

To All Sewage Enforcement Officers:

The purpose of this email is to inform you of, important legislation recently enacted, and to remind you of a few important items previously brought to your attention.

Act 26

On July 20, 2017, Act 26 was signed into law as an amendment to the *Pennsylvania Sewage Facilities Act* (35 P.S. §750) (Act 537). It is attached. Act 26 amends Act 537 to allow alternate onlot sewage disposal systems to be proposed during the sewage facilities planning process for new land development. Act 26 also requires the Department to develop a review methodology for alternate systems and to apply that methodology to all the existing alternate systems on the web listing in consultation with the Sewage Advisory Committee. Act 26 takes effect on September 18, 2017. The Department must have the review methodology in place within 180 days from the effective date, or by March 16, 2018.

The Department is currently working on these responsibilities and will inform you via another All SEO Letter once everything has been finalized.

Inspection Fees for Complaint Investigations (Taken verbatim from the 8/23/2004 All SEO Letter)

We had an interesting query recently regarding the propriety of a local agency charging a fee for complaint investigations. It was reported to us that an SEO was advising a complainant that no inspection or investigation would be made in response to a complaint unless the complainant paid a fee in advance. Apparently, the local agency initiated this practice in an effort to curtail nuisance complaints, such as the ones that classically arise during neighborhood disagreements. In any event, DEP regulatory counsel has advised us that the imposition of such a fee is not sanctioned by the *[Pennsylvania] Sewage Facilities Act* and is not one of the powers and duties granted to municipalities by the legislature.

SEO Webpage and SEO News Items

Please be sure to routinely visit the SEO webpage and check the "SEO News Items" section for current SEO-related information, including opportunities for continuing education training. You can click on the following for a direct link to the SEO webpage:

<http://www.dep.pa.gov/Business/Water/CleanWater/WastewaterMgmt/Act537/Pages/SewageEnforcementOfficers.aspx>

If you have any questions regarding this information, please contact me at 717.772.5620 or by email at bschlauder@pa.gov.

Sincerely,

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PENNSYLVANIA SEWAGE FACILITIES ACT - OFFICIAL PLANS

Act of Jul. 20, 2017, P.L. 321, No. 26

Cl. 35

Session of 2017
No. 2017-26

SB 144

AN ACT

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

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

Section 1. Section 5 of the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act, is amended by adding subsections to read:

Section 5. Official Plans.--* * *

(c.1) When proposing a plan supplement or plan revision for a new land development, the applicant may submit and the department shall accept, for the purpose of satisfying general site suitability requirements, any conventional or alternate on-lot system permittable by a sewage enforcement officer.

(c.2) (1) Within one hundred eighty days of the effective date of this subsection, the department shall, in consultation with the advisory committee, develop scientific, technical and field testing standards upon which an evaluation of each on-lot sewage system that has been classified as an alternate system in accordance with 25 Pa. Code § 73.72 (relating to alternate sewage systems) shall be based.

(2) The department shall, in consultation with the advisory committee, review the scientific, technical and field testing data for each individual on-lot sewage system and each community on-lot sewage system that is classified as an alternate on-lot sewage system.

(3) If, based on the review specified in paragraph (2), the department determines that there is sufficient scientific, technical and field testing data to reclassify an alternate system as a conventional system, the department shall reclassify the alternate system as a conventional system.

(4) If, based on the review specified in paragraph (2), the department determines that there is insufficient or inadequate scientific, technical or field testing data to continue classifying the on-lot sewage system as an alternate system, the department may undertake a rulemaking to remove the system's classification as an alternate system.

* * *

Section 2. This act shall take effect in 60 days.

APPROVED--The 20th day of July, A.D. 2017.

TOM WOLF