

CHAPTER 71a. ADMINISTRATION OF SEWAGE FACILITIES PLANNING PROGRAM

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Subchapter A. GENERAL

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71a.1. Definitions

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Pennsylvania Sewage Facilities Act (35 P. S. § § 750.1—750.20).

Blackwater – Liquid and solid sewage generated through toilet or urinal usage.

Clean Streams Law—The Clean Streams Law (35 P. S. § § 691.1—691.1001).

Clean Water Act—The Clean Water Act (33 U.S.C.A. § § 1251—1387).

Delegated agency—A municipality, local agency, multi-municipal local agency or county or joint county department of health to which the Department has delegated the authority to review and approve subdivisions for new land developments as supplements to the official plan of a municipality in which the subdivision is located.

Decentralized wastewater management structure - A coordinated approach to sewage treatment and disposal that integrates the use of private and publicly owned, individual and community sewage facilities with a centrally administered sewage management program designed to support the long term use of such sewage facilities for the collection, treatment, and dispersal/reuse of wastewater at or near the point of waste generation.

Department permitted non-municipal sewage facilities - All sewage facilities including small flow treatment facilities that require a permit issued by the Department and that are not owned or operated by a municipality or municipal authority.

Dwelling unit – a lot, structure or building which is used, intended, or designed to be occupied for permanent living purposes as a detached single family residence.

EDU - Equivalent dwelling unit - That part of a multiple family dwelling or commercial or industrial or institutional establishment with flows equal to 400 gpd. An EDU is to be used to:

- (i) Define the size of a community sewage system in terms of serving an equivalent number of individual lots.
- (ii) Determine the number of lots in a subdivision, as it relates to the determination of planning exemptions and fees for planning module reviews under this part.

An EDU is not to be used for:

- (i) the calculation of flows for the design of community sewerage systems. Flows for design and permitting purposes of community onlot sewage systems must be calculated using the applicable requirements established under § 73a.5 (relating to sewage flows). Flows for design and permitting purposes of large volume community onlot sewage systems or community sewerage systems must be calculated using the applicable requirements established in the Department's "Domestic Wastewater Facilities Manual" or equivalent standards.
- (ii) The administrative allocation of flows related to community sewerage systems.

Exemption from sewage facilities planning – A process described in §71a.103 (relating to exemptions from sewage planning requirements) which identifies the criteria under which sewage facilities planning may not be required.

Graywater – sewage drained from sinks, tubs, showers, dishwashers, clothes washers, and other non-toilet sources.

Individual residential spray irrigation system—An individual sewage system which serves a single dwelling and which treats and disposes of sewage using a system of piping, treatment tanks and soil renovation through spray irrigation.

Industrial Waste – Any liquid, gaseous, radioactive, solid or other substance, not sewage, resulting from any manufacturing or industry, or from any establishment, as defined in The Clean Streams Law, and mine drainage, refuse, silt, coal mine solids, rock, debris, dirt and clay from coal mines, coal collieries, breakers or other coal processing operations. "Industrial waste" must include all such substances whether or not generally characterized as waste.

Large volume onlot sewage system—An individual or community onlot sewage system designed to treat peak daily sewage flows that are in excess of 10,000 gpd.

Limiting zone—A soil horizon or condition in the soil profile or underlying strata that includes one of the following:

- (i) A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil redoximorphic features.
- (ii) Any rock formation with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.
- (iii) A rock formation that is so slowly permeable that it effectively limits downward passage of effluent.
- (iv) Any stratum or soil condition that is so slowly permeable that it effectively limits downward passage of effluent.
- (v) Saprolite - A soft, friable and thoroughly weathered rock, remaining in its original place and retaining the fabric and structure of the parent bedrock.

Local agency—A municipality, or any combination of municipalities acting cooperatively or jointly under the laws of the Commonwealth, county, county department of health or joint county department of health.

Lot—Any part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided. Whenever a lot is used for a multiple family dwelling or for commercial, institutional or industrial purposes, the lot must be deemed to have been subdivided into an equivalent number of single-family residential lots (or dwelling units) as determined by estimated sewage flows and expressed as equivalent dwelling units.

Municipality—A city, town, township, borough, council of government, or home rule municipality other than a county.

New land development—A subdivision or equivalent subdivision of a tract or parcel of land into individual lots or an equivalent number of single family residential lots. See also “Subdivision” and “Lot”

Official plan—A comprehensive plan for the provision of adequate sewage facilities, adopted by a municipality or municipalities possessing authority or jurisdiction over the provision of the systems, and submitted to, and approved by, the Department as provided by the act, and this part.

Official plan revision—A change in the municipality's official plan to provide for additional, newly identified future or existing sewage facilities needs, which may include one or more of the following:

(i) *Update revision*—A comprehensive revision to an existing official plan required when the Department or municipality determines the official plan or one or more of its parts is inadequate for the existing or future sewage facilities needs of a municipality or its residents or landowners.

(ii) *Revision for new land development*—A revision to a municipality's official plan resulting from a proposed subdivision as defined in the act.

(iii) *Special study*—A study, survey, investigation, inquiry, research report or analysis that is directly related to an update revision. These studies provide documentation or other support necessary to solve specific problems identified in the update revision.

(iv) *Supplement*—A sewage facilities planning module for a subdivision for new land development that will not be served by sewage facilities requiring a new or modified permit from the Department under The Clean Streams Law, and which is reviewed and approved by a delegated agency.

(v) *Exception to the requirement to revise*—A process established in § 71a.104 (relating to exceptions to the requirement to revise the official plan for new land development), which identifies the criteria under which a revision for new land development is not required.

Person—An individual, association, public or private corporation for profit or not-for-profit, partnership, firm, trust, estate, department, board, bureau or agency of the United States, Commonwealth, political subdivision, municipality, district, authority or another legal entity which is recognized by law as the subject of rights and duties. The term includes the members of an association, partnership or firm and the officers of a local agency or municipal, public or private corporation for profit or not for profit.

Residential subdivision plan—A subdivision in which at least two-thirds of the proposed daily sewage flows will be generated by residential uses.

Retaining tank—See Zero discharge system.

Sewage—A substance that contains the waste products or excrement or other discharge from the bodies of human beings and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation. The term includes any substance that constitutes pollution under The Clean Streams Law and is often described using terms of blackwater and graywater. See *Blackwater* and *Graywater*.

Sewage disposal – The process of returning or dispersing treated sewage into a receiving environment in a safe and efficient manner without a specifically identified strategy for its recycling or reuse.

Sewage enforcement officer—An official of the local agency who reviews permit applications and sewage facilities planning modules, issues permits as authorized by the act and conducts investigations and inspections that are necessary to implement the act and the regulations thereunder.

Sewage facilities—A system of sewage collection, conveyance, treatment and disposal that will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. The term includes:

(i) *Individual sewage system*—A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal. The term includes:

(A) *Individual onlot sewage system*—An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposal of sewage using a soil absorption area or spray field for renovation or by a method specified in Chapter 73a, Subchapter K (related to zero discharge components).

(B) *Individual sewerage system*—An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area or spray irrigation or a method specified in Chapter 73a, Subchapter K (related to non-discharge systems).

(ii) *Community sewage system*—A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site. The term includes:

(A) *Community onlot sewage system*— A community sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposal of sewage using a soil absorption area or spray field for renovation or by a method specified in Chapter 73a, Subchapter K (related to non-discharge systems).

(B) *Community sewerage system*—A publicly or privately-owned community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area or a method specified in Chapter 73a, Subchapter K (related to non-discharge systems).

Sewage management program—A program conforming to Section 71a.223 (relating to requirements for management of sewage facilities) authorized by the official action of a

municipality for the treatment and disposal of sewage through measures to effectively assure the long-term proper operation and maintenance of sewage facilities.

Sewer authority—A municipal authority, established under the Municipality Authorities Act of 1945 (53 P. S. § § 301—401), which provides, maintains, owns or operates sewage facilities.

Small flow treatment facility—An individual or community sewerage system designed to adequately treat sewage flows not greater than 2,000 gpd for final disposal using a stream discharge or other disposal methods approved by the Department.

Soil absorption area—An onlot sewage system component where effluent from another component of an onlot sewage system is distributed into and through the soil for further renovation prior to assimilation into groundwater.

Soil horizon—A layer of soil approximately parallel to the soil surface, the chemical and physical characteristics of which are distinguishable by observation or other method of analysis, from the chemical and physical characteristics in adjacent layers of soil.

Soil profile—The collection of soil horizons, including the natural organic layers on the surface.

Subdivision—The division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots must include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

Water Reuse – The use of treated wastewater or reclaimed water from one application for beneficial purpose such as landscape irrigation, agricultural irrigation, aesthetic uses, groundwater recharge and industrial uses.

Waters of this Commonwealth— Any and all rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and other bodies or channels of conveyance of surface and underground water, or of their parts, whether natural or artificial, within or on the boundaries of this Commonwealth.

Working day—Calendar days as specified in 1 Pa.C.S. § 1908 (relating to computation of time) excluding Saturdays and Sundays, or a day made a legal holiday by the statutes of the Commonwealth or of the United States. The period must be calculated to exclude the first and include the last day of the period.

Zero discharge system—A system which receives sewage or treated wastewater and is designed for ultimate disposal of the sewage at another site or through evapotranspiration. The term includes the following:

(i) *Evapotranspiration system*—A system designed so the combined loss of water from the system due to evaporation from the enclosed soils and transpiration from the plants equals the volume of applied effluent, on a maximum daily basis.

(ii) *Retaining tank* – A watertight receptacle that receives and retains sewage and is designed and constructed for the purpose of temporary storage of sewage until such time as the contents can be pumped out and transported to another location for disposal.

(A) *Chemical toilet*—A permanent or portable nonflushing toilet, using chemical treatment for odor control, and employing a tank for the purpose of temporary storage of sewage.

(B) *Composting toilet*—A device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.

(C) *Holding tank*—A watertight tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system.

(D) *Incinerating toilet*—A device capable of reducing waste materials to ashes.

(E) *Privy*—A tank designed to receive sewage where water under pressure is not available.

(F) *Recycling toilet*—A device in which the flushing medium is restored to a condition suitable for reuse in flushing and the remaining wastes are stored until such time as they can be removed and transported to another location for disposal.

§ 71a.2. Purposes

This chapter is separated into four subchapters:

Subchapter A (relating to general) identifies items and issues applicable to all aspects of sewage facilities planning under this chapter.

Subchapter B (relating to common planning elements) identifies sewage facilities planning elements that are common to all sewage facilities planning under this chapter.

Subchapter C (relating to sewage facilities planning) provides a comprehensive sewage planning mechanism to identify and resolve existing sewage disposal problems, to avoid potential sewage problems resulting from new land development and to provide for the future sewage disposal needs of a municipality.

Subchapter D (relating to administration) describes the sewage facilities planning assistance program and provides for delegation of certain sewage facilities planning approval authority from the Department to certain qualified local agencies.

§ 71a.3. Time Periods

Time periods referred to in this chapter are computed under 1 Pa.C.S. § 1908 (relating to computation of time). The period must be calculated to exclude the first and include the last day of the period.

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Subchapter B. SEWAGE FACILITIES PLANNING

PLANNING RESPONSIBILITIES

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- § 71a.101. General requirements
- § 71a.102. Municipal responsibility to revise plans
- § 71a.103. Exemptions from responsibility to revise the official plan.
- § 71a.104. Exceptions to the requirement to revise the official plan
- § 71a.105. Department responsibility to require official plan revisions.
- § 71a.106 Private requests for official plan revisions

PLANNING PROCESS

- § 71a.121. Sewage facilities planning process (Municipal)
- § 71a.122 Sewage facilities planning process (Department)
- § 71a.123. Sewage facilities planning process (Delegated Agency)

PLANNING RESPONSIBILITIES

§ 71a.101. General Requirements

- (a) Municipalities are required to develop, maintain, implement and revise, as necessary, complete official plans that provide for the resolution of existing sewage disposal problems, provide for the future sewage disposal needs of new land development and provide for the future sewage disposal needs of the municipality.
- (b) Municipalities are required to assure the proper operation and maintenance of sewage facilities within their borders. Proper operation and maintenance of sewage facilities is essential to the provision of adequate sewage treatment and disposal over the functional life of a sewage treatment system. All municipalities shall, therefore, address long-term operation and maintenance in official plans and official plan revisions.
- (c) Municipalities are required to establish a method of assuring the long term proper operation and maintenance of sewage facilities via a sewage management program as part of an official plan or official plan revision when the official plan or official plan revision identifies the existing and proposed use of individual sewage systems or community onlot sewage systems.

- (d) Municipalities shall submit Official plans and official plan revisions to the Department for approval.
- (e) Following the Department's approval, municipalities shall implement official plans and official plan revisions in accordance with the act and this chapter.
- (f) Each municipality shall review its official plan and provide written confirmation of that plan's continued adequacy to the Department every 10 years, on ten-year anniversary date of that plan's original approval by the Department.
- (g) Municipalities that do not have an approved official plan, or that fail to revise, or fail to implement an official plan when required, shall be subject to limitations to the issuance of onlot sewage system permits and/or connection to public sewage facilities as specified in § 72a.23 and Chapter 94 (relating to limitations on onlot system permit issuance and Municipal wasteload management).
- (h) In any civil or administrative action taken under this chapter, the municipality shall have the burden of establishing that its official plan or proposed official plan revision complies with the requirements of this part.

§ 71a.102. Municipal responsibility to revise plans.

- (a) Municipalities shall revise their official plans when:
 - (1) The municipality or the Department determines that the Official plan, or any of its parts, is inadequate to meet the existing or future sewage disposal needs of the municipality or portion thereof.
 - (2) The official plan or its parts, is inadequate to meet the sewage needs of new land development.
 - (3) Newly discovered or changed facts, conditions or circumstances make the plan inadequate to meet the sewage needs of new land developments or the future sewage disposal needs of the municipality or portion thereof.
 - (4) A subdivision or its equivalent is proposed, except as provided by § § 71a.103 and 71a.104 (relating to exemption from responsibility to revise the official plan and exception to the requirement to revise the official plan).
 - (5) A permit is required from the Department under section 5 of The Clean Streams Law (35 P. S. § 691.5).
 - (6) The use of retaining tanks other than the temporary use of chemical toilets is proposed.
- (b) The proposed plan content must be consistent with the requirements of the act.

- (c) The completed plan must be submitted to the Department within the time limits established under § 71a.105(b) (relating to Department responsibility to require official plan revisions).
- (d) Two or more municipalities may jointly submit a single official plan or update revision. The plan may be prepared by one of the municipalities and submitted on behalf of participating municipalities if the plan is adopted by resolution of the governing body of each municipality to which it relates.
- (e) The existence, absence or content of a municipal or county subdivision ordinance or regulation will not relieve the municipality of its duty to revise its official plan as required by the act and this chapter.

§ 71a.103. Exemption from the responsibility to revise the official plan.

- (a) Except for new land development proposing the use of retaining tanks, new land development proposals meeting the following criteria may be exempt from sewage facilities planning requirements.
 - (1) Revisions for new land development, exceptions to the requirement to revise and supplements are not required, and permits for onlot systems using a soil absorption area or a spray field may be issued without this planning, when the Department or, in the case of supplements, a delegated agency determines that the following have been met:
 - (i) The official plan depicts that the area of the municipality where the new land development proposal is located is to be served by onlot sewage disposal facilities using a soil absorption area or a spray field as verified by the municipality and confirmed by signature of the responsible municipal official and providing the date of Official Plan approval.
 - (ii) There is an approved method of assuring long term proper operation and maintenance via a sewage management program in place, in accordance with § 71a.223 (relating to requirements for management of sewage facilities), in those areas of the municipality served by onlot sewage systems and that is enforceable by either the municipality or a local agency.
 - (iii) The area proposed for the use of individual or community sewage systems is not underlain by carbonate geology nor is this area within 1/4 mile of water supplies documented to exceed five parts per million (ppm) of nitrate-nitrogen as confirmed from USGS mapping (or other mapping approved by the Department) or sampling data.

- (iv) The area proposed for development is outside of any high quality or exceptional value watershed established under Chapter 93 (relating to general water quality criteria; and designated water uses and water quality criteria) and as confirmed by the location of the new land development on a USGS topographic quadrangle map or other map acceptable to the department.
 - (v) Subdivided lots and the remaining portion of the original tract after subdivision are 1 acre or larger per dwelling unit as verified by plat and confirmed by signature of the responsible municipal official. Where a proposed new land development includes multi-family dwellings or non residential or other projects which use equivalent dwelling units (EDU), a minimum ratio of 1 acre per EDU is required.
 - (vi) Complete soils testing and site evaluation establish that separate sites are available for both a primary soil absorption area or spray field and a replacement soil absorption area or spray field on each lot of the subdivision as documented by a report that includes site suitability testing results, a plat depicting the proposed lots and site suitability testing locations and that is signed by the sewage enforcement officer serving the municipality in which the new land development is proposed. The municipality shall require deed restrictions to protect the replacement soil absorption area or spray field from damage that would make it unsuitable for future use. A local agency shall not issue permits where such deed restrictions have not been executed.
 - (vii) The municipality has a current, approved sewage facilities plan or plan update revision that is being implemented.
 - (A) An official plan or update revision is considered current if approved by the Department not more than 10 years prior to the date of the exemption request.
 - (B) For the purposes of exempting a subdivision from planning requirements, an official plan or update revision is considered “being implemented” if the proposed subdivision is located in an area within the municipality which has been designated in the Official Plan as an area to be served by individual or community onlot sewage systems.
 - (C) An official plan or update revision is not considered as current or “being implemented” if a municipality is under an existing order from the Department to submit an update revision or special study for the area in which the subdivision is proposed.
- (2) An official plan revision is not required for subdivisions proposing a connection to or an extension of public sewers when the Department or, in the case of supplements, a delegated agency, determines that all of the following have been met:

- (i) The Department or delegated agency determines that existing collection, conveyance and treatment facilities are in compliance with The Clean Streams Law and the rules and regulations promulgated thereunder.
 - (ii) The Department or delegated agency determines that the permittees of the receiving sewerage facilities have submitted information under Chapter 94 (relating to municipal wasteload management) that documents that the existing collection, conveyance and treatment system does not have an existing or projected hydraulic or organic overload.
 - (iii) 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 and to the Department that there is capacity to receive and treat the sewage flows from the applicant's proposed new land development and that the additional wasteload from the proposed new land development will not result in a hydraulic or organic overload or cause a 5-year projected hydraulic or organic overload or exceed or violate any applicable permit requirement or condition.
 - (iv) The municipality has a current, approved sewage facilities plan or plan update revision that is being implemented.
 - (A) An official plan or update revision is considered current if approved by the Department not more than 10 years prior to the date of the exemption request.
 - (B) For the purposes of exempting a subdivision from planning requirements, an official plan or update revision is considered "being implemented" if the proposed subdivision is located in an area within the municipality which has been designated in the Official Plan as an area to be served by future public sewers as verified by the municipality and confirmed by signature of the responsible municipal official and by providing the date of official plan approval.
 - (C) An official plan or update revision is not considered as current or "being implemented" if a municipality is under an existing order from the Department to submit an update revision or special study for the area in which the subdivision is proposed.
- (b) Information in support of a request for an exemption from sewage facilities planning under this section must be submitted on a form provided by the Department.
- (c) This section does not apply to new land development proposals intended to be served by sewage facilities which require or which must apply for a new or modified permit from the Department under The Clean Streams Law.

§ 71a.104. Exception to the requirement to revise the official plan

- (a) A municipality is not required to revise its official plan when the Department determines that the proposal is for the use of individual onlot sewage systems serving detached single family dwellings in a subdivision of ten lots or less and the following apply:
- (1) The proposal, in addition to the existing or proposed subdivision of which it is a part, will not exceed ten lots.
 - (2) For the purposes of determining whether a proposal qualifies for an exception under this section, the enumeration of lots must include only lots created after May 15, 1972 and any residual lot or parcel.
 - (3) The subdivision has been determined to have soils and site conditions which are suitable for onlot sewage disposal systems under § 71a.221
 - (4) The subdivision is not located within ¼ mile of water supplies documented to exceed 5PPM nitrate-nitrogen as confirmed from USGS mapping (or other mapping approved by the Department) or sampling data.
 - (5) The proposal is consistent with applicable water quality standards, effluent limitations or other technical requirements contained in § 71a.221 and this part.
 - (6) The municipality has a current, approved sewage facilities plan or plan update revision that is being implemented.
 - (i) An official plan or update revision is considered current if approved by the Department not more than 10 years prior to the date of the exemption request.
 - (ii) For the purposes of excepting a subdivision from planning requirements, an official plan or update revision is considered “being implemented” if the proposed subdivision is located in an area within the municipality which has been designated in the Official Plan as an area to be served by individual onlot sewage systems.
 - (iii) An official plan or update revision is not considered as current or “being implemented” if a municipality is under an existing order from the Department to submit an update revision or special study for the area in which the subdivision is proposed.
- (b) The proposed new land development complies with § 71a.222(a)(5),(10), (11),(12), and (13) (relating to requirements for planning consistency).

- (c) There is an approved method of assuring long term proper operation and maintenance via a sewage management program in place, in accordance with § 71a.223 (relating to requirements for management of sewage facilities), in those areas of the municipality served by onlot sewage systems and that is enforceable by either the municipality or an authorized local agency.
- (d) Documentation supporting a request for an exception to the requirement to revise the official plan must be submitted to the Department using the Department's sewage facilities planning module and must include:
 - (1) A statement by the governing body of the municipality acknowledging that the governing body and an existing municipal planning or zoning agency, or both if both exist, have reviewed the proposal and found it to be consistent with the municipality's official plan.
 - (2) Evidence of review by the municipality's sewage enforcement officer.

§ 71a.105. Department responsibility to require official plan revisions.

- (a) The Department may require a municipality to revise its official plan when it determines that the plan does not meet the requirements of this Chapter; or when the plan, or any of its parts, is inadequate to meet the sewage treatment and disposal needs of the municipality, its residents or property owners or because of newly discovered facts, conditions or circumstances which make the plan inadequate.
- (b) Official plan revisions must be submitted within 180 days of the Department's determination under this section, unless the Department finds that additional time is necessary to complete the planning consistent with this chapter.
- (c) The Department will notify the municipality in writing of:
 - (1) The reasons for requiring a plan revision.
 - (2) Minimum plan content requirements as contained in Subchapter C.
 - (3) Time limitations for plan completion, including interim deadlines and compliance schedules the Department deems necessary.
 - (4) The status of the existing official plan.
- (d) The Department may require two or more municipalities to develop and submit jointly a single official plan. The Department will allow the preparation of a joint municipal plan if the plan is adopted by each participating municipality.
- (e) The Department may require the municipality to revise its official plan to address the assurance of long-term proper operation and maintenance of sewage facilities via a sewage management program when it determines that any of the following exists:
 - (1) Existing sewage facilities within the municipality are not being properly operated and maintained under this part.

- (2) A revision for new land development is submitted which does not adequately address the administrative, technical or legal functions needed to carry out operation and maintenance of the proposed sewage facilities.
- (3) The official plan or update revision indicates or the Department determines that existing or proposed sewage facilities need periodic inspection or appropriate operation and maintenance to provide long-term proper operation.

§ 71a.106. Private requests for official plan revisions

(a) A person who is a resident or legal or equitable property owner in a municipality may file a private request with the Department requesting that the Department order the municipality to revise or implement its official plan or to require the assurance of long-term proper operation and maintenance of sewage facilities via a sewage management program as provided in § 71a.223 (relating to requirements for management of sewage facilities) if the person can demonstrate that the official plan is not being implemented or is inadequate to meet the person's sewage disposal needs.

(b) Private requests must be processed as follows:

- (1) The request may be made only after a prior written demand upon and written refusal by the municipality to so implement or revise its official plan or failure of the municipality to reply in either the affirmative or negative within 60 days or, failure of the municipality to implement its official plan within the time limits established in the plan's implementation schedule or failure to revise its official plan within the time limits established in this chapter.
- (2) The request to the Department will contain a description of the area of the municipality in question and a list of reasons why the plan is believed to be inadequate or not implemented.
- (3) The person making the private request shall notify in writing, the municipality, official planning agency within the municipality, planning agency with area wide jurisdiction, and county or joint county department of health, if one exists, of the submission of the request to the Department at the same time the request is sent to the Department. This notification must include a copy of the documentation supporting the private request that was submitted to the Department.
- (4) Private requests to revise an official plan must contain evidence that the municipality has refused in writing to revise its plan, is not implementing its plan or has failed to act within the time limits established in § 71a.105 (relating to Department responsibility to require official plan revisions) for plan updates or § 71a.121 (relating to Sewage facilities planning process (Municipal)).
- (5) Upon receipt of a private request for revision, the Department will notify the municipality and appropriate official planning agencies within the municipality,

including a planning agency with area wide jurisdiction if one exists, under the Pennsylvania Municipalities Planning Code (53 P. S. § § 10101—11202) and the existing county or joint county department of health of the receipt of the private request and will inform them that written comments must be submitted to the Department within 45 days after the Department's receipt of the private request for revision.

- (6) In arriving at its decision, the Department will consider the following:
- (i). The reasons advanced by the requesting person.
 - (ii). The reasons for denial advanced by the municipality.
 - (iii). Comments submitted under this section.
 - (iv) Whether the proposed sewage facilities and documentation supporting the proposed sewage facilities are consistent with this part.
 - (v). The existing official plan developed under this chapter.
- (7) The Department will render its decision, and inform the person requesting the revision and the appropriate municipality, in writing, within 120 days after either receipt of the comments permitted by this section or 120 days after the expiration of the 45-day comment period when no comments have been received or within an extended period if agreed to in writing by the person making the request.
- (8) The Department's decision will specify the nature of the revision to the municipality's official plan that the municipality will be required to implement or the reasons for refusal.
- (i) If the Department orders a requested revision, the order will specify time limits for plan completion, including interim deadlines and compliance schedules the Department deems necessary.
 - (ii) If the Department refuses to order a revision requested under subsection (a), it will notify the person who filed the request, in writing, of the reasons for the refusal.
 - (iii) The Department may not refuse to order a requested revision because of inconsistencies with any applicable zoning, subdivision or land development ordinances, but will make its order subject to any limitations properly placed on the development of the property by the municipality under its zoning, subdivision or land development ordinances or by court orders.
- (c) In addition to the process criteria in (b), a private request that the Department order the municipality to revise its official sewage plan to address a sewage management program must document one of the following:

- (1) That existing sewage facilities within the municipality are not being properly operated and maintained under this part.
- (2) That an official plan revision for new land development does not adequately address the administrative, technical or legal functions needed to carry out operation and maintenance of the proposed facilities.
- (3) That sewage treatment and disposal technology that requires routine operation and management is being permitted without adequate management provisions to assure the long term viability of that technology.

PLANNING PROCESS

§ 71a.121. Sewage facilities planning process (Municipal)

- (a) Municipalities shall process official plans, update revisions, or special studies as follows:
 - (1) Official sewage facilities planning may be initiated in accordance with this subchapter.
 - (2) Regardless of the reason to initiate sewage facilities planning, the municipality shall consult with the Department to establish the plan update content, scope and completion time. The Department may concur that the revision is to be limited in scope either to a geographic area or to a specific problem to be addressed and resolved.
 - (3) Prior to initiation of any official plan update revision or special study, municipalities shall submit to the Department a plan of study (POS) describing anticipated sewage facilities planning activities. The POS must describe the proposed update, the methodology to be used to address the major planning elements and include a map of the planning area.
 - (4) Municipalities shall submit to the Department a Task/Activity Report (TAR). The TAR must be submitted on a form provided by the Department or other appropriate form and must be used to document estimated costs of the proposed update revision or special study tasks.
 - (5) The Department will review the POS and TAR and, upon approval, issue an approval letter to the municipality. If planning scope or costs change during update revision or special study preparation, the Department may require the municipality to submit a revised POS and/or TAR to the Department for approval.

- (6) Municipal officials may authorize a local planning agency, county planning agency, Council of Government or a municipal authority to develop an Official Plan, update revision or special study. The municipality retains final responsibility for the plan content, adoption and implementation.
- (7) Official plans, update revisions and special studies must be prepared in accordance with section 71a.201 (relating to content of official plans and official plan revisions).
- (8) The municipality shall provide copies of the official plan or update revision to the municipal planning agency and to the area-wide or county planning agency and to the county health department (where applicable) for comment. Evidence that the official plan or update revision has been before these agencies for 60 days without comment is sufficient to satisfy this comment requirement. All comments received and municipal response to those comments must be included in the official plan or update revision prior to receiving public comments specified in paragraphs (10) and (11).
- (9) The official plan, including any revisions resulting from planning agency comments, must be compiled prior to the public comment period specified in paragraph (10).
- (10) A municipality shall publish a notice meeting the requirements of § 71a.224 (relating to requirements for publishing official plans and official plan revisions) at least once in a newspaper of general circulation in the municipality. A minimum 30-day public comment period must be provided.
- (11) Public comments received and municipal responses to those comments must be included in the official plan considered for adoption by the municipality and must be submitted to the Department. If no public comment is received, the municipality shall insert a statement stating this fact in the official plan submitted to the Department.
- (12) An implementation schedule must be submitted as part of the official plan. This schedule must designate the time periods within which the specific phases of the facilities or program will be completed and the methods and sources of financing each phase
- (13) The municipality shall adopt the final official plan by resolution, including the implementation schedule and any changes incorporated as a result of public comment. The resolution must contain specific reference to the selected alternative(s) and an unconditional commitment to implement the plan within the time limits established in the plan implementation schedule. Where two or more municipalities have developed the update revision, the plan must be adopted by resolution of each municipality.

(14) The municipality shall submit by the adopted official plan and supporting documentation to the Department for review and approval.

(b) Municipalities shall process revisions for new land development as follows:

- (1) Official plan revisions for new land development must be in the form of an appropriate and completed sewage facilities planning module. The Department will provide sewage facilities planning module forms. If a private developer requests the new land development, the developer or his agent may complete the Department's sewage facilities planning module and submit it to the municipality for action.
- (2) The municipality shall act only upon a complete plan revision for new land development. For the purposes of this section, a municipality may not consider a plan revision for new land development to be complete by the municipality unless it includes the following:
 - (i) The information contained in § 71a.202 (relating to the required content of proposals for new land development) and the Department's sewage facilities planning module.
 - (ii) Comments by appropriate official planning agencies of a municipality, a planning agency with area-wide jurisdiction if one exists, under the Pennsylvania Municipalities Planning Code (53 P. S. § § 10101—11202) and the existing county or joint county department of health when acting as local agency. Evidence that the sewage facilities planning module has been before the municipal or area wide planning agency for 60 days without comments is sufficient to satisfy this criteria.
 - (iii) Where construction or connection to sewerage facilities are proposed, a written commitment from the owner of the receiving community sewerage facilities to provide service to the proposed new land development and the conditions for providing the services.
 - (iv) Where onlot sewage systems are proposed, a statement commenting on the site suitability for the specific onlot sewage system or systems proposed for use from the sewage enforcement officer for the local agency having jurisdiction over individual or community onlot sewage systems in the area.
 - (v) Evidence documenting newspaper publication meeting the requirements of section 71a.224 (relating to publishing content requirements for new land development) when the proposal involves any one of the following:
 - (A) Construction of a sewage treatment facility.
 - (B) A change in the flow at a sewage treatment facility of greater than ten percent (10%) of the existing design annual average daily flow.
 - (C) A public expenditure in excess of \$100,000 for the sewage facilities portion of a project.

- (D) A major modification of the existing municipal administrative organization or the establishment of new administrative organizations within the municipal government.
 - (E) A subdivision of 50 lots or more proposing individual or community onlot disposal systems.
 - (F) A major change in established growth projections.
 - (G) A different land use pattern than that established in the existing official sewage facilities plan or comprehensive plan.
 - (H) The use of large volume onlot sewage systems.
 - (I) Resolution of a conflict between the proposed alternative and the consistency requirements contained in §71a.222.
 - (J) The sewage facilities are proposed to discharge into high quality or exceptional value waters.
- (vi) Where a conflict between a proposed alternative and the consistency requirements contained in § 71a.222. (relating to requirements for planning consistency), is identified, written documentation that the appropriate agency has received, reviewed and concurred with the method proposed to resolve identified inconsistencies.
- (3) The municipality shall document the content requirements of subsection (b)(2) have been met and the period of time the revision is in possession of the municipality by use of a completeness checklist signed by an official of the municipality. The completeness checklist is a form provided by the department.
- (4) The municipality shall review revisions for new land development, as follows:
- (i) Examine sewage facilities planning modules upon receipt and, if appropriate comments or documents have not been received under subsections (b)(2)(ii)-(iv), forward a copy of the sewage facilities planning module to the sewage enforcement officer, owner of receiving sewerage facilities and appropriate planning or zoning agencies within 10 days of receipt.
 - (ii) Determine if the submittal of the sewage facilities planning module is complete within 10 working days of the receipt of comments from the sewage enforcement officer, owner of receiving sewerage facilities and appropriate planning or zoning agencies.
 - (iii) Review and act upon a complete sewage facilities planning module proposing a revision for new land development within 60 days of receipt of a complete application or additional time as the applicant and municipality may agree to in writing.
 - (iv) Failure of the municipality to act upon a complete sewage facilities planning module within the 60-day period or an agreed-to extension will cause the revision for new land development to be deemed approved by the

municipality and the complete sewage facilities planning module must be submitted to the Department by the municipality or applicant.

- (5) When taking a final action on a proposed official plan revision, a municipality shall adopt, adopt with modifications or refuse to adopt the proposal as a revision to the municipality's official plan. This final action must be documented by resolution.
- (6) When reviewing a proposed plan revision the municipality shall consider the information requested in paragraph (2) and whether the proposed plan revision is consistent with established municipal goals and capabilities.
- (7) A municipality shall refuse to adopt a proposed revision for new land development to its official plan for the following reasons and may refuse to adopt the plan revision for related reasons:
 - (i) The plan revision is not technically, financially or administratively able to be implemented.
 - (ii) Present and future sewage disposal needs of the area, remaining acreage or delineated lots are not adequately addressed.
 - (iii) The plan revision is not consistent with existing municipal land use plans and ordinances, subdivision ordinances or other ordinances or plans for controlling land use or development.
 - (iv) The plan revision is not consistent with the comprehensive sewage program of the municipality as contained in the official plan.
 - (v) The plan revision does not meet the consistency requirements of § 71a.222 (relating to requirements for planning consistency).
 - (vi) The plan revision does not meet the alternatives evaluation requirements of § 71a.221 (relating to requirements for alternatives evaluation).
 - (vii) The plan revision does not meet the sewage facilities management requirements of § 71a.223 (relating to requirements for management of sewage facilities).
- (8) Whenever a municipality refuses to adopt a proposed revision to the official plan, it must state the reasons for the refusal and forward a copy of this statement to the person making the submission, and a copy of this statement and the proposed revision to the Department.
- (9) Upon adoption of the proposed revision to the official plan, the municipality shall forward the proposed revision to the Department with the information required in

§ 71a.202 (relating to content of sewage facilities planning modules) and paragraph (b)(2) for review. Adoption of the proposed revision to the official plan must be by resolution of the municipality.

(c) Municipalities shall process exceptions to the requirement to revise the official plan as follows:

- (1) The municipality shall examine the sewage facilities planning module upon receipt. If appropriate documentation and comments required by section 71a.104.d were not included in the planning module, the municipality shall forward a copy of the sewage facilities planning module to the appropriate planning or zoning agency and sewage enforcement officer within 10 days of receipt.
- (2) The municipality shall review and act upon an application for an exception to the requirement to revise an official plan within 60 days of receipt of a complete sewage facilities planning module or additional time that the applicant and municipality may agree to in writing.
- (3) A request for an exception to the requirement to revise the official plan must be submitted to the Department for a determination that the exception request is applicable or not applicable.
- (4) Failure of the municipality to act within the 60-day period or an agreed-to time extension shall cause the application for the exception to the requirement to revise to be deemed approved by the municipality and the complete application must then be submitted to the Department by the municipality or the applicant.
- (5) Documentation of the period of time the application for the exception to the requirement to revise was in possession of the municipality shall be in the form of a completeness checklist signed by a municipal official confirming that the requirements of section 71a.104 (relating to exception to the requirement to revise the official plan) have been met.

§ 71a.122. Sewage facilities planning process (Department)

(a) The Department shall process Official plans, update revisions or special studies as follows:

- (1) No official plan or update revision will be considered for review by the Department unless it contains the information and supporting documentation required by the Department, including all of the items required by § 71a.201 (relating to content of official plans and official plan revisions) and § 71a.121(a)(8) and (10)-(13). If a special study is submitted in support of an

- update revision, the Department may waive inapplicable requirements of § 71a.201 (relating to content of official plans and official plan revisions).
- (2) The Department will make an administrative completeness determination within 30 days after submission of the adopted final official plan.
 - (A) Administratively incomplete official plans or update revisions may be returned to the municipality. The Department will notify the municipality in writing specifying the reasons that the official plan or update revision is administratively incomplete.
 - (B) If the Department determines that the official plan, update revision or special study is administratively complete, the Department will initiate a technical review.
 - (3) Within 180 days after submission of an administratively complete official plan, update revision or special study the Department will conduct a technical review and either approve or disapprove the plan, unless the Department determines the plan is technically deficient and makes a written request to the municipality for additional information to correct the technical deficiencies.
 - (A) The allocated 180 day plan review time is suspended upon the issuance of a written request by the Department for additional information to resolve technical deficiencies.
 - (B) The time necessary for the municipality to provide the requested additional information is not included in the allocated 180 day plan review time.
 - (C) The allocated 180 day plan review time must resume upon receipt by the Department of the information necessary to correct the technical deficiencies.
 - (D) Unless an extension of time is agreed to in writing between the department and the municipality, a technically deficient plan that remains technically deficient will be disapproved by the Department one year after its initial submission.
 - (4) Upon the Department's failure to notify the municipality of technical deficiencies or to act on an administratively complete plan within 180 days of being determined complete, the plan will be considered approved unless the Department informs the municipality prior to the end of 180 days that additional time is necessary to complete its review. The additional time may not exceed 60 days.
 - (5) In approving or disapproving an official plan, update revision, or special study the Department will consider:
 - (A) Whether the submission meets the requirements of the act, The Clean Streams Law and this part.

- (B) Whether the municipality has adequately considered questions raised in comments, if any, of the appropriate areawide planning agency, the county or joint county department of health, and the general public.
 - (C) Whether the submission furthers the policies established under section 3 of the act (35 P. S. § 750.3) and sections 4 and 5 of The Clean Streams Law (35 P. S. §§ 691.4 and 691.5).
 - (D) Whether the submission is able to be implemented.
 - (E) Whether the submission adequately provides for continued operation and maintenance of the existing and proposed sewage facilities.
 - (F) Whether the submission contains documentation that inconsistencies identified in § 71a.222 (b) (relating to requirements for planning consistency) have been resolved.
 - (G) If the submission includes proposed sewage facilities connected to or otherwise affecting sewage facilities of other municipalities, whether the other municipalities have submitted necessary revisions to their plans for approval by the Department.
- (6) Approval of official plans and revisions must be based on:
- (A) The technical feasibility of the selected alternative in relation to applicable regulations and standards.
 - (B) The feasibility for implementation of the selected alternative in relation to applicable administrative and institutional requirements
- (7) When an official plan, update revision, or special study is disapproved by the Department, written notice must be provided to each municipality included in the official plan, update revision, or special study, with a statement of reasons for the disapproval.
- (8) When an official plan or update revision is approved or disapproved by the department, written notice of the department's action must be published in accordance with section 71a.224 (b)
- (b) The department shall process revisions for new land development as follows:
- (1) No revision for new land development will be considered for review by the Act unless it contains the information and supporting documentation required by the Department, the Clean Streams Law and regulations promulgated thereunder.
 - (2) The Department will determine whether a revision for new land development is administratively complete in accordance with § 71a.202 (relating to content of

- sewage facilities planning modules) and 71a.121(b)(2) within 10 working days of its receipt by the Department.
- (i) An administratively incomplete revision for new land development may be returned to the municipality. The Department shall notify the municipality in writing specifying the reasons that the revision is administratively incomplete.
 - (ii) If the Department determines that the revision for new land development is administratively complete, the Department will initiate a technical review.
- (3) Within 60 days for a residential subdivision plan or within 120 days for all other subdivision plans after submission of an administratively complete revision for new land development, the Department will conduct a technical review and either approve or disapprove the submission, unless the Department determines the revision for new land development is technically deficient and makes a written request to the municipality for additional information to correct the technical deficiencies.
- (i) The allocated review time halts upon the issuance of a written request by the Department for additional information to resolve technical deficiencies.
 - (ii) The time necessary for the municipality to provide the requested additional information is not included in the allocated review time.
 - (iii) Upon receipt of the information necessary to correct the technical deficiencies the Department will resume the allocated review time.
 - (iv) Unless an extension of time is agreed to in writing between the department and the municipality, a technically deficient revision for new land development that remains technically deficient for a year after its initial submission will be deemed disapproved by the Department. Any resubmission of the revision for new land development must be processed as a new submission.
 - (v) Upon written request of a municipality, a revision for new land development that is technically deficient may be withdrawn from the Department's review and returned to the municipality for corrective action. The Department will terminate the review period and the Department will process any resubmission of the plan revision as a new submission.
- (4) Upon the Department's failure to act upon a proposed non-residential subdivision revision for new land development within 120 days of its submission, the proposed plan revision must be deemed to have been approved, unless the Department informs the municipality prior to the end of the 120-day technical review period provided in paragraph (3) that an extension of time is necessary to complete the technical review. The additional time may not exceed 60 days.

- (5) In approving or disapproving a revision for new land development, the Department will consider the requirements of § 71a.122 (a) (5) (relating to sewage facilities planning process (Department)).
 - (6) When a revision for new land development is disapproved by the Department, written notice must be provided to each municipality included in the plan revision, with a statement of reasons for the disapproval.
- (c) The Department will process exceptions to the requirement to revise as follows:
- (1) The Department will determine whether requests for an exception to the requirement to revise official plans are administratively complete within 10 working days of its receipt by the Department.
 - (2) The Department may conduct a technical review on properly completed and submitted components of the Departments sewage facilities planning module and proper written documentation and, except as provided in subparagraphs (i) – (iii), determine whether the exception request is applicable or not applicable within 30 days of the Department’s determination that a submission is administratively complete.
 - i. If the technical review reveals deficiencies in the request for an exception to the requirement to revise the official plan for new land development thereby precluding a determination by the Department, the exception request must be determined to be technically deficient and the review period must be suspended pending successful resolution of the technical deficiencies. When the Department determines that the exception request is deficient, it may retain the exception request and notify the municipality in writing specifying the reasons that the exception request is technically deficient.
 - ii. If the deficiencies are resolved, the technical review and review period may resume to complete the Department action.
 - iii. Unless an extension of time is agreed to in writing between the department and the municipality, a technically deficient request for an exception to the requirement to revise the official plan for new land development that remains technically deficient for a year after its initial submission will be deemed disapproved by the Department. Any resubmission of the plan revision must be processed as a new submission
 - (3) If the Department fails to act on a complete request for an exception to the requirement to revise within the 30-day technical review period, the requested exception to the requirement to revise the official plan must be deemed to be applicable.

- (d) In a municipality that does not have an official plan, or fails to revise or implement its official plan as required by an order of the Department or this part the following apply:
- (1) The limitations on the issuance of permits under § 72a.23 (relating to limitation on onlot system permit issuance) are in effect.
 - (2) The Department will not issue a permit under section 5 of The Clean Streams Law (35 P. S. § 691.5) for projects in those areas of the municipality for which an official plan, official plan revision or implementation of an official plan is required.
 - (3) A supplement or a revision for new land development will not be denied nor will an exception to the requirement to revise be found inadequate solely because the municipality in which the new land development is being proposed has failed to do one of the following:
 - (i) Submit an update revision or special study.
 - (ii) Implement its plan as required by an order of the Department or this part.
 - (4) A supplement or revision for new land development will not be denied, nor will an exception to the requirement to revise be found inadequate, solely because an update revision or special study is under review by the Department.
 - (5) Every contract for the sale of a lot which is located within an area in which permit limitations are in effect and which is subject to permit limitations under this chapter must contain a statement in the sales contract that clearly indicates to the buyer that sewage facilities are not available for that lot and that sewage facilities will not be available. This statement must also clearly state that construction of any structure on the lot may not begin until the Department has approved a major planning requirement, including, but not limited to, a plan update revision or a special study.
- (g) The limitations on permit issuance contained in § 72a.23 do not apply when the provisions of § 72a.23 (d) have been met.

§ 71a.123. Sewage facilities planning process (Delegated Agency)

- (a) When the Department has delegated the authority to review and approve subdivisions for new land developments to a delegated agency, the regulatory provisions of the Department in § 71a.122 (relating to department responsibility to require revisions to official plans) must be administered by the delegated agency except that the time limits for review must be in accordance with subsection (c).

- (b) A new land development proposal submitted as a revision or an exception to the requirement to revise may be approved by the delegated agency as a supplement to the official plan of the municipality.
- (c) The delegated agency shall determine if a submission is complete within 10 working days of its receipt. Delegated agencies shall approve or disapprove supplements within 60 days of the date of a complete submission or additional time that the applicant and delegated agency may agree to in writing.
- (d) If planning modules for new land development propose service by sewerage facilities requiring a new or modified permit from the Department under The Clean Streams Law, the new land development planning module must be forwarded to the Department for final action.

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Subchapter C. PLANNING FACTORS

GENERAL PLAN CONTENT

Section

- 71a.201 Content of official plans and official plan revisions.
- 71a.202. Content of sewage facilities planning modules

GENERAL PLAN REQUIREMENTS

- 71a.221. Requirements for alternatives evaluations
- 71a.222. Requirements for planning consistency
- 71a.223. Requirements for management of sewage facilities
- 71a.224 Requirements for publishing official plans and official plan revisions

SPECIFIC PLAN REQUIREMENTS

- 71a.241. Individual and community onlot sewage systems
- 71a.242. Soil permeability evaluation
- 71a.243. Hydrogeologic evaluation
- 71a.244. Retaining tanks
- 71a.245. Holding tanks
- 71a.246. Privies and chemical toilets
- 71a.247 Composting toilets
- 71a.248. Small flow treatment facilities

GENERAL PLAN CONTENT

§ 71a.201. Content of official plans and official plan revisions.

- a. Official plans and official plan revisions submitted to the Department must:
 - (1) Describe and analyze the physical and demographic characteristics of the planning area through the following:
 - (i) Identification and mapping of the planning area boundaries and political subdivision boundaries.
 - (ii) Identification and mapping of the physical characteristics of the planning area, including streams, lakes, impoundments, natural conveyance channels and drainage basins.
 - (iii) A survey and a map and analysis of soils
 - (iv) A survey and a map and analysis of geological features
 - (v) A survey and a map and analysis of ground water quality

- (vi) A listing of current population information and historical population data.
 - (vii) An identification of wetlands as defined in Chapter 105 (relating to dam safety and waterway management)
 - (viii) Identification of the source(s) of the potable water supply including the available capacity of public supplies and aquifer yield for groundwater supplies.
- (2) Evaluate existing sewage facilities in the planning area to identify sewage disposal needs areas through the following:
- (i) An identification, mapping and description of municipal and non-municipal, individual and community sewerage systems in the planning area including:
 - (A) The location and condition of treatment plants, main intercepting lines, pumping stations and force mains, including their size, capacity, point of discharge and drainage basin served.
 - (B) A description of problems with the existing facilities, including existing or projected overload under Chapter 94 (relating to municipal wasteload management) or violations of a National Pollutant Discharge Elimination System permit, a Clean Streams Law permit or other permit, rule or regulation of the Department.
 - (C) A description of operation and maintenance requirements and the status of compliance with § 71a.223. (relating to requirements for management of sewage facilities).
 - (ii) An identification, mapping and description of areas that use individual and community onlot sewage systems in the planning area, including:
 - (A) The types of systems in use.
 - (B) A description of problems with the systems, including violations of local ordinances, the act, the Clean Streams Law or a rule or regulation promulgated thereunder.
 - (C) A sanitary survey acceptable to the department in identified problem areas or other areas identified by the municipality or the department.
 - (D) A comparison of the types of onlot sewage systems installed in an area with the types of systems which are appropriate for the area according to soil, geologic conditions and this part.
 - (iii) An identification, mapping, description and analysis of areas that have developed since the last approved official plan which are experiencing development or development pressure, including:
 - (A) Areas with existing development or platted subdivisions.
 - (B) Land use designations established under the Pennsylvania Municipalities Planning Code (53 P. S. § § 10101—11202), including residential, commercial and industrial areas.
 - (C) Future growth areas and population projections.

- (D) Zoning; subdivision regulations; local county or regional comprehensive plans; and existing plans of a Commonwealth agency relating to the development, use and protection of land and water resources.
 - (E) Areas where community sewerage systems are planned to be available within a 5-year and a 10-year period.
- (3) Identify, map, and describe alternatives that are available to provide for new or improved sewage facilities for each area of need including, but not limited to:
- (i) The potential for extension of existing municipal or nonmunicipal sewage facilities to areas in need of new or improved sewage facilities.
 - (ii) The potential for the continued use of existing municipal or nonmunicipal sewage facilities through one or more of the following:
 - (A) Repair.
 - (B) Upgrading.
 - (C) Replacement
 - (D) Improved operation and maintenance.
 - (E) Other applicable actions that will resolve or abate the identified problems.
 - (iii) The potential for new community sewage systems.
 - (iv) The potential for using a decentralized wastewater management structure.
 - (v) The need for a sewage management program to assure the future operation and maintenance of existing and proposed sewage facilities.
- (4) Subject to the limitations of section 71a.241(a)(6) (relating to individual and community sewage systems), identify and describe funding methods available to finance all aspects of each of the proposed alternatives, establishment of the financial alternative of choice and a contingency financial plan to be used if the preferred method of financing is not able to be implemented.
- (5) Select one technical alternative and one financial alternative of choice and a contingency financial plan based on the information collected in subparagraphs (1) – (4) and analysis conducted under § 71a.221 (relating to requirements of alternatives evaluations), to adequately resolve the existing and future sewage needs in each area studied. Support these choices with documentation that shows that the alternative is the most technically, environmentally, financially and administratively acceptable alternative, including:
- (i) The requirements under § 71a.222 (relating to requirements for planning consistency).
 - (ii) The requirements under § 71a.223. (relating to requirements for management of sewage facilities).
- (6) Include a summary of the official plan or official plan revision that identifies:
- (i) Major problems evaluated in the official plan or official plan revision.

- (ii) Alternatives chosen to solve these problems.
 - (iii) Commitments necessary to implement the plan.
 - (iv) A schedule for implementation. This schedule must designate the time periods within which the specific phases of the facilities or program will be completed and the methods and sources of financing each phase
- (b) With the department's concurrence, official plan, update revision or special study content may be specific to the planning needs of the municipality or otherwise limited in scope in accordance with § 71a.121(a)(2) (relating to sewage facilities planning process (municipal)).
- (c) When the information required as part of an official plan or official plan revision has been developed separately, the information may be incorporated by reference.

71a.202. Content of sewage facilities planning modules

- (a) An official plan revision for new land development must be submitted to the Department in the form of a completed sewage facilities planning module provided by the Department and must include, but not be limited to, the following information:
- (1) The nature of the proposal, which must include:
 - (i) Type of facilities to be served, density of proposed development and whether the development is residential, commercial, industrial or a combination thereof.
 - (ii) Number of lots / dwelling units or equivalent dwelling units proposed.
 - (iii) Anticipated sewage flow from the proposed development. For individual or community sewerage systems, the flows must be based on gauged flows or the flows contained in the Domestic Wastewater Facilities Manual (362-0300-001) or equivalent standards acceptable to the Department. A copy of the manual may be obtained from the Department. For individual or community onlot sewage systems, the flows must be consistent with § 73a.4 (relating to sewage flows) or other guidance provided by the department..
 - (iv) Anticipated raw waste characteristics of the sewage.
 - (v) Type of sewage facilities proposed, including collection, treatment and disposal methods.
 - (vi) A description of operation and maintenance activities and their relationship to sewage management programs.
 - (vii) Designation of the person responsible for operation and maintenance activities and the legal and financial arrangements necessary for assumption of this responsibility.

- (2) The relationship of the proposed development to existing sewage needs, proposed sewage facilities and sewage management programs in an area delineated by the municipality, including identification of:
 - (i) The areas, included in or adjacent to the planning area, that are in need of improved sewage facilities.
 - (ii) Existing and proposed sewage facilities for remaining acreage or delineated lots not included in the project.
 - (iii) Existing sewage facilities and sewage management programs in the area.
 - (iv) Other proposed sewage facilities and sewage management programs—public and private—in the area.
 - (v) The method for integrating the proposal into the comprehensive sewage program in the area as reflected in the approved official plan.
- (3) An analysis of technically available sewage facilities alternatives identified by the municipality and additional alternatives identified by the Department, including whether each alternative:
 - (i) Meets the technical requirements of this part.
 - (ii) Is consistent with local and areawide comprehensive water quality management plans for the area.
 - (iii) Is consistent with sewage planning policies and decisions of the municipality.
 - (iv) Is consistent with the municipalities' comprehensive land use plan for the area.
 - (v) Incorporates and is consistent with the requirements of § § 71a.102, 71a.121 , 71a.201 and 71a.222 (relating to Municipal responsibility to revise plans, Sewage facilities planning process (Municipality); Content of official plans and official plan revisions, and Requirements for planning consistency).
- (4) Selection of an alternative that adequately addresses both the present and future sewage needs of the proposal, through identification and evaluation of:
 - (i) Interim facilities.
 - (ii) Replacement facilities.
 - (iii) Ultimate facilities.
 - (iv) Operation and maintenance activities and requirements.
- (5) Selection of an alternative that assures the continued operation and maintenance of the selected sewage facilities through evaluation and identification of the following:
 - (i) Sewage management program requirements.
 - (ii) Administrative capability for continued operation and maintenance.
- (6) Documentation of whether or not it may be implemented including:
 - (i) Agreements with sewer authorities, water authorities or other persons to provide services necessary for implementation of the plan.

- (ii) Designation of the institutional arrangements necessary for implementation of the plan.
- (b) Official plan revisions proposing individual and community onlot sewage systems including retaining tanks, holding tanks privies and chemical toilets must address specific requirements of §71a.241, §71a.244, §71a.245, §71a.246, and §71a.247 (relating to individual and community onlot sewage systems, retaining tanks, holding tanks, privies and chemical toilets and composting toilets), as appropriate.
- (c) Official plan revisions proposing individual and community onlot sewage systems including small flow treatment facilities must address specific requirements of §71a.248 (relating to small flow treatment facilities).
- (d) The Department may require additional information that is necessary for adequate review of the proposal.

GENERAL PLAN REQUIREMENTS

§71a.221. Requirements for Alternatives Evaluation

- (a) It shall be the responsibility of a municipality adopting official plans and official plan revisions, to assure that:
 - (1) All official plans and official plan revisions evaluate alternatives available to provide for adequate sewage facilities that assure the long term sanitary collection, treatment and disposal of sewage.
 - (2) Each alternative for the provision of adequate sewage facilities is evaluated for compliance with the technical and administrative planning requirements of the act and regulations promulgated thereunder.
 - (3) One alternative is selected to solve the need for sewage facilities in each area studied, and this choice is supported by documentation that shows that the alternative is technically, environmentally, financially and administratively acceptable.
 - (4) The means by which the necessary requirements for long-term operation and maintenance of sewage facilities selected for use within the area covered by official plans and official plan revisions must be assured.
- (b) The Department may require evaluation of additional technically available alternatives prior to making its decision concerning approval to any official plan revision.

- (c) Official plans and official plan revisions proposing individual and community sewage systems must address specific requirements of §71a.241 (relating to individual and community sewage systems).
- (d) Official plans and official plan revisions proposing individual and community onlot sewage systems including retaining tanks, and holding tanks must address specific requirements of §71a.241 and §71a.244, §71a.245 (relating to individual and community onlot sewage systems, retaining tanks and holding tanks) as appropriate.
- (e) Official plans and official plan revisions proposing individual and community onlot sewage systems including the use of privies and chemical toilets, or composting toilets must address specific requirements of §71a.241, and §71a.246, and §71a.247 (relating to individual and community sewage systems, privies and chemical toilets and composting toilets) as appropriate.
- (f) Official plans and official plan revisions proposing individual and community sewage systems including small flow treatment facilities must consider specific requirements of §71a.241 and §71a.248.

§ 71a.222. Requirements for Planning Consistency

- (a) The completed plan submitted to the Department will contain an evaluation of each proposed alternative considered in § 71a.201 (a)(3) (relating to content of official plans and official plan revisions) for consistency between the proposed alternative and the objectives and policies of:
 - (1) Applicable plans developed and approved under sections 4 and 5 of the Clean Streams Law (35 P. S. § § 691.4 and 691.5) or section 208 of the Clean Water Act (33 U.S.C.A. § 1288).
 - (2) Municipal wasteload management under Chapter 94 (relating to municipal wasteload management).
 - (3) Planning requirements for federally funded sewage facilities under Title VI of the Water Quality Act of 1987 (33 U.S.C.A. § § 1382—1387) and in the approved State Environmental Review Process (SERP).
 - (4) Plans developed pursuant to Title III the Water Quality Act of 1987 (33 U.S.C.A. § § 1251—1376), and any Total Maximum Daily Load (TMDL) approved by the U. S. Environmental Protection Agency thereunder.
 - (5) Municipal or multi-municipal comprehensive plans developed under the Pennsylvania Municipalities Planning Code.
 - (6) County comprehensive plans developed under the Pennsylvania Municipalities Planning Code.
 - (7) Applicable water quality standards, effluent limitations or other requirements contained in or pursuant to Chapters 91, 92a, 93, 95 and 96 (relating to water quality provisions, National Pollutant Discharge Elimination System (NPDES) permitting, monitoring and compliance, water quality standards,

- wastewater treatment requirements and implementation of water quality standards).
- (8) Antidegradation requirements as contained in Chapters 93, 96, 102 and 105 (relating to water quality standards; implementation of water quality standards; erosion and sediment control; and dam safety and waterway management) and the Clean Water Act.
 - (9) State water plans developed under the Water Resources Planning Act (42 U.S.C.A. § § 1962—1962d-18) or its successors.
 - (10) Title 4 of the Pennsylvania Code, Chapter 7, Subchapter W (relating to agricultural land preservation policy).
 - (11) Plans adopted by the county and approved by the Department under the Storm Water Management Act (32 P. S. § § 680.1—680.17).
 - (12) Wetland protection under Chapter 105 (relating to dam safety and waterway management).
 - (13) Protection of rare, endangered or threatened plant and animal species as identified by the Pennsylvania Natural Heritage Program (PNHP), or its successors.
 - (14) Historic Preservation, Section 507 of Title 37 of Pennsylvania Consolidated Statutes (relating to cooperation by public officials with the Commission).
- (b) The municipality shall resolve any inconsistencies that are identified between the proposed alternative and the objectives and policies of subsection (a) (1)-(14) prior to submission of the sewage facilities planning to the department for review.
- (c) Document that all selected alternatives are consistent with the objectives and policies of (a) (1)-(14) in the sewage facilities planning submitted to the Department for review. The municipality shall submit written documentation that the appropriate agency has received, reviewed and concurred with the method to resolve identified inconsistencies.

§ 71a.223. Requirements for Management of Sewage Facilities

- (a) When an official plan or official plan revision proposes the use of Department permitted non-municipal sewage facilities, or when Department permitted non-municipal sewage facilities meet the criteria established under § 71a.105 or § 71a.106 (relating to the Department's responsibility to require official plan revisions or to private requests for official plan revision) and the municipality is required to revise its official plan to address the assurance of long-term proper operation and maintenance of sewage facilities through a sewage management program, the official plan or official plan revision must include a proposal for a sewage management program that provides for the following:
- (1) An evaluation of one or a combination of the options in subparagraphs (i)—(x), or other actions permitted by and consistent with the act and The Clean Streams Law, with selection of the option or options that to effectively assure the long-

term proper operation and maintenance of the existing or proposed sewage facilities:

- (i) A bond, bank letter of credit, escrow account or other security provided by the permit holder sufficient to cover the costs of future operation and maintenance of the sewage facilities. The municipal ordinance must contain a provision that waives this requirement for security where the permit holder is a firm or corporation that specializes in providing wastewater treatment services, with a management plan meeting the requirements of § 91.21 (relating to Application for permits) and with staff experienced in the operation and maintenance of sewage treatment systems.
 - (A) The bond, bank letter of credit, escrow or other security must be forfeited to the municipality upon notice by the Department of continuing noncompliance of the system with the operation and maintenance standards established through a condition in the permit. Forfeiture of the bond, bank letter of credit, escrow or other security to the municipality does not relieve the permit holder of a sewage facility from maintaining that facility as compliant with all applicable requirements under this part
 - (B) The amount of the bond, bank letter of credit, escrow or other security must be set as follows:
 - (I) An amount equal to 50% of the cost of the equipment and installation for each of the first 2 years of operation.
 - (II) After 2 years of operation, the security agreement must provide for a refund of a portion of the original bond so that at least the permit holder retains 10% of the original cost of the equipment and installation.
 - (III) The remaining bond totaling 10% of the cost of the equipment and installation must be maintained for the life of the system.
 - (C) The bond, bank letter of credit, escrow or other security must limit the use of any forfeited security by the municipality to cover the costs of repair or future operation and maintenance of the system over its design life or until the system is in compliance and being properly operated and maintained.
- (ii) A municipal ordinance which requires the system to be operated and maintained through a maintenance agreement between the permit holder and an individual, firm or corporation demonstrated as experienced in the operation and maintenance of sewage treatment systems. The maintenance agreement must establish and designate responsibilities between the permit holder and the individual, firm or corporation for operating and maintaining the system. The municipal ordinance must establish responsibility of the

municipality or its designated local agency for oversight of the implementation of the maintenance agreement and the operation and maintenance of the system.

- (iii) A maintenance agreement between the permit holder, the municipality or its designated local agency, and an individual, firm or corporation demonstrated as experienced in the operation and maintenance of sewage treatment systems. The maintenance agreement must establish and designate the responsibilities between the permit holder and the individual, firm or corporation for operating and maintaining the system and the responsibility of the municipality or local agency for oversight of operation and maintenance of the system.
- (iv) A municipal ordinance which establishes the permit holder's responsibility for operating and maintaining the system and the responsibility of the municipality or its designated local agency for oversight of the system.
- (v) A maintenance agreement between the permit holder and the municipality or its designated local agency which establishes the property owner's responsibility for operating and maintaining the system and the responsibility of the municipality or local agency for oversight of the system.
- (vi) Establishment of a properly chartered association, trust or other private legal entity to assure long-term administration of an operation and maintenance program. The charter or other terms of establishment must establish the association, trust or other private legal entity as responsible for the proper performance of the system and establish and designate responsibilities between the permit holder and the association, trust or other private legal entity for operating and maintaining the system. Municipal ordinance adopted pursuant to this arrangement must establish responsibility of the municipality or its designated local agency for oversight of the operation and maintenance program and the system.
- (vii) Municipal ownership of the sewage facilities upon completion.
- (viii) Establishment of, or inclusion of, the sewage facilities under a management agency through existing municipal codes, including but not limited to, municipal authorities, sanitary boards and boards of health. A municipal ordinance adopted pursuant to this arrangement must establish responsibility of the municipality for oversight of the management agency and the sewage facilities.
- (ix) Establishment of, or inclusion of, the sewage facilities under a management agency through the adoption of local ordinances under municipal codes. A municipal ordinance adopted pursuant to this arrangement must

establish responsibility of the municipality for oversight of the management agency and the sewage facilities.

- (x) Inclusion of the sewage facilities under an existing sewage management program.
 - 2. Department permitted non-municipal sewage facilities are to be operated and maintained in accordance with standards and conditions established in the permit issued by the Department.
 - 3. As determined by the Department, the failure to select, assure or implement provisions of paragraph (1) that results in a failure to satisfy the requirements of paragraph (2) may result in an order from the Department for municipal ownership of the sewage facilities.
 - 4. Identification of the specific legal authority to be used by municipal officials and their designated employees to enter lands and make inspections of the sewage facilities.
- (b) When an official plan or official plan revision proposes the use of local agency permitted sewage facilities, or when local agency permitted sewage facilities meet the criteria established under § 71a.105 or 71a.106 (relating to the Department's responsibility to require official plan revisions to private requests for official plan revision) and the municipality is required to revise its official plan to address the assurance of long-term proper operation and maintenance of sewage facilities through a sewage management program, the official plan or official plan revision must include a proposal for a sewage management program that provides for the following:
- (1) An evaluation of one or a combination of the options in subparagraphs (i)—(ix), or other options permitted by and consistent with the act and The Clean Streams Law, with selection of the option or options that clearly demonstrate the ability of the proposal to effectively and responsibly assure the long-term proper operation and maintenance of the existing or proposed sewage facilities:
 - (i) A municipal ordinance which requires the system to be operated and maintained through a maintenance agreement between the property owner and an individual, firm or corporation demonstrated as experienced in the operation and maintenance of sewage treatment systems. The maintenance agreement must establish and designate responsibilities between the system owner and the individual, firm or corporation for operating and maintaining the system. The municipal ordinance must establish responsibility of the municipality or its designated local agency for oversight of the implementation of the maintenance agreement and the operation and maintenance of the system.

- (ii) A maintenance agreement between the property owner, the municipality or its designated local agency, and an individual, firm or corporation demonstrated as experienced in the operation and maintenance of sewage treatment systems. The maintenance agreement must establish and designate the responsibilities between the system owner and the individual, firm or corporation for operating and maintaining the system and the responsibility of the municipality or local agency for oversight of the operation and maintenance of the system.
- (iii) A municipal ordinance which establishes the property owner's responsibility for operating and maintaining the sewage facilities and the responsibility of the municipality or its designated local agency for oversight of the system.
- (iv) A maintenance agreement between the property owner and municipality or its designated local agency which establishes the property owner's responsibility for operating and maintaining the system and the responsibility of the municipality or local agency for oversight of the system.
- (v) Establishment of a properly chartered association, trust or other private legal entity to assure long-term administration of an operation and maintenance program. The charter or other terms of establishment must establish the association, trust or other private legal entity as responsible for the proper performance of the system and establish and designate responsibilities between the property owner and the association, trust or other private legal entity for operating and maintaining the system. Municipal ordinance adopted pursuant to this arrangement must establish responsibility of the municipality or its designated local agency for oversight of the operation and maintenance program and the system.
- (vi) Municipal ownership of the sewage facilities upon completion.
- (vii) Establishment of, or inclusion of, the sewage facilities under a management agency through existing municipal codes, including but not limited to, municipal authorities, sanitary boards and boards of health. A municipal ordinance adopted pursuant to this arrangement must establish responsibility of the municipality for oversight of the management agency and the sewage facilities.
- (viii) Establishment of, or inclusion of, the sewage facilities under a management agency through the adoption of local ordinances under municipal codes. A municipal ordinance adopted pursuant to this arrangement must establish responsibility of the municipality for oversight of the management agency and the sewage facilities.

- (ix) Inclusion of the sewage facilities under an existing sewage management program.
2. Local agency permitted sewage facilities are to be operated and maintained, at minimum, in compliance with the minimum maintenance standards for each component in the treatment system as detailed in Chapter 73a (relating to standards for onlot sewage treatment facilities).
 3. The failure to select, assure or implement provisions of paragraph (1) that results in a failure to satisfy the requirements of paragraph (2) must be considered a violation of the Act.
 4. Identification of the specific legal authority to be used by municipal officials and their designated employees to enter lands and make inspections of onlot sewage facilities and to enforce the ordinance. The policy concerning a schedule of inspections and methods of notification of property owners of this policy must be included.
- (c) In addition to the requirements of subsections (a) and (b), an official plan or official plan revision that proposes a sewage management program must address the following:
- (1) Standards consistent with section 8(b)(9) of the act (35 P. S. § 750.8(b)(9)) for operation, maintenance, repair or replacement of sewage facilities which include:
 - (i) Requirements for septage pumpers and haulers that are consistent with the Solid Waste Management Act (35 P. S. § § 6018.101—6018.1003).
 - (ii) Maintenance of surface contouring and other measures, consistent with Chapter 73a (relating to standards for onlot sewage treatment facilities) to divert stormwater away from the treatment facilities and absorption areas and protection of the absorption areas from physical damage.
 - (iii) Requirements for the use of water conservation devices to reduce hydraulic loading to the sewage system.
 - (iv) A discussion of the specific requirements of the sewage management program and administrative and legal functions needed to carry out the sewage management program. These may include, but not be limited to:
 - (A) Operations or other permit requirements relating to the sewage facilities.
 - (B) Requirements for performance testing or monitoring relating to the sewage facilities.

- (C) Standards for the conduction of component-specific operation and maintenance.
 - (D) Management practices necessary to assure proper disposal of septage.
 - (E) Licensing or registration requirements and qualifications for pumper/haulers or other service providers.
- (2) Authorization of the establishment of a fee schedule for the cost of municipal services related to implementing the provisions of the sewage management program.
 - (3) Identification of the authority to be used to enforce the requirements of the sewage management program or restrain violations of the program.
 - (4) Identification of penalty provisions for violations of sewage management program requirements.
 - (5) Draft ordinances, regulations or policies which relate to the sewage management program.
 - (6) Other requirements deemed necessary by the municipality and consistent with the act and The Clean Streams Law.
- (d) The development and implementation of operation and maintenance needs through a sewage management program must be consistent with all of the provisions of this chapter.
 - (e) The Department may provide technical and administrative guidance to local municipalities to assist them in the development of sewage management programs for existing needs areas and new land development proposals.
 - (f) Sewage management program activities may be delegated by a municipality to the local agency or to another municipality. Such delegation must be incorporated within the official plan or an official plan update revision.

71a.224 Requirements for Publishing Official Plans & Official Plan revisions

- (a) When publication of a notice regarding an official plan, update revision or special study is required by § 71a.121(a)(10) (relating to sewage facilities planning process (municipality)), the following apply:
 - (1) A municipality shall publish a legal notice at least once in a newspaper of general circulation in the municipality.
 - (2) At a minimum, the notice must include:

- (i) Notice that a revision to the municipal sewage facilities official plan is being proposed as required by the Pennsylvania Sewage Facilities Act.
 - (ii) Title of the draft official plan and the type(s) of revisions and identification of project(s) proposed.
 - (iii) Project location (areas affected)
 - (iv) Alternatives considered
 - (v) Plan recommendations
 - (vi) Name of the receiving body of water where a discharge is proposed to that body of water.
 - (vii) Antidegradation classification of any receiving water designated as high quality or exceptional value where a discharge is proposed to that body of water.
 - (viii) Proposed user fees.
 - (ix) Request for written comments, which must include the beginning and end date of the comment period and the address where comments are to be submitted. The comment period must not be less than 30 days in length.
 - (x) Location and times for public review of the draft plan
- (3) A copy of written comments received and the municipal response to each comment must be submitted to the Department with the planning documents..
- (b) When publication of a notice regarding plan approval or disapproval is required by section 71a.122 (a) (8) (relating to sewage facilities planning process (Department)), the following apply:
- (1) The department will publish a legal notice in the PA Bulletin and at least once in a newspaper of general circulation in the municipality.
 - (2) For plan approvals the notice must include the following, at a minimum:
 - i. The name of the municipality or municipalities subject to the plan.
 - ii. The address of the municipality or municipalities subject to the plan.
 - iii. The county or counties subject to the plan.
 - iv. A description of the plan.
 - v. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.
 - vi. Appeal language.
 - (3) For plan disapprovals the notice must include the following, at a minimum:
 - i. The name of the municipality or municipalities subject to the plan.
 - ii. The address of the municipality or municipalities subject to the plan.
 - iii. The county or counties subject to the plan.
 - iv. The reasons for the plan's disapproval action.
 - v. Appeal language.

(c) When publication of a notice regarding new land development is required by subsection 71a.121(b)(2)(iv) (relating to sewage facilities planning process (municipality)), the following apply:

- (1) A municipality shall submit evidence that documents the publication of the proposed plan adoption action at least once in a newspaper of general circulation within the municipality.
- (2) The applicant or the applicant's agent, the municipality or the local agency, may provide the notice for publication. When an applicant or an applicant's agent provides the required notice for publication, the applicant or applicant's agent shall provide proof of publication to the municipality and the municipality will be relieved of the obligation to publish
- (3) As a minimum, the published notice must contain
 - (i) A summary description of the nature, scope and location of the proposed new land development proposal.
 - (ii) Name of the receiving body of water where a discharge is proposed to that body of water.
 - (iii) The antidegradation classification of the receiving water where a discharge to a body of water designated as high quality or exceptional value is proposed.
 - (iv) A 30-day public comment period.
 - (v) A location where the plan revision is available for review,
 - (vi) That all written comments regarding the proposal must be sent to the municipality within which the new land development is proposed.
 - (vii) Notice of the proposed plan adoption action.
- (4) A copy of written comments received and the municipal response to each comment must be submitted to the Department with the planning module.

SPECIFIC PLAN REQUIREMENTS

§71a.241. Individual and community sewage systems

- (a) All official plans and official plan revisions must identify and evaluate technically available sewage facilities alternatives, and assess any additional alternatives identified by the Department, including but not limited to:
 - (1) The potential for extension of existing municipal or non-municipal sewage facilities to areas in need of new or improved sewage facilities.
 - (2) The potential for the continued use of existing municipal or non-municipal sewage facilities.
 - (3) The need for new community sewage systems.

- (4) The potential for the use of individual sewage systems.
 - (5) Cost estimates for construction, financing, ongoing administration, operation and maintenance, limited to areas identified in the plan as needing improved sewerage facilities within a 5-year period from the date of plan submission and which are scheduled for completion of sewerage facilities within 5 years or less.
 - (6) Funding methods available to finance all aspects of each of the proposed alternatives, establishment of the financial alternative of choice and a contingency financial plan to be used if the preferred method of financing cannot be implemented, limited to areas identified in the plan as needing improved sewerage facilities within the 5-year period from the date of plan submission and which are scheduled for completion of sewerage facilities within 5 years or less.
 - (7) The ability to implement, including but not limited to:
 - (A) Activities necessary to abate critical public health hazards pending completion of sewerage facilities or sewage management programs.
 - (B) Phased development of the sewerage facilities or sewage management program and time schedules for implementing each phase.
 - (C) Administrative organization and legal authority necessary for plan implementation.
 - (D) Agreements with municipal authorities, or other persons to provide services necessary for implementation of the plan.
 - (E) Designation of the institutional arrangements necessary for implementation of the plan.
- (b) Official plans and official plan revisions proposing the use of a publicly or privately owned individual or community sewerage system must in addition to (a) evaluate and document the following:
- (1) Alternatives available to provide sewerage facilities and proof that the proposed sewerage facilities are both short- and long-term, environmentally acceptable alternatives.
 - (2) Specific responsibilities for operation and maintenance of the proposed sewerage system under § 71a.223 (relating to requirements for management of sewerage facilities).

- (3) When the proposed discharge from the individual or community sewerage system is to an intermittent or ephemeral stream channel or land disposal site, a preliminary hydrogeologic evaluation under § 71a.243 (relating to hydrogeologic examination) and related department guidance documents.
- (c) Individual and community sewerage systems and Large Volume Onlot Sewage Systems and their appurtenances must meet applicable design and other standards established by the Department under sections 202 and 207 of The Clean Streams Law (35 P. S. § § 691.202 and 691.207) and must obtain a Clean Streams Law permit and if there is a discharge to surface water, a National Pollutant Discharge Elimination System permit, prior to construction and operation.
 - (d) Official plans and official plan revisions proposing individual and community onlot sewage systems that are not defined as large volume onlot sewage systems but which include renovation of sewage effluent by means of a subsurface soil absorption area or spray irrigation system must evaluate and document that the soils and geology of the proposed site are suitable, as specified in Chapter 73a. Subchapter B, (relating to site evaluation) for the installation of the systems identified and proposed including:
 - (1) Soils mapping as per the United States Department of Agriculture, Natural Resources Conservation Service mapping or an equivalent acceptable to the department.
 - (2) Sufficient limiting zone or morphological examinations as described in Chapter 73a (relating to standards for onlot sewage treatment facilities) must be performed to insure that an adequate area with suitable soils is available in the area of the proposed individual onlot sewage system absorption area for each lot, for any required replacement absorption area location, or for any open space proposed for a community onlot sewage system absorption area.
 - (3) When required under § 73a.13 (relating to percolation tests), a sufficient number of percolation tests to confirm that the general percolation rate for each lot or open space where an absorption area is to be installed is within acceptable limits as described in § 73a.121 (relating to general).
 - (4) Contour lines in the areas planned for absorption area structures.
 - (5) Slope measurements across the steepest portion of each proposed absorption area.
 - (6) Using information obtained in paragraphs (2), (3), (4) and (5) identification of the onlot sewage disposal technologies proposed for use and their operation and maintenance requirements.

- (7) When required by § 71a.223 (relating to requirements for management of sewage facilities), analysis or discussion of the sewage management program that is identified to address the long term operation and maintenance issues of the identified onlot sewage system technologies proposed for use.
 - (8) When required by § 71a.242 (relating to soil permeability evaluation), additional soil permeability testing of the specific sites proposed for installation of specified absorption technology described in Chapter 73a.
 - (9) When required by § 71a.243 (relating to hydrogeologic evaluation), preliminary and/or detailed hydrogeologic studies that confirms that existing or proposed drinking water uses will be protected and that effluent will not create a public health hazard or a nuisance.
- (e) This chapter does not preclude planning for the high density use of individual and community onlot sewage systems using subsurface soil absorption areas serving lots whose size is less than 1 acre per dwelling unit or equivalent dwelling unit. Because of the potential for the creation of a public health hazard or pollution of the waters of this Commonwealth from high density use, improper system siting or inadequate maintenance of individual and community onlot systems, particular attention must be given in official plans and revisions to the technical and institutional feasibility of using onlot sewage systems under high density conditions. Additional soil permeability testing and hydrogeologic evaluations provided for in §§ 71a.242 and 71a.243 (relating to soil permeability evaluation and hydrogeologic evaluation) may be required prior to the Department's approval of revisions proposing an alternative that includes this high density use of onlot sewage systems.
- (f) This chapter does not preclude planning for the use of large volume onlot sewage systems. In addition to the requirements in sections (a) and (b), official plans and official plan revisions proposing large volume onlot sewage systems must evaluate and document that the soils and geology of the proposed site are suitable, as specified in section (d) or in specific guidance provided by the department. Additional permeability testing and hydrogeologic evaluations may be required prior to the Department's approval of Official plans and official plan revisions proposing an alternative which includes use of large volume onlot sewage systems.
- (g) The Department regulates the use of Large volume onlot sewage systems and permits are required under sections 201, 202, 207 and 402 of the Clean Streams Law (35 P. S. § § 691.201, 691.202, 691.207 and 691.402). These systems and their appurtenances must meet applicable design and other standards established by the Department under sections 202 and 207 of The Clean Streams Law (35 P. S. § § 691.202 and 691.207) and must obtain a Clean Streams Law permit prior to construction and operation.

§71a.242. Soil permeability evaluation

(a) In addition to percolation testing per § 71a.241(d)(3) (relating to individual and community sewage systems), soil permeability testing is required when an official plan or revision proposes the use of a large volume onlot sewage system, and may be required for other onlot system proposals where the total absorption area is greater than 5,000 square feet or where soil profiles or geology reveal slowly permeable conditions below the depth at which the percolation test was performed. Sufficient testing must be conducted to:

- (1) Determine the permeability of an identified restrictive soil, geologic or hydraulic layer.
- (2) Determine the vertical rate and the horizontal rate of flow in or above the restrictive layers in inches per hour.
- (3) Determine the application rate required as derived from information obtained in (1) and (2).
- (4) Determine the impact of the system on groundwater mounding.

(b) When percolation testing and permeability testing yield different infiltration rates, the more conservative infiltration rate must be used to determine the correct size of the absorption area.

§71a.243. Hydrogeologic evaluation

(a) A preliminary hydrogeologic evaluation must :

- (1) Be completed when the use of subsurface soil absorption areas is proposed and one of the following exists:
 - (i) A large volume onlot sewage system will be used.
 - (ii) A subdivision of 25 or more dwelling units with a density of more than one dwelling unit per acre is proposed.
 - (iii) A community onlot sewage system of 25 or more equivalent dwelling units is proposed.
 - (iv) A proposed subdivision will be located within a special protection watershed as designated under §§ 93.6 and 93.9 (relating to general water quality criteria; and designated water uses and water quality criteria).
 - (v) The Department has determined that known geologic and /or hydrogeologic conditions, for the proposed site may contribute to the potential for groundwater pollution from the systems.
 - (vi) The Department has documented that the quality of water supplies within ¼ mile of the proposed site exceed five parts per million (ppm) nitrate-nitrogen.
- (2) Be completed when a small flow treatment facility is proposed that will rely on water reuse, land disposal or an ephemeral stream channel discharge for final dispersal.
- (3) Include as a minimum, in map and narrative report form:
 - (i) The most recent 7 1/2' United States Geologic Survey topographic map or other map acceptable to the department with the soil absorption area or discharge location accurately plotted.

- (ii) The topographic location of the proposed systems and estimated groundwater flow path.
 - (iii) The discharge rate in gpd and wastewater quality and strength, including seasonal variations.
 - (iv) The estimated wastewater dispersion plume or plumes using an average daily flow of 262.5 gallons per dwelling unit or equivalent dwelling unit per day or other flow acceptable to the department and supported by documentation.
 - (v) Identification and location of existing and potential groundwater uses in the estimated area of impacted groundwater. For discharges to ephemeral stream channels, this includes identification on the topographic map of existing groundwater uses for 200 feet in width on each side of the channel downstream from the discharge point of the system until perennial stream conditions are reached.
 - (vi) Documentation that confirms that existing or proposed drinking water uses will be protected and that effluent will not create a public health hazard or a nuisance.
- (4) Be submitted as part of a revision to the official plan using the department's sewage facilities planning module.
- (b) A detailed hydrogeologic study must:
- (1) Be completed when the use of a subsurface soil absorption area is proposed and one of the following exists:
 - (i) A preliminary hydrogeologic evaluation identifies a potential for a water quality impact from the proposed onlot sewage system discharge and existing or potential future uses of groundwater in the area.
 - (ii) A large volume onlot sewage system that will be located within a special protection watershed as designated under §§ 93.6 and 93.9 (relating to general water quality criteria; and designated water uses and water quality criteria) is proposed.
 - (iii) A community onlot sewage system that will be located within a special protection watershed as designated under §§ 93.6 and 93.9 (relating to general water quality criteria; and designated water uses and water quality criteria) is proposed.
 - (iv) The Department has determined that known geological conditions, including but not restricted to limiting geologic conditions, surficial rock outcrops or karst geology for the proposed site may contribute to the potential for groundwater pollution from the systems within a special protection watershed as designated under §§ 93.6 and 93.9 (relating to general water quality criteria; and designated water uses and water quality criteria).

- (2) Be completed when the use of a small flow treatment facility is proposed that will rely on water reuse, land disposal or an ephemeral stream channel discharge for final dispersal and that is located within a special protection watershed as designated under §§ 93.6 and 93.9 (relating to general water quality criteria; and designated water uses and water quality criteria).
- (3) Include as a minimum, in map and narrative report form:
- (i) The most recent 7 1/2' United States Geologic Survey Topographic map or other map acceptable to the department with the soil absorption area or discharge accurately plotted.
 - (ii) Identification of chemical and biological constituents of the sewage that may pollute groundwater
 - (iii) The discharge rate in gpd and wastewater quality and strength, including seasonal variations.
 - (iv) The topographic location of the proposed systems and predicted groundwater flow path.
 - (v) geologic and hydrogeologic characteristics influencing groundwater flow, including but not limited to faults, fractures, lineaments, karst features, bedrock orientation.
 - (vi) groundwater and surface water quality characteristics
- (4) Describe and analyze the proposed project's impact on, and evaluate methods for preventing the pollution of, the waters of this Commonwealth by using an average daily flow of 262.5 gallons per dwelling unit for individual sewage systems or per equivalent dwelling unit for community sewage systems or other flow acceptable to the department and supported by documentation evaluating:
- (i) The impact of effluent movement away from the system, including but not limited to:
 - (A) The extent of all dispersion plumes and mixing zones in which the existing water quality will be degraded and
 - (B) Any buffer zones for the dispersion plume and mixing zone and any impacts on existing, planned and potential groundwater uses in the delineated dispersion plume, mixing zone and buffer zone and
 - (C) Any impacts to any surface water bodies that may intercept, or interact with the dispersion plume and
 - (ii) The impact of effluent movement beneath the system, including but not limited to:
 - (A) The extent and height of any groundwater mound and capillary fringe, and
 - (B) Any physical, chemical or biological impact to groundwater, surface water or treatment facility function resulting from the formation of a groundwater/wastewater mound, and
 - (C) Any system change or recommendations deemed necessary to mitigate the effects of the identified groundwater or wastewater mounding.

- (c) The detailed hydrogeologic study required under subsection (b) may also:
 - (i) Identify sewage system treatment components or operating requirements proposed to decrease effluent contamination levels prior to groundwater discharge.
 - (ii) Identify any groundwater monitoring program necessary to guard against adverse impacts from the sewage facility(s) including but not limited to authority for controlling groundwater uses within the mixing and buffer zones and groundwater easements and access rights that are necessary for mitigation or abatement purposes and contingency plans to abate pollution if groundwater monitoring reveals a problem.
- (d) A hydrogeologic study must be submitted as part of a revision to the official plan using the department's sewage facilities planning module.

§71a.244. Retaining tanks

- (a) This chapter does not preclude planning for the use of retaining tanks.
- (b) Retaining tanks are maintenance intensive and costly to operate. Inadequate operation and maintenance of retaining tanks will create an immediate nuisance and public health hazard and become a source of pollution of the waters of this Commonwealth. This requires the control of retaining tanks through specific restrictions on their use.
- (c) General requirements for retaining tank use are as follows:
 - (1) The official plan or revision must meet the requirements of § 71a.201 or 71a.202 (relating to content of official plans; and content of sewage facilities planning modules and official plan revisions).
 - (2) Proposed disposal sites, the method of disposal and the retaining tank cleaner for retaining tank waste must be approved by the Department in a manner consistent with the Solid Waste Management Act (35 P. S. § § 6018.101—6018.1003) prior to approval of the official plan or revision allowing the use of retaining tanks.
 - (3) A municipality, sewer authority or sewage management agency may delegate or contract for the collection and disposal of the contents of the retaining tanks except that the ultimate responsibility for the proper collection and disposal of the contents must remain with that municipality, authority or agency.
 - (4) Whenever the local agency issues permits for retaining tanks, the municipality or local agency may impose other conditions it deems necessary for operation and maintenance of the tanks to prevent a nuisance or a public health hazard.

§71a.245. Holding Tanks

- (a) Holding tanks are retaining tanks that require regular service and maintenance to prevent their malfunction and overflow. Holding tanks must be used in lieu of other methods of sewage disposal only when the requirements of Section 71a.244 (relating to retaining tanks) and the following additional conditions are met:
- (1) The applicable official plan or revision thereto indicates the use of interim holding tanks for that lot and provides for replacement by adequate sewerage services in accordance with a schedule approved by the Department.
 - (2) The applicable official plan or revision includes municipal financial assurances of the replacement project's implementation, such as public financing, bonding or other security of sufficient present value to assure completion or other assurances either singularly or in combination that the Department deems necessary.
 - (3) The municipality, sewer authority or other Department approved entity with jurisdiction or responsibility over the site has by suitable ordinance, regulation or restriction assumed full responsibility for maintaining existing and new holding tanks. The ordinances, regulations or restrictions must, as a minimum, include:
 - (i) Identification of the administrative entity to receive, review and retain pumping receipts from permitted holding tanks.
 - (ii) An annual inspection of holding tanks within the municipality with completion and retention of a written inspection report.
 - (iii) Procedures and penalties for correction of malfunctions or public health hazards from holding tanks.
- (b) The restrictions in subsection (a) do not apply to holding tanks when the local agency, municipality or the Department determines that the use is necessary to abate a nuisance or public health hazard.
- (c) The restrictions in paragraphs (a)(1) and (2) do not apply to holding tanks with a sewage flow of less than 800 gpd when the use is for non-residential establishments or commercial campground recreational vehicle dump stations.

§71a.246. Privies and Chemical Toilets

- (a) Privies or chemical toilets are retaining tanks designed to receive blackwater sewage where there is no piped water or water under pressure and no piped wastewater. Privies must be used in lieu of other methods of sewage disposal only when the requirements of Section 71a.244 (relating to retaining tanks) and the following additional conditions are
- :
- (1) The applicable official plan or the revision thereto indicates the use of privies for that lot and documents that soil and site suitability testing of that lot under Chapter 73a., Subchapter B (relating to site evaluation) has been conducted, and the site meets the requirements for the ultimate sewage disposal by one of the systems described under Chapter 73a., Subchapter J (relating to construction of

absorption areas) to assure that adequate sewage facilities will be available to that lot in the future.

- (2) The municipality, sewer authority or other Department approved entity with jurisdiction or responsibility over the site has by suitable ordinance, regulation or restriction assumed responsibility for assuring the removal of a privy and the installation of an approved onlot sewage disposal system when water under pressure or piped water is available to the lot, or when the property owner installs water under pressure or piped water or plumbing to move wastewater from the structure to the privy vault or to an unpermitted disposal system on that lot.
- (b) The restrictions in subsection (a) do not apply to:
- (1) A privy or chemical toilet when proposed for use on a lot of record in existence prior to May 15, 1972, which is 1 acre or larger and is not served now and will not be served in the future by water under pressure, piped water or plumbing to move sewage from the structure to the privy vault or to an unpermitted disposal system on that lot.
 - (2) Temporary use of portable retention tanks or portable chemical toilets when their use is proposed at construction sites or at the site of public gathering and entertainments.

§71a.247. Composting Toilets

(a) Composting toilets are retaining tanks designed to receive blackwater sewage where there may or may not be piped water or water under pressure. Composting toilets must be used in lieu of other methods of sewage disposal only when the requirements of Section 71a.244 (relating to retaining tanks) and the following additional conditions are met:

- (1) The applicable official plan or the revision thereto indicates the use of composting toilets for that lot and documents that soil and site suitability testing of that lot under § 73a., Subchapter B (relating to site evaluation) has been conducted, and the site meets the requirements for the ultimate sewage disposal by one of the systems described under § 73a., Subchapter J (relating to construction of absorption areas) to assure that adequate sewage facilities will be available to that lot in the future.
 - (2) The municipality, sewer authority or other Department approved entity with jurisdiction or responsibility over the site has by suitable ordinance, regulation or restriction assumed full responsibility for composting toilet maintenance. The ordinances, regulations or restrictions must, at a minimum, include:
 - (i) Identification of the administrative entity to receive, review and retain receipts from the composting toilet maintenance provider.
 - (ii) Procedures and penalties for correction of malfunctions or public health hazards from composting toilet.
- (b) The restriction in subsection a do not apply to a composting toilet when proposed for use on a lot of record in existence prior to May 15, 1972and which is 1 acre or larger.

(c) Where a composting toilet is proposed in combination with piped water or water under pressure, adequate sewage facilities meeting the requirements of Chapter 73a (relating to standards for onlot sewage treatment facilities and necessary to treat the graywater portion of the sewage wastestream must also be planned and provided.

§71a.248. Small flow treatment facilities

- (a) Small flow treatment facilities require adequate operation and maintenance to prevent the creation of environmental problems or public health hazards associated with improperly treated sewage. This requires the control of small flow treatment facilities through specific restrictions on their use.
- (b) Small flow treatment facilities are restricted to use as
- (1) a replacement or repair system that the Department determines is necessary to abate an existing nuisance or public health hazard; or,
 - (2) as a system to serve existing lots as of the effective date of this regulation for residential or commercial uses that will generate sewage not containing industrial waste. Small flow treatment facilities must not be used to satisfy the requirements of this chapter as they relate to the creation of new lots.
- (c) Small flow treatment facilities and their appurtenances must meet applicable design, installation, operation and other standards established for small flow treatment facilities by the Department under sections 202 and 207 of the Clean Streams Law (35 P. S. § § 691.202 and 691.207) and must obtain a Clean Streams Law permit and if there is a discharge to surface water, a National Pollutant Discharge Elimination System permit, prior to construction and operation.
- (d) Official plans and official plan revisions proposing the use of small flow treatment facilities must contain, evaluate and/or document the following:
- (1) Soils are not suitable for the installation of any conventional or alternate individual or community onlot sewage disposal systems as described in Chapter 73a or approved by the Department.
 - (2) The system is proposed for use in an area that is not within the watershed of waters classified as high quality or exceptional value under § § 93.6 and 93.9 (relating to general water quality criteria; and designated water uses and water quality criteria) except as provided in section (b)(1).
 - (3) When the small flow treatment facility will use water reuse, land disposal or a ephemeral stream channel discharge for final disposal of treated effluent, a preliminary hydrogeologic evaluation under § 71a.243 (relating to hydrogeologic evaluation).

- (4) The proposed use of these small flow treatment facilities does not conflict with comprehensive sewage planning for the area.
 - (5) An evaluation of the options available and selection of the method or methods chosen to assure the long-term proper operation and maintenance of the proposed or existing sewage facilities in accordance with § 71a.223 (relating to requirement for management of sewage facilities).
 - (6) An evaluation of the density of development and the number and density of other similar systems in the watershed. As a result of that evaluation, the Department is authorized to impose additional conditions or limit the construction or operation of small flow treatment facilities.
 - (7) An evaluation of the alternatives available to provide sewage facilities that documents that the use of small flow treatment facilities is the only technically, environmentally and administratively acceptable alternative.
 - (8) Plans and specifications for small flow treatment facilities must be prepared by a licensed professional engineer in compliance with Chapter 91 (relating to water quality provisions).
- (e) The Department may require independent oversight of the system installation

Subchapter D. ADMINISTRATION

Section

- 71a.301. Planning grants for the preparation of official plans.
- 71a.302. Fees for processing revisions for new land development
- 71a.303. Delegation of new land development planning
- 71a.304. Coordination between the department and delegated agencies

§ 71a.301. Planning grants for the preparation of official plans.

By authority of section 6(a) of the act (35 P. S. § 750.6(a)) the Department will administer grants to municipalities, counties and authorities for preparing official plans, update revisions and special studies to the extent of the appropriations made by the General Assembly for that purpose.

- (a) The Department, upon written request, will supply grant application forms and instructions.
- (b) Detailed invoices or other proof of payment for each activity included in the preparation of the official plan, update revision or special study must accompany grant applications.
- (c) Costs for completion of planning activities outside the scope of the proposed plan content are not eligible for a grant unless proposals for inclusion of additional activities and increased costs associated with these activities have been submitted to and approved by the Department and are within the scope of the act.
- (d) Applications must be submitted to the Department no later than three years from the date the Department approved the plan. Applications received after that date must not be considered for a planning grant unless prior approval to exceed three years has been granted by the Department.
- (e) When the applicant for a planning grant is not a municipality, written proof that the municipality has authorized the applicant to receive the grant must be submitted with the application.
- (f) Applications for grants supporting plans approved by the Department prior to the effective date of this regulation must be submitted no later than three years from the effective date of the regulation.

- (g) The Department will not authorize payment of a planning grant to an applicant until the Department has approved the official plan or update revision that has been adopted by the municipality.
- (h) When the Department has determined that the application is complete, the Department will pay grants to applicants in the order in which the applications were received.
- (i) The Department will determine the amount of the grant by evaluating:
- (1) The application for planning grants.
 - (2) The extent and nature of the activities included in the official plan or update revision to the official plan and the eligibility of the costs of these activities for grant payments under the act.
 - (3) The cost of performing each activity included in the official plan or update revision to the official plan.
 - (4) The content of existing plans and studies.
 - (5) The conditions imposed upon the municipality by an order or notice of the Department.
 - (6) The final contents of the adopted official plan or update revision to the official plan.
- (j) The Department may pay planning grants for joint municipal plans submitted under § 71a.102 (relating to municipal responsibility to revise plans) and § 71a.105 (relating to the Department's responsibility to require plans) without official adoption of the plan from all participating municipalities. when:
- (1) The Department has determined that enough municipalities have adopted the plan consistent with § 71a.122 (a) (3) (relating to Sewage facilities Planning process (Department) to assure substantial plan implementation.
 - (2) Costs for the planning activities done for the nonparticipating municipalities are deducted from the application for the grant payment.
 - (3) The Department has notified the municipality not adopting the joint-municipal plan that its official plan is in a disapproved status; or has determined that the municipality's official plan adequately addresses the existing and future sewage disposal needs of the municipality.

- (k) The Department will not withhold planning grants for eligible costs from a municipality, its designated authority or county when the following occur:
- (1) Sufficient appropriations have been made by the General Assembly.
 - (2) The official plan has been adopted by the municipality and approved by the Department.
 - (3) The official plan or update revision complies with the terms of the act and this part.
- (l) The Department will not pay grants under the act for information that has been completed previously under local, State or Federal funding programs. The plan must incorporate this information by reference.

§ 71a.302. Fees for processing revisions for new land development.

Delegated agencies and the Department may set and collect processing fees for the review of sewage facilities planning modules for new land development.

- (a) Delegated agencies shall establish fees for the review of sewage facilities planning modules for new land development in fee schedules formally adopted by the delegated agency and available to the public. Processing fees may be charged for each review of a planning module.
- (b) Processing fees charged by the Department for the review of sewage facilities planning modules for new land development are calculated using the number of individual residential dwelling lots created or total sewage flows in equivalent dwelling units for multifamily residential and non-residential proposals or the requirement for or modification of a Clean Streams Law Permit. When industrial wastewater flows are combined with sewage flows, total wastewater flow must be used. Fee calculations must be as follows and will be shown on and be specific to each type of planning module component.
 - (1) For onlot proposals not qualifying under § 71a.104 (relating to exceptions to the requirement to revise the official plan for new land development) as an exception to the requirement to revise, the fee is \$30 per equivalent dwelling unit or lot, whichever is greater.
 - (2) For discharge proposals to waters of the Commonwealth or to the surface of the ground with flows greater than 2,000 gpd or onlot proposals requiring a permit under The Clean Streams Law, the fee is \$1,500. For onlot proposals requiring a permit under The Clean Streams Law or discharge proposals to waters of the

- Commonwealth proposed by and submitted by political subdivisions, the fee is \$500.
- (3) For sewerage service proposals, the fee is \$50 per equivalent dwelling unit or lot, whichever is greater.
 - (4) For all other proposals, the fee is \$35 per equivalent dwelling unit or lot, whichever is greater.
 - (5) For proposals consisting of one lot subdivided from a parent tract existing as of December 14, 1995, there is no fee. The subdivision of a second lot from that tract shall disqualify the applicant from the fee exemption.
 - (6) For proposals that include activities falling under more than one of the fee categories, the total fee for that proposal must be the sum of all applicable individual fees.
- (c) A subsequent submission, which proposes substantial changes to the original submittal, following a planning module denial or withdrawal must be considered a new submission for the purpose of fee assessment. Denial of a planning module does not include the planning module completeness review procedure.
- (d) Fees may be charged for activities relating to determinations by the Department under § 71a.103 (relating to exemptions). Fee amounts must be determined at rates established in subsection (b).

§ 71a.303. Delegation of new land development planning.

- (a) The Department may, by agreement, delegate to a local agency, multi-municipal local agency county department of health or joint county department of health the power and duty to require the submittal of and review, and to approve or disapprove sewage facilities planning modules for new land development that are submitted on planning module forms and other documents provided by the Department. Delegation agreements must be for five year terms and may be renewable upon request of the delegated agency and concurrence of the Department. Additionally, the following apply:
- (1) Sewage facilities planning modules approved by a delegated agency under this section do not constitute a revision or exception to the requirement to revise under this chapter but must be a supplement to the official sewage facilities plan.
 - (2) Delegated agencies may assess fees for the review of supplements under this section. Fees received under this section must be used solely for the purpose of administering the delegated powers and duties related to the new land development planning provisions of this section.

- (3) The Department may limit the review of supplements in the delegation agreements to specific classifications of sewage facilities or new land developments.
- (4) When delegation is requested, the qualification criteria found at § 72a.240(c) and (d) (relating to reimbursement) must be met as a prerequisite to the delegation.
- (5) Delegation of the review and approval of supplements for new land development may be granted by the Department if the local agency or county or joint county department of health has adequately documented the following to the Department:
 - (A) The municipalities or counties to be included in the delegation agreement have municipal or countywide subdivision and land development ordinances in effect under the Pennsylvania Municipalities Planning Code (53 P. S. § § 10101—11202).
 - (B) The municipalities to be included in the delegation agreement have a current official sewage facilities plan which is being implemented in accordance with the content of the plan's implementation schedule and the provisions of the act, the Clean Streams Law and this part. For the purposes of determining qualifications for delegation under this section an official plan or update revision is not considered as "being implemented" if it is from a municipality under an order from the Department to submit an update revision or special study for the area in which the subdivision is proposed.
 - (C) The municipalities or counties to be included in the delegation agreement have municipal or countywide subdivision and land development ordinances in effect that require one of the following:
 - (i) Sewage facilities planning approval as a condition attached to final plat approval under the Pennsylvania Municipalities Planning Code.
 - (ii) Documentation that sewage facilities planning is not required under this part.
 - (D) When delegation is requested for the review of new land developments proposing the use of public sewerage facilities which do not require a new or modified permit under The Clean Streams Law, the delegation agreement includes coordination procedures to be used with the Department to assure continued compliance with the municipal wasteload management provisions of The Clean Streams Law.
 - (E) The local agency and any sewage enforcement officer employed by the local agency serving the municipalities to be included in the delegation agreement have not been issued a notice of violation or order by the Department for a

violation of the act or the rules and regulations thereunder for the prior 3 years as determined by the Department.

- (F) A workload analysis is completed by the entity requesting delegation which analyzes the volume of work anticipated and the staffing and support resources needed to administer the program and documents that the fees proposed to be charged by the delegated agency to administer the sewage facilities planning reviews are sufficient to allow the delegated agency to act upon supplements within the time limits established by this chapter.
 - (G) The administrative procedures, rules, regulations, fee schedules and contracts for services and applicable municipal ordinances, rules and regulations proposed for use by the delegated agency in the administration of the delegated provisions of this chapter have been reviewed by the Department. Delegated agencies shall use forms provided by the Department for the submittal and review of all supplements.
- (6) Supplements to an official plan must be prepared by the person proposing the new land development and shall be reviewed and acted upon by the delegated agency.
- (7) The failure of or refusal of a municipality, local agency, multi-municipal local agency or county or joint county department of health to enter into a delegation agreement may not influence the eligibility of the local agency serving that municipality or the local agency itself to receive 85% reimbursement under Chapter 72a (relating to administration of sewage facilities permitting program).
- (b) The Department may review the delegated agencies' performance of the duties established by delegation agreements under this section at any time and will review the delegated agencies performance prior to renewal. The Department may refuse to renew delegation agreements upon expiration and may revoke the agreements at any time for cause.

§ 71a.304. Coordination between the Department and Delegated Agencies

- (a) The Department will provide delegated agencies sufficient information to make the required determinations under sections 71a.103 (a)(1)(C) & (D) and 71a.103 (a)(2)(A), (B) & (D) (relating to exemption from the responsibility to revise official plan)..
- (b) The delegated agency shall submit to the Department quarterly reports which include the names of the subdivisions, location of the subdivisions, number of lots and projected sewage flows for each subdivision for which sewage facilities planning was approved or accepted as an exception to the requirement to revise the official plan or exempted from the planning provisions under this part.

- (c) Delegated agency authority does not apply to new land development proposals intended to be served by sewage facilities which require or which must apply for a new or modified permit from the Department under The Clean Streams Law.

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