

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 383 Session of  
1999

INTRODUCED BY HANNA, M. COHEN, HERSHEY, PESCI, GODSHALL,  
YOUNGBLOOD, SURRA, HARHAI, STEELMAN AND WOJNAROSKI,  
FEBRUARY 8, 1999

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
FEBRUARY 8, 1999

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," providing for small flow treatment facilities.

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

14 Section 1. The act of January 24, 1966 (1965 P.L.1535,  
15 No.537), known as the Pennsylvania Sewage Facilities Act, is  
16 amended by adding a section to read:

17 Section 7.4. Small Flow Treatment Facilities.--Permits for  
18 the construction of small flow treatment facilities may be  
19 issued by a local agency under this act when all of the  
20 following have been met:

21 (1) The local agency has employed or contracted the services

1 of a certified sewage enforcement officer who has successfully  
2 completed department-sponsored mandatory training related to the  
3 siting, design, construction and inspection of small flow  
4 treatment facilities.

5 (2) The site, soil conditions and design meet the  
6 department's standards for small flow treatment facilities.

7 (3) The municipality and the department or delegated agency  
8 have approved any required supplement or revision for new land  
9 development for the proposed use of the facility.

10 (4) The municipality has taken action to assure compliance  
11 of the facility with regulations which establish standards for  
12 operation and maintenance of these facilities. The assurance  
13 shall be established through a maintenance agreement approved by  
14 the municipality until an ordinance is adopted requiring:

15 (i) an approved maintenance agreement or bonding, escrow or  
16 other security sufficient to cover the costs of future operation  
17 and maintenance of the system over its design life up to a  
18 maximum of fifty percent for each of the first two years of  
19 operation and no more than ten percent each year thereafter of  
20 the equipment and installation cost of the facility;

21 (ii) establishment of properly chartered associations,  
22 trusts or other private legal entities to manage the facilities;

23 (iii) municipal ownership of the facilities; or

24 (iv) establishment of a sewage management agency to manage  
25 the facilities.

26 The municipality shall review small flow treatment facility  
27 security agreements entered into prior to November 8, 1997, to  
28 modify them, where appropriate, in compliance with the refunding  
29 requirements of escrowed funds as set forth in this section.

30 (5) The applicant has submitted documentation to the local

1 agency that the proposed use of the small flow treatment  
2 facility will not adversely impact existing and proposed  
3 drinking water supplies and will not create a nuisance or public  
4 health hazard.

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