

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 860

Session of
1985

INTRODUCED BY GREENWOOD, CLYMER, E. Z. TAYLOR, PRATT, REINARD,
FOX, BOYES, J. L. WRIGHT, NOYE, AFFLERBACH, DISTLER, MORRIS
AND SIRIANNI, APRIL 15, 1985

REFERRED TO COMMITTEE ON CONSERVATION, APRIL 15, 1985

AN ACT

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

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

14 Section 1. Section 7(a) of the act of January 24, 1966 (1965
15 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities
16 Act, amended July 22, 1974 (P.L.621, No.208), is amended to
17 read:

18 Section 7. Permits.--(a) No person shall install,
19 construct, or request bid proposals for construction, or alter
20 an individual sewage system or community sewage system or
21 construct, or request bid proposals for construction, or install
22 or occupy any building or structure for which an individual

1 sewage system or community sewage system is to be installed
2 without first obtaining a permit indicating that the site and
3 the plans and specifications of such system are in compliance
4 with the provisions of this act and the standards adopted
5 pursuant to this act. No permit may be issued by the local
6 agency in those cases where a permit from the department is
7 required pursuant to the act of June 22, 1937 (P.L.1987,
8 No.394), known as "The Clean Streams Law," as amended, or where
9 the department pursuant to its rules and regulations, determines
10 that such permit is not necessary either for a rural residence
11 or for the protection of the public health. A municipality may,
12 however, by ordinance require a permit for a rural residence. In
13 such a case the local agency administering the provisions of
14 this act within the municipality shall require a permit for a
15 rural residence. A permit for a rural residence shall not be
16 necessary unless the local municipality requires it by
17 ordinance. Except where a municipality requires a permit by
18 ordinance, the owner of any rural residence shall install, as a
19 minimum, a septic tank with a drain field of six hundred twenty-
20 five square feet, and drain field trench lines at a minimum of
21 three feet wide, two feet deep with one foot of aggregate below
22 one foot of soil cover, which shall be at least one hundred feet
23 from any property line, one hundred-year flood plain, or any
24 river, stream, creek, rivulet, impoundment, well, water course,
25 storm sewer, lake, dammed water, pond or spring. However, it is
26 expressly understood that the owner and the purchaser of a
27 parcel which qualifies as a rural residence recognize that soil-
28 testing procedures were not necessary. The owner and purchaser
29 therefore release the Department of Environmental Resources, the
30 local permitting agency, agent and all township officials from

1 any responsibility for the functioning of the septic system
2 installed. It is the sole responsibility of the property owner
3 to correct any system which is shown to contaminate ground or
4 surface water. The local permitting agent shall certify that the
5 system meets the above stated requirements. For the purpose of
6 this section, a rural residence shall not be limited by
7 definition to being only a farm.

8 * * *

9 Section 2. The provisions of this act shall not affect any
10 right to a rural residence exemption from permit requirements
11 imposed by a municipality which was legally established prior to
12 the effective date of this act.

13 Section 3. Three years after enactment, the Joint Air and
14 Water Pollution Control and Conservation Committee shall report
15 to the General Assembly its findings concerning the performance
16 of those systems certified and installed on rural residences
17 subsequent to the effective date of this act.

18 Section 4. This act shall take effect in 60 days.