
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, TOOHL AND MATZIE, FEBRUARY 28, 2011

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, JUNE 20, 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; 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:

27 Section 1. The act of July 31, 1968 (P.L.805, No.247), known

1 as the Pennsylvania Municipalities Planning Code, reenacted and
2 amended December 21, 1988 (P.L.1329, No.170), is amended by
3 adding a section to read:

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

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

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

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

22 Section 3. The act is amended by adding an article to read:

23 ARTICLE XI-A

24 WASTEWATER PROCESSING COOPERATIVE PLANNING

25 Section 1101-A. Definitions.

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

29 "Department." The Department of Environmental Protection of
30 the Commonwealth.

1 "Wastewater system official." Either:

- 2 (1) the manager of a wastewater system; or
3 (2) if a manager is not employed to oversee a wastewater
4 system, the system municipal officials of the municipality in
5 which the wastewater system exists.

6 Section 1102-A. Notification requirement.

7 (a) Notice to wastewater systems official.--

8 (1) Except as provided in paragraph (2), notwithstanding
9 any other provision of law, this section applies to a person
10 who files an application for:

11 (i) development, plat approval, planned residential
12 development or waiver of land development under this act;
13 or

14 (ii) a construction permit under section 502 of the
15 act of November 10, 1999 (P.L.491, No.45), known as the
16 Pennsylvania Construction Code Act.

17 (2) This article does not apply to:

18 (i) an application that involves new construction or
19 alteration or renovation of a one-family or two-family
20 dwelling;

21 (ii) an application that has an approved sewer
22 module; or

23 (iii) an application for which the department has
24 issued a determination that sewage planning is not
25 required or has granted an exemption from sewage
26 planning.

27 (3) A person subject to this subsection shall provide
28 written notification of filing the application to the
29 wastewater system official serving the property identified in
30 the application. A copy of the written notification shall be

1 provided by the person to the municipality.

2 (b) Failure to notify.--No application subject to subsection
3 (a) may be deemed by the municipality to be administratively
4 complete until the municipality receives a copy of the written
5 notification required by subsection (a).

6 Section 1103-A. Review by wastewater system officials.

7 (a) Wastewater systems review.--

8 (1) Upon receipt of the notification required under
9 section 1102-A(a), the wastewater system official shall
10 review the notification to determine the impact of the
11 application on the wastewater system. The wastewater system
12 official may request additional information, including a copy
13 of the application, from the applicant.

14 ~~(2) Review by the wastewater system official shall be~~ ←

15 (2) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II), ←
16 REVIEW BY THE WASTEWATER SYSTEM OFFICIAL SHALL BE
17 completed within 30 days of receipt of the notification
18 required under section 1102-A. For good cause shown, the
19 wastewater system official may request and the
20 municipality shall grant an extension of up to 15 days
21 for completion of the review.

22 (II) IF ANOTHER STATUTE ESTABLISHES AN APPLICATION ←
23 REVIEW PERIOD OF 30 DAYS OR LESS, THE REVIEW PERIOD AND
24 EXTENSION PROVIDED UNDER SUBPARAGRAPH (I) SHALL NOT APPLY
25 AND THE WASTEWATER SYSTEM OFFICIAL SHALL COMPLETE THE
26 REVIEW WITHIN THE REVIEW PERIOD PROVIDED BY THAT STATUTE.

27 (3) If a municipality does not receive any notice from
28 the wastewater system official within either the 30 day ←
29 period or, if applicable, the 15 day period THE TIME PERIOD ←
30 PROVIDED UNDER PARAGRAPH (2), the municipality shall proceed

1 with the application as if the application is in compliance
2 with the requirements of the wastewater system.

3 (b) Notification of results of review.--

4 (1) Upon completion of the review required under
5 subsection (a), the wastewater system official shall notify
6 the applicant and the municipality in writing of its
7 findings, which shall include a statement regarding the
8 expected impact of the application on the current wastewater
9 system.

10 (2) If the application will cause the wastewater system
11 to exceed its permitted capacity or will result in necessary
12 upgrades to the wastewater system's infrastructure, the
13 written notice of the wastewater system official shall
14 include the specific reasons that are causing the wastewater
15 system to exceed its permitted capacity or the necessity for
16 upgrades to the wastewater system's infrastructure.

17 (c) Approval of applications.--Except for applications which
18 are exempt from the provisions of this article as provided under
19 section 1102-A(a) (2), a municipality may not:

20 (1) grant final approval of an application for
21 development, plat approval or planned residential development
22 under this act unless final approval is conditioned upon
23 receipt of a waiver of or an approved exemption from sewage
24 planning or written approval of the application is received
25 from the wastewater system official; or

26 (2) approve an application for a construction permit
27 under section 502 of the act of November 10, 1999 (P.L.491,
28 No.45), known as the Pennsylvania Construction Code Act,
29 UNLESS THE APPLICATION HAS BEEN REVIEWED UNDER THIS SECTION.

30 (D) RIGHT OF APPEAL.--ANY PERSON AGGRIEVED BY A DECISION OF



1 A WASTEWATER SYSTEM OFFICIAL SHALL BE ENTITLED TO SEEK THE
2 REMEDIES PROVIDED UNDER THE ACT OF JANUARY 24, 1966 (1965
3 P.L.1535, NO.537), KNOWN AS THE PENNSYLVANIA SEWAGE FACILITIES
4 ACT.

5 Section 1104-A. Applicability.

6 This article shall apply as follows:

7 (1) This article shall apply to applications for
8 development, plat approval, planned residential development,
9 waiver of land development or construction permits if the
10 development or construction utilizes wastewater treatment
11 service provided by a county wastewater treatment authority
12 incorporated in a county of the second class A.

13 (2) This article shall apply to all municipalities
14 served by the authority under paragraph (1).

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