete, the municipality has 60 days to review and act on the plan unless both the developer and municipality agree to a time extension in writing. The municipality must either approve or disapprove the plan within the 60 days, or the agreed-to time extension. If the municipality approves the planning module, it then sends the planning module to DEP for final review. If the municipality fails to act within the allotted time, the planning module is "deemed approved" and can be sent to DEP for final review. If the planning module is not complete, the municipality will request the missing information before taking action.

How long does it take to get DEP approval for an exception?

DEP has 30 days to act on a complete Component 1 planning module. If DEP does not act within the 30 day period, the "exception" planning module is deemed to be applicable.

Is there a fee for DEP processing of an exception?

Yes. Act 537 requires DEP to charge a per-lot fee for processing of planning modules. The amount is set by law and varies with the type of project. The fee for exceptions planned using a Component 1 is $35 per lot. The developer may calculate the appropriate fee and submit it to DEP with the planning modules or DEP will calculate the review fee and advise the developer by mail of the amount owed. DEP does not include residual tracts in this fee calculation.

What happens if DEP or the municipality finds that the applicant's proposed subdivision is not an exception?

If the municipality or DEP discover that the proposed subdivision does not meet one or more of the conditions required to qualify as an exception, the applicant will be informed and provided with the appropriate DEP forms. While some of these forms may require more information than the Component 1 form, much of the information, such as soil test results and plot plan, can be reused.

When can property owners apply for onlot system permits for their lots?

The developer may apply for individual onlot sewage disposal system permits after receiving final DEP action on the Component 1 Planning Module.

For more information, visit www.dep.state.pa.us, keyword: sewage, or contact the local DEP office.

DEP Regional Offices

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

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

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*

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*

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

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

South-central Region
909 Elmerton Ave.
Harrisburg, PA 17110-8200
Main Telephone: 717-705-4700
24-Hour Emergency: 877-333-1904

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

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*