

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1946 Session of 2011

INTRODUCED BY FARRY, CALTAGIRONE, CLYMER, DAVIS, DAY,
DePASQUALE, DIGIROLAMO, EVANKOVICH, GINGRICH, GOODMAN,
HORNAMAN, KILLION, MICCARELLI, MUNDY, O'NEILL, PETRI, PYLE,
QUIGLEY, READSHAW, THOMAS, WATSON, YOUNGBLOOD AND QUINN,
OCTOBER 31, 2011

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, OCTOBER 31, 2011

AN ACT

1 Amending the act of July 31, 1968 (P.L.805, No.247), entitled,
2 as amended, "An act to empower cities of the second class A,
3 and third class, boroughs, incorporated towns, townships of
4 the first and second classes including those within a county
5 of the second class and counties of the second through eighth
6 classes, individually or jointly, to plan their development
7 and to govern the same by zoning, subdivision and land
8 development ordinances, planned residential development and
9 other ordinances, by official maps, by the reservation of
10 certain land for future public purpose and by the acquisition
11 of such land; to promote the conservation of energy through
12 the use of planning practices and to promote the effective
13 utilization of renewable energy sources; providing for the
14 establishment of planning commissions, planning departments,
15 planning committees and zoning hearing boards, authorizing
16 them to charge fees, make inspections and hold public
17 hearings; providing for mediation; providing for transferable
18 development rights; providing for appropriations, appeals to
19 courts and penalties for violations; and repealing acts and
20 parts of acts," providing for wastewater processing
21 cooperative planning.

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

24 Section 1. The act of July 31, 1968 (P.L. 805, No. 247),
25 known as the Pennsylvania Municipalities Planning Code, is
26 amended by adding an article to read:

1 ARTICLE XI-A

2 WASTEWATER PROCESSING COOPERATIVE PLANNING

3 Section 1101-A. Definitions.

4 The following words and phrases when used in this article
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Wastewater system." Manager of a wastewater system or
8 municipal officials of the municipality in which the wastewater
9 system exists if a manager is not employed to oversee the
10 system.

11 Section 1102-A. Notification requirement.

12 (a) Notice to wastewater systems.--Notwithstanding any other
13 provision of law, an applicant who files an application for
14 development, plat approval or planned residential development or
15 for waiver of land development under this act or who files an
16 application for a construction permit under section 502 of the
17 act of November 10, 1999 (P.L. 491, No. 45), known as the
18 Pennsylvania Construction Code Act, shall provide written
19 notification of filing of application to any wastewater system
20 serving the municipality in which the application is filed. A
21 copy of the written notification shall be provided by the
22 applicant to the municipality.

23 (b) Failure to notify.--No application covered by subsection
24 (a) may be deemed by the municipality to be administratively
25 complete until the municipality receives a copy of the written
26 notification required by subsection (a).

27 Section 1103-A. Review by wastewater systems.

28 (a) Wastewater systems review.--

29 (1) Upon receipt of the notification required under
30 section 1102-A, a wastewater system shall review the

1 notification to determine the impact of the application on
2 the wastewater system. The wastewater system may request
3 additional information, including a copy of the application,
4 from the applicant.

5 (2) Review by the wastewater system must be completed
6 within 30 days of receipt of the notification required under
7 section 1102-A. For good cause shown, a system may request
8 and the municipality shall grant an extension of up to 15
9 days for completion of the review. If a municipality does not
10 receive any notice from the wastewater system within these
11 time frames, the municipality shall proceed with the
12 application as if the application is in compliance with the
13 requirements of the wastewater system.

14 (b) Notification of results of review.--Upon completion of
15 the review required under subsection (a), the wastewater system
16 shall notify the applicant and the municipality in writing of
17 its findings, which shall include a statement regarding the
18 expected impact of the application on the current system. If the
19 application will cause an adverse impact on or is not in
20 compliance with the requirements of the wastewater system, the
21 wastewater system shall include specific reasons causing the
22 adverse impact and the actions required to be taken by the
23 applicant to address such impact.

24 (c) Approval of applications.--Notwithstanding any other
25 provisions of law, a municipality shall not approve an
26 application for development, plat approval or planned
27 residential development under this act and no application for a
28 construction permit under section 502 of the act of November 10,
29 1999 (P.L. 491, No. 45), known as the Pennsylvania Construction
30 Code Act, until the wastewater system has notified the

1 municipality that the application is in compliance with the
2 requirements of the wastewater system.

3 Section 1104-A. Criteria for review.

4 The criteria for review under this article shall be:

5 (1) to ensure that existing public wastewater systems
6 are capable of meeting the needs resulting from new
7 development, redevelopment, change of or intensification of
8 use and construction projects;

9 (2) to identify areas where growth, development,
10 redevelopment, change of and intensification of use or
11 construction will occur so that public wastewater treatment
12 and infrastructure services can be adequately planned and
13 provided as needed;

14 (3) to encourage cooperation and coordinated planning
15 among municipalities and public wastewater systems;

16 (4) to ensure that existing public wastewater systems
17 are provided with information necessary to adequately plan
18 for increases in system demand; and

19 (5) to protect the health, safety and welfare of the
20 citizens of this Commonwealth by establishing a process for
21 ensuring that demands on public wastewater systems do not
22 exceed the capacity of those systems.

23 Section 2. The act of November 10, 1999 (P.L. 491, No. 45),
24 known as the Pennsylvania Construction Code Act, is repealed to
25 the extent that it is inconsistent with the provisions of this
26 act.

27 Section 3. This act shall take effect in 60 days.