

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 823 Session of 2011

INTRODUCED BY SCAVELLO, BOBACK, BRENNAN, CARROLL, D. COSTA, DAVIS, EVANKOVICH, GINGRICH, HARKINS, HENNESSEY, KAVULICH, KORTZ, MILLER, MOUL, MUNDY, MURT, M. O'BRIEN, O'NEILL, PASHINSKI, READSHAW, REICHLEY, SANTARSIERO, K. SMITH, VULAKOVICH, FARRY, TOOHIL AND MATZIE, FEBRUARY 28, 2011

SENATOR EICHELBERGER, LOCAL GOVERNMENT, IN SENATE, AS AMENDED, FEBRUARY 8, 2012

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," in subdivision and land development,
21 providing for notice to school district; and, in planned ←
22 residential development, further providing for application ←
23 for final approval; AND PROVIDING FOR WASTEWATER PROCESSING
24 COOPERATIVE PLANNING.

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

1 Section 1. The act of July 31, 1968 (P.L.805, No.247), known
2 as the Pennsylvania Municipalities Planning Code, reenacted and
3 amended December 21, 1988 (P.L.1329, No.170), is amended by
4 adding a section to read:

5 Section 508.1. Notice to School District.--Each month a
6 municipality shall notify in writing the superintendent of a
7 school district in which a plan for a residential development
8 was finally approved by the municipality during the preceding
9 month. The notice shall include, but not be limited to, the
10 location of the development, the number and types of units to be
11 included in the development and the expected construction
12 schedule of the development.

13 Section 2. Section 711 of the act is amended by adding a
14 subsection to read:

15 Section 711. Application for Final Approval.--* * *

16 (f) Each month a municipality shall notify in writing the
17 superintendent of a school district in which development plans
18 for a planned residential development were finally approved by
19 the municipality during the preceding month. The notice shall
20 include, but not be limited to, the location of the development,
21 the number and types of units to be included in the development
22 and the expected construction schedule of the development.

23 SECTION 3. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ: 

24 ARTICLE XI-A

25 WASTEWATER PROCESSING COOPERATIVE PLANNING

26 SECTION 1101-A. DEFINITIONS.

27 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
28 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
29 CONTEXT CLEARLY INDICATES OTHERWISE:

30 "DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF

1 THE COMMONWEALTH.

2 "WASTEWATER SYSTEM OFFICIAL." EITHER:

3 (1) THE MANAGER OF A WASTEWATER SYSTEM; OR

4 (2) IF A MANAGER IS NOT EMPLOYED TO OVERSEE A WASTEWATER
5 SYSTEM, THE SYSTEM MUNICIPAL OFFICIALS OF THE MUNICIPALITY IN
6 WHICH THE WASTEWATER SYSTEM EXISTS.

7 SECTION 1102-A. NOTIFICATION REQUIREMENT.

8 (A) NOTICE TO WASTEWATER SYSTEMS OFFICIAL.--

9 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), NOTWITHSTANDING
10 ANY OTHER PROVISION OF LAW, THIS SECTION APPLIES TO A PERSON
11 WHO FILES AN APPLICATION FOR:

12 (I) DEVELOPMENT, PLAT APPROVAL, PLANNED RESIDENTIAL
13 DEVELOPMENT OR WAIVER OF LAND DEVELOPMENT UNDER THIS ACT;
14 OR

15 (II) A CONSTRUCTION PERMIT UNDER SECTION 502 OF THE
16 ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS THE
17 PENNSYLVANIA CONSTRUCTION CODE ACT.

18 (2) THIS ARTICLE DOES NOT APPLY TO:

19 (I) AN APPLICATION THAT INVOLVES NEW CONSTRUCTION OR
20 ALTERATION OR RENOVATION OF A ONE-FAMILY OR TWO-FAMILY
21 DWELLING;

22 (II) AN APPLICATION THAT HAS AN APPROVED SEWER
23 MODULE; OR

24 (III) AN APPLICATION FOR WHICH THE DEPARTMENT HAS
25 ISSUED A DETERMINATION THAT SEWAGE PLANNING IS NOT
26 REQUIRED OR HAS GRANTED AN EXEMPTION FROM SEWAGE
27 PLANNING.

28 (3) A PERSON SUBJECT TO THIS SUBSECTION SHALL PROVIDE
29 WRITTEN NOTIFICATION OF FILING THE APPLICATION TO THE
30 WASTEWATER SYSTEM OFFICIAL SERVING THE PROPERTY IDENTIFIED IN

1 THE APPLICATION. A COPY OF THE WRITTEN NOTIFICATION SHALL BE
2 PROVIDED BY THE PERSON TO THE MUNICIPALITY.

3 (B) FAILURE TO NOTIFY.--NO APPLICATION SUBJECT TO SUBSECTION
4 (A) MAY BE DEEMED BY THE MUNICIPALITY TO BE ADMINISTRATIVELY
5 COMPLETE UNTIL THE MUNICIPALITY RECEIVES A COPY OF THE WRITTEN
6 NOTIFICATION REQUIRED BY SUBSECTION (A).
7 SECTION 1103-A. REVIEW BY WASTEWATER SYSTEM OFFICIALS.

8 (A) WASTEWATER SYSTEMS REVIEW.--

9 (1) UPON RECEIPT OF THE NOTIFICATION REQUIRED UNDER
10 SECTION 1102-A(A), THE WASTEWATER SYSTEM OFFICIAL SHALL
11 REVIEW THE NOTIFICATION TO DETERMINE THE IMPACT OF THE
12 APPLICATION ON THE WASTEWATER SYSTEM. THE WASTEWATER SYSTEM
13 OFFICIAL MAY REQUEST ADDITIONAL INFORMATION, INCLUDING A COPY
14 OF THE APPLICATION, FROM THE APPLICANT.

15 (2) REVIEW BY THE WASTEWATER SYSTEM OFFICIAL SHALL BE
16 COMPLETED WITHIN 30 DAYS OF RECEIPT OF THE NOTIFICATION
17 REQUIRED UNDER SECTION 1102-A. FOR GOOD CAUSE SHOWN, THE
18 WASTEWATER SYSTEM OFFICIAL MAY REQUEST AND THE MUNICIPALITY
19 SHALL GRANT AN EXTENSION OF UP TO 15 DAYS FOR COMPLETION OF
20 THE REVIEW.

21 (3) IF A MUNICIPALITY DOES NOT RECEIVE ANY NOTICE FROM
22 THE WASTEWATER SYSTEM OFFICIAL WITHIN EITHER THE 30-DAY
23 PERIOD OR, IF APPLICABLE, THE 15-DAY PERIOD, THE MUNICIPALITY
24 SHALL PROCEED WITH THE APPLICATION AS IF THE APPLICATION IS
25 IN COMPLIANCE WITH THE REQUIREMENTS OF THE WASTEWATER SYSTEM.

26 (B) NOTIFICATION OF RESULTS OF REVIEW.--

27 (1) UPON COMPLETION OF THE REVIEW REQUIRED UNDER
28 SUBSECTION (A), THE WASTEWATER SYSTEM OFFICIAL SHALL NOTIFY
29 THE APPLICANT AND THE MUNICIPALITY IN WRITING OF ITS
30 FINDINGS, WHICH SHALL INCLUDE A STATEMENT REGARDING THE

1 EXPECTED IMPACT OF THE APPLICATION ON THE CURRENT WASTEWATER
2 SYSTEM.

3 (2) IF THE APPLICATION WILL CAUSE THE WASTEWATER SYSTEM
4 TO EXCEED ITS PERMITTED CAPACITY OR WILL RESULT IN NECESSARY
5 UPGRADES TO THE WASTEWATER SYSTEM'S INFRASTRUCTURE, THE
6 WASTEWATER SYSTEM OFFICIAL SHALL INCLUDE:

7 (I) SPECIFIC REASONS CAUSING THE WASTEWATER SYSTEM
8 TO EXCEED ITS PERMITTED CAPACITY OR THE NECESSITY FOR
9 UPGRADES TO THE WASTEWATER SYSTEM'S INFRASTRUCTURE.

10 (II) THE ACTIONS REQUIRED TO BE TAKEN BY THE
11 APPLICANT TO ADDRESS SUCH IMPACT, WHICH SHALL BE LIMITED
12 TO OBTAINING APPROVAL OF A SEWAGE PLAN REVISION FOR NEW
13 DEVELOPMENT AS REQUIRED BY REGULATIONS UNDER THE ACT OF
14 JANUARY 24, 1966 (1965 P.L.1535, NO.537), KNOWN AS THE
15 PENNSYLVANIA SEWAGE FACILITIES ACT, APPLYING FOR A WAIVER
16 OR EXEMPTION OF SEWAGE PLANNING OR PROVIDING CALCULATIONS
17 DEMONSTRATING THE EXPECTED SEWAGE FLOW.

18 (C) APPROVAL OF APPLICATIONS.--EXCEPT FOR APPLICATIONS WHICH
19 ARE EXEMPT FROM THE PROVISIONS OF THIS ARTICLE AS PROVIDED UNDER
20 SECTION 1102-A(A) (2), A MUNICIPALITY MAY NOT:

21 (1) GRANT FINAL APPROVAL OF AN APPLICATION FOR
22 DEVELOPMENT, PLAT APPROVAL OR PLANNED RESIDENTIAL DEVELOPMENT
23 UNDER THIS ACT UNLESS FINAL APPROVAL IS CONDITIONED UPON
24 RECEIPT OF A WAIVER OF OR AN APPROVED EXEMPTION FROM SEWAGE
25 PLANNING OR WRITTEN APPROVAL OF THE APPLICATION IS RECEIVED
26 FROM THE WASTEWATER SYSTEM OFFICIAL; OR

27 (2) APPROVE AN APPLICATION FOR A CONSTRUCTION PERMIT
28 UNDER SECTION 502 OF THE ACT OF NOVEMBER 10, 1999 (P.L.491,
29 NO.45), KNOWN AS THE PENNSYLVANIA CONSTRUCTION CODE ACT.

30 Section 3 4. This act shall take effect in 60 days.

