

ACT 537 - AN OVERVIEW OF THE SEWAGE FACILITIES PROGRAM

History of the Act 537 Program

Domestic sewage is treated and disposed of by various methods, ranging from large municipally-owned sewage treatment plants to community or individual onlot disposal systems (OLDS), also called “septic systems.” Malfunctioning sewage disposal systems, regardless of type, pose a serious threat to public health and the environment. They can pollute public and private drinking water sources, often by discharging directly to the groundwater, and they can expose humans and animals to various bacteria, viruses and parasites. Repairs to these systems often can lead to financial hardships for affected municipalities or homeowners.

On January 24, 1966, the Pennsylvania Sewage Facilities Act (Act 537) was enacted to address existing sewage disposal problems and prevent future problems. To meet these objectives, the act requires proper planning of all types of sewage facilities, permitting of individual and community OLDS, as well as uniform standards for designing OLDS.

The sewage facilities program, often referred to as simply the “Act 537 program,” is largely administered by individual municipalities, groups of municipalities, local agencies including county health departments and groups of local agencies (known as joint local agencies). These agencies receive technical and financial assistance and oversight from the Department of Environmental Protection (DEP).

The Major Provisions of Act 537

- All municipalities must develop and implement a comprehensive official sewage management plan that addresses their present and future sewage disposal needs. These plans are modified when new land development projects are proposed or whenever a municipality’s sewage disposal needs change. DEP reviews and approves the official plans and any subsequent revisions.
- Local agencies are required to employ both primary and alternate Sewage Enforcement Officers (SEO). After successfully completing pre-certification training and being certified by the State Board for Certification of Sewage Enforcement Officers (the Board), an SEO can work for a local agency. The SEO is responsible for implementing the operation of that agency’s OLDS permitting program. SEOs are not DEP employees.
- Local agencies, through their SEO, approve or deny permits for construction of onlot sewage disposal systems prior to system installation.
- DEP provides grants and reimbursements (funded to the extent of annual legislative appropriations) to municipalities and local agencies for costs associated with the Act 537 planning and permitting programs.
- The Environmental Quality Board (EQB) must adopt regulations establishing standards for sewage disposal facilities. These regulations then apply throughout the state.
- The Sewage Advisory Committee (SAC) reviews existing and proposed rules, regulations, standards and procedures and advises the Secretary of DEP. This advisory committee is comprised of members representing many sectors of the regulated community.

The Planning Process

Municipalities are required to develop and implement comprehensive official sewage plans that: address existing sewage disposal needs or problems; account for future land development; and provide for future sewage disposal needs of the entire municipality. This document is called an “Official Plan” or sometimes a “base plan.”

Official Plans contain comprehensive information, including:

- Population figures and projections
- Drinking water supplies
- Waterways, soil types and geologic features
- Sanitary survey results
- Location, type and operational status of existing sewage facilities

- Local zoning and land use designations
- Estimates of the future sewage disposal needs
- Identification of potential problem-solving alternatives
- Cost estimates necessary to carry out those alternatives
- The selection of appropriate problem solving alternatives

Municipalities are required to revise (unless they are exempt from revising) the Official Plan if a new land development project is proposed or if unanticipated conditions or circumstances arise that make the base plan inadequate. There are two basic types of plan changes. “Official Plan Revisions” that result from new land development are completed using “planning modules” that are specific to individual projects. “Update Revisions” are used by municipalities to make broad changes to their Official Plan.

The OLDS Permitting Program

Act 537 requires local or joint-local agencies, through their SEO, to manage the permitting program for individual onlot disposal systems and community onlot systems with design flows of 10,000 gallons-per-day or less. An individual OLDS is a system that serves a single lot, while a community OLDS serves two or more lots.

SEOs are trained to DEP standards and certified by the Board. The SEO is responsible for conducting soil profile testing, percolation testing, OLDS design review and approving or denying OLDS permit applications. The SEO and the individual installing an OLDS must follow the standards established in Chapter 73 of DEP’s regulations.

DEP’s primary role in the onlot permit program is to provide oversight to local agencies and SEOs. Wherever possible, DEP will assist local agencies in carrying out their permitting responsibilities. However, other than to promote technical information, DEP does not interfere in onlot system permitting disputes between local agencies and homeowners, other than to provide technical information.

Financial Assistance Programs

There are two financial assistance programs administered by DEP to assist municipalities and local agencies for administering their Act 537 program responsibilities. DEP provides a “reimbursement type” grant to offset municipal costs associated with developing or revising an Official Plan. In the second program, DEP reimburses local agencies and joint-local agencies on an annual basis for costs incurred during the year while administering the onlot permitting program and for enforcing the Act 537 program. Please note that funding for these two financial assistance programs is available to the extent of the appropriations made by the General Assembly for this purpose. In recent years, funding for both programs has been limited.

A third program to financially assist municipalities and local agencies is administered by the Pennsylvania Infrastructure Investment Authority (PENNVEST). Low interest loans are available to qualified private landowners to assist in the repair of malfunctioning onlot sewage disposal systems. PENNVEST information is available at www.pennvest.state.pa.us.

Recently, a fourth financial assistance program became available through funding from the Act 13 Marcellus Legacy Fund. This is an annual grant program administered by the Department of Community and Economic Development (DCED) through the Commonwealth Financing Authority (CFA). This grant program assists many programs including Act 537 and the costs associated with the planning work required thereunder. For more information on this grant program, visit www.dced.state.pa.us or call 717-787-6245.

Act 537 Sewage Facilities Program Regulations

DEP regulations that address the administration of the Act 537 planning process are located in Title 25, *Pa. Code*, Chapter 71. Rules for the OLDS permitting process are located in Chapter 72 and technical standards addressing the design of OLDS in Pennsylvania are located in Chapter 73. All three chapters are available at www.pacode.com.

For more information, visit www.dep.state.pa.us, keyword: Sewage or click on “Regional Resources.”