
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1980 Session of
2017

INTRODUCED BY SACCONI, GODSHALL, MALONEY, MILLARD AND ZIMMERMAN,
DECEMBER 21, 2017

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
DECEMBER 21, 2017

AN ACT

1 Amending the act of January 24, 1966 (1965 P.L.1535, No.537),
2 entitled, "An act providing for the planning and regulation
3 of community sewage systems and individual sewage systems;
4 requiring municipalities to submit plans for systems in their
5 jurisdiction; authorizing grants; requiring permits for
6 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)(1) and (2) of the act of January 24,
15 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage
16 Facilities Act, are amended to read:

17 Section 7. Permits.--(a) (1) No person shall install,
18 construct, or award a contract for construction, or alter,
19 repair or connect to an individual sewage system or community
20 sewage system or construct, or request bid proposals for
21 construction, or install or occupy any building or structure for
22 which an individual sewage system or community sewage system is

1 to be installed without first obtaining a permit indicating that
2 the site and the plans and specifications of such system are in
3 compliance with the provisions of this act and the standards
4 adopted pursuant to this act. A permit shall not be required by
5 a person where a new dwelling is proposed to replace a
6 previously existing dwelling where the size and anticipated use
7 of the new dwelling is the same as the previously existing
8 dwelling and the previously existing dwelling was in use within
9 one year of the anticipated date of the completion of
10 construction. This exception shall not apply when an active
11 investigation of malfunction is under way by the local agency or
12 the department. No permit may be issued by the local agency in
13 those cases where a permit from the department is required
14 pursuant to the act of June 22, 1937 (P.L.1987, No.394), known
15 as "The Clean Streams Law," as amended, or where the department
16 pursuant to its rules and regulations, determines that such
17 permit is not necessary for the protection of the public health.
18 Except where a local agency or municipality requires a permit by
19 ordinance, no permit or plan revision shall be required for the
20 installation of an individual on-lot sewage system for a
21 residential structure occupied or intended to be occupied by the
22 property owner or a member of his immediate family on a
23 contiguous tract of land ten acres or more [if the owner of the
24 property was the owner of record as of January 10, 1987].

25 (2) The installation of such a permit-exempt system shall
26 not be required to be approved by or meet the standards of the
27 department or local agency pursuant to their rules and
28 regulations for the siting, design or installation of on-lot
29 sewage systems, except for the siting requirements of subsection
30 (a.1), unless a permit is required by a regulation or ordinance

1 of a local agency or municipality or the person qualifying for
2 the permit exemption chooses to not use the permit exemption. A
3 permit exemption may also be granted where a ten-acre parcel or
4 lot is subdivided from a parent tract [after January 10, 1987].
5 When one permit exemption has been granted for a lot, tract or
6 parcel under this section, any lot, tract or parcel remaining
7 after subdivision of the lot or parcel which received the permit
8 exemption or any lots or parcels subdivided therefrom in the
9 future shall not be eligible for a ten-acre permit exemption and
10 must meet the planning, permitting, siting and construction
11 standards of the department for on-lot sewage systems. Persons
12 otherwise qualified for a permit exemption who do not choose to
13 use the permit exemption remain exempt from the planning
14 requirements of this act.

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