

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Clean Water

DOCUMENT NUMBER: 385-2207-001

TITLE: Sewage Facilities Act Program Guidance; Site Suitability and Alternatives Analysis Guidelines for New Land Development Proposing Onlot Sewage Disposal

EFFECTIVE DATE: Upon notice of publication as final in the *Pennsylvania Bulletin*

AUTHORITY: Sections 5 and 10 of the Pennsylvania Sewage Facilities Act, (35 P.S. §§ 705.3(5) and 750.10)
25 Pa. Code, Chapters 71-73

POLICY: It is the policy of the Department of Environmental Protection (DEP or Department) to consider a wide range of available onlot sewage system technologies, including emerging technologies, in the Act 537 new land development planning process. Approval of such technologies is contingent upon the applicability of a given technology to site conditions and assurance and availability of adequate operation and maintenance support mechanisms.

PURPOSE: The purpose of this guidance is to provide a systematic approach to site suitability determinations and sewage facilities alternatives analyses when encountering marginal soil conditions for the long-term use of onlot sewage systems or when incorporating alternate onlot sewage disposal technologies into the Act 537 new land development planning process described in Title 25 Pennsylvania Code Chapter 71.

APPLICABILITY: This guidance applies to the preparation and review of Sewage Facilities Planning Modules, assessing site suitability for, or the use of, individual or community onlot sewage systems.

DISCLAIMER: The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

PAGE LENGTH: 14 pages

I. GENERAL

- A. Planning for the long-term use of individual onlot sewage systems and community onlot sewage systems requires extensive site evaluation and an equally extensive analysis of available technical alternatives for use at the site. Onlot sewage systems are dependent upon a very sensitive system of physical, chemical and biological processes in the soil and groundwater to renovate sewage and return it safely to the environment. Thus, site evaluation and alternatives analysis are critical to successfully addressing the long-term sewage disposal needs of a given site.
- B. Title 25, Pa. Code, Chapter 71 requires a municipality to revise its official plan when a new subdivision is proposed unless the proposal qualifies for an exemption or an exception from the planning requirements. Alternate systems proposed to satisfy planning requirements are not eligible for exemptions or exceptions as provided in Act 26 of 2017. That Act authorizes the consideration of alternate onlot sewage systems during the planning process only when a plan supplement or plan revision for new land development is proposed. Revisions to official plans must include, but are limited to, the information specified in 25 Pa. Code § 71.52(a) and (b). In general, the information required to be submitted for consideration provides details of the proposal and establishes that the proposal meets the requirements of the Act and its implementing regulations. Two of these requirements are that the proposal include “An analysis of technically available sewage facilities alternatives identified by the municipality and additional alternatives identified by the Department...” (§ 71.52(a)(3)) and the “Selection of an alternative which adequately addresses both the present and future sewage needs of the proposal...” (§ 71.52(a)(4)). Subchapter D of Chapter 71 outlines the Official Plan Requirements for these Alternative Evaluations. In particular, 25 Pa. Code § 71.62 provides requirements for the evaluation of the general site suitability for plan revisions proposing individual and community onlot sewage systems. These general site suitability evaluations must be conducted in preparation for the “alternatives analysis” portion of the Sewage Facilities Planning process to establish the use of an onlot sewage system as a feasible alternative for sewage treatment and disposal. Chapter 73 sets forth the technical requirements for evaluating site suitability and when evaluating alternatives. The alternatives analysis also requires municipalities to evaluate and implement options to provide for the proper operation and maintenance of onlot sewage systems to ensure the long-term sanitary treatment and disposal of sewage. 25 Pa. Code § 71.52
- C. Since the last update to Chapters 71 and 73, a number of onlot sewage system technologies were (and continue to be) developed and approved by DEP for use on sites not meeting regulatory general site suitability standards. Indeed, some of the alternate technologies have been developed specifically to overcome these site limitations. These technologies routinely employ equipment and processes that are often more complex than those technologies presently described in Chapter 73. Additionally, more complex technologies are typically more maintenance intensive.
- D. On July 20, 2017, the Pennsylvania Legislature enacted amendments to the Sewage Facilities Act (Act 26 of 2017) to, among other things, revise the sewage planning process to allow for the consideration of alternate onlot sewage systems during the planning process. These amendments became effective on September 18, 2017. Section 5 of the Sewage Facilities Act (SFA) was amended by adding subsection (c.1): “When

proposing a plan supplement or plan revision for new land development, the applicant may submit and the department shall accept, for the purpose of satisfying general site suitability requirements, any conventional or alternate onlot system permissible by a sewage enforcement officer.” Under the definition of an Official Plan Revision, the Act and its implementing regulation specify five (5) methods to provide for additional, newly identified future or existing sewage facility’s needs. They are Update Revisions, Revision for new land development, Special study, Supplement, and Exception to the requirement to revise. The Act 26 amendment only refers to plan supplements and plan revisions for new land development. Exceptions to the requirement to revise were not listed in the amendment, and therefore component 1 planning modules cannot be used to address planning for alternate systems.

- E. All methods of onlot sewage renovation within Pennsylvania are subject to the standards for onlot sewage treatment facilities in 25 Pa. Code Chapter 73. Except for Individual Residential Spray Irrigation Systems (IRSISs), these methods of sewage renovation rely on soil-based treatment for most of the sewage treatment provided by an onlot sewage system.

In order for an onlot sewage system to be permitted, it must conform to the general site location and absorption area requirements of Chapter 73, including the absorption area requirements of 25 Pa. Code § 73.14(a). Section 73.14(a)(5) states that where an absorption area has a limiting zone within 20 inches of the mineral soil surface, a permit for an onlot sewage system will be denied except as provided in 25 Pa. Code § 73.77 (relating to general requirements for bonded systems). In addition, percolation tests, a requirement for the sizing of absorption areas, may not be conducted in soils with a limiting zone within 20 inches of the mineral soil surface.

Permits for onlot sewage systems are issued by the local agency as set forth in 25 Pa. Code § 72.25. However, a local agency may not issue an individual or community onlot sewage system permit for “[a] method of sewage disposal other than renovation of sewage in a subsurface absorption area...” 25 Pa. Code § 72.25(g)(3). As explained below, there are instances where alternate onlot systems or components are not subject to this prohibition.

The existing regulations provide for soil-based solutions for the siting and installation of onlot sewage systems and components as well as disposal from such systems on many sites. On sites where soil-based treatment systems cannot be located, such as those with shallow limiting zones, there are limited or no options for the SEO to permit the installation of a conventional onlot sewage system. The regulations do, however, authorize an SEO to issue a permit for alternate onlot sewage systems or components which have been approved by DEP for some of those sites that may not be able to support a conventional soil-based onlot sewage treatment system. Alternate onlot sewage treatment systems or components may provide pretreatment of sewage prior to dispersal of treated effluent on the absorption area. Alternate systems or components approved for use on soils with a shallow limiting zone do not rely on “renovation of sewage in a subsurface absorption area.” Therefore, the alternate systems or components proposed for use on shallow limiting soils are not permissible by an SEO.

However, the Department may delegate the review of certain alternate onlot sewage systems or components designated by DEP to qualified SEOs within their area of jurisdiction. This delegation will be to SEOs who have been qualified by the Department to review the system or component in accordance with 25 Pa. Code § 72.43(l).

DEP classifies systems as alternate sewage systems in accordance with 25 Pa. Code § 73.72. These classifications are state-wide approvals establishing that the specific technology meets the DEP's standards for classification as an alternate technology. For alternate technologies that provide pretreatment of sewage that allows for dispersal onto soils with a shallow limiting zone, the classification establishes that the level of pretreatment provided by the alternate sewage system is sufficient to allow for safe dispersal on a site with those conditions. DEP's alternate approval document will provide the general site suitability requirements for the approved alternate systems or components. These site suitability requirements provide the basis for determining whether the alternate system or component is "permissible by a sewage enforcement officer" in accordance with Section 5(c.1) of the SFA, as amended by Act 26. The DEP alternate approval document is the basis for the SEO's review and approval of alternate onlot sewage systems or components that do not rely on "renovation of sewage in a subsurface absorption area" in accordance with 25 Pa. Code § 72.43. Planning proposals that do not conform to the general site suitability requirements in the DEP alternate approval documents will not be considered "permissible by a sewage enforcement officer."

- F. In practice, municipalities commonly forgo "general site suitability" testing in favor of detailed lot-by-lot site testing during the planning portion of project development. This ensures that each new lot is created with an available method of sewage disposal. Act 26 provides that "...the applicant may submit and the department shall accept, for the purpose of satisfying general site suitability requirements, any conventional or alternate on-lot system permissible by a sewage enforcement officer." Essentially, Act 26 requires a lot-by-lot analysis be performed for sewage planning proposals utilizing alternate technologies on sites with suitable soils or for sites with soils that are not considered suitable in accordance with Pa. Code § 71.62 to ensure that all permitting requirements in DEP's approval for the specific alternate technology under consideration can be and will be met during the permitting process.

- G. Actual site suitability for the use of onlot sewage systems is highly variable in the Commonwealth. Types of sites range from relatively flat sites exhibiting deep, well-drained soils that are ideal for the use of onlot sewage systems to sites with steep slopes and/or shallow, poorly drained soils which may be altogether unsuitable for onlot sewage systems. Since onlot sewage system technologies also have physical, design and operational limitations, not all technologies are suitable for all sites. Specific site conditions may make a proposed development site "marginal for onlot disposal" or for long-term onlot system use. Therefore, additional documentation should be provided to assure the short-term and long-term sewage facilities needs of the sites will be met. These "marginal conditions for the long-term use of onlot sewage systems" have been recognized by DEP in the Act 537 new land development planning process since 1984, following the Environmental Hearing Board decision in *Sussex, Inc. vs. DER, 1984 EHB 355*. (See Section II., *Procedure*, and *Appendix A* of this guidance.)

- H. When considering the use of onlot sewage disposal systems in the creation of new lots during new land development, it is critical that the lot being created is capable of properly treating and disposing of all the sewage the system generates without creating a public health hazard or polluting the waters of the Commonwealth. Each new lot must support itself in both its short-term and long-term sewage disposal needs. When evaluating if a site is suitable for onlot sewage disposal, in addition to the slope of the landscape, the landscape features, the depth of soils available on the site and their infiltrative capacity, other conditions may be present that can contribute to the potential for pollution, such as high density use or existing groundwater with high nitrates. 25 Pa. Code § 71.62 allows DEP to require additional site evaluations in the planning process under these conditions. (See Section II., *Procedure*, and *Appendix A* of this guidance.) This additional evaluation consists of further permeability testing and/or hydrogeologic studies. The analysis would allow for the proper sizing of the proposed lots and the proper siting and more accurate sizing of the proposed sewage disposal absorption areas.
- I. The procedures outlined in this guidance document consider the variables found in the field and onlot sewage system technologies. They are intended to clarify the sewage planning requirements for site suitability testing and alternatives analysis.

II. PROCEDURE

The following site suitability testing procedures clarify those procedures found in Chapter 71 and Chapter 73 and provide a systematic approach to making site suitability determinations and comprehensive alternatives analysis for new land development projects that propose the use of onlot sewage system technologies. (See the flowchart in Appendix A.) Individuals involved in site suitability testing and alternatives evaluation for projects proposing the use of onlot sewage systems should follow this process to adequately address the long-term sewage disposal needs of the site in accordance with 25 Pa. Code, Chapter 71 and 73.

Step 1 - Determine if the Site is Suitable for the Use of Onlot Sewage Disposal

- The site location must first be evaluated to determine if it is suitable for the use of onlot sewage disposal under § 73.12 and § 73.14. A proposed onlot sewage disposal absorption area or individual residential spray irrigation system (IRSIS) spray field shall not be placed on a site with any of the following characteristics:
 - a. The proposed absorption area or spray field has slopes greater than 25 percent.
 - b. The proposed absorption area is located in a floodway.
 - c. One (1) or more rock outcrops exist within the proposed absorption area.
 - d. In areas underlain by limestone, evidence of sinkholes exists within the proposed absorption area or spray field.
 - e. The proposed absorption area or spray field is on disturbed soils.
 - f. The proposed absorption area or spray field is on fill that has been in place less than four (4) years.

- g. The proposed absorption area or spray field has soils with a limiting zone of less than 10 inches from the mineral soil surface to a seasonal high-water table or less than 16 inches from the mineral soil surface to bedrock or coarse fragments with insufficient fines.
 - h. Groundwater quality underlying the proposed development equal to or in excess of ten (10) parts per million (ppm) nitrate-nitrogen, unless an alternate technology is proposed to overcome this limitation.
- If one (1) or more of the above characteristics are present, the site is unsuitable for onlot sewage disposal.
 - If none of the above characteristics is present, proceed to Step 2.

Step 2 - Determine if the Site is Suitable for the Use of Conventional Onlot Sewage Systems

§ 71.62(b)(2) specifies that the soils and geology of the proposed site for an onlot sewage systems must be generally suitable for the installation of a conventional onlot sewage disposal absorption area. Conventional onlot sewage disposal systems include those systems in Chapter 73 which include: standard trenches, seepage beds, subsurface sand filter beds/trenches, elevated sand mounds and spray fields.

- To demonstrate general site suitability, soil test pits must be evaluated and percolation tests must be conducted (except for IRSIS) and the following must be met:
 - a. Soil profiles must have the following as described in Chapter 73:
 - 1) § 73.14(a) applies to absorption areas and requires at least 20 inches of suitable soil to the limiting zone.
 - 2) § 73.14(b) applies to spray fields and requires at least 10 inches of suitable soil to indications of a seasonal high-water table and 16 inches to rock or coarse fragments with insufficient fines to fill the voids.
 - b. Percolation test results must be within acceptable limits as described in Chapter 73:
 - 1) § 73.16, Table A, contains acceptable average percolation rates for conventional sewage systems.
 - 2) Percolation testing is not permitted for sites with limiting zones less than 20 inches except as prescribed in § 73.77.
 - c. § 73.16, Table B, contains sizing criteria for spray fields (no percolation tests are conducted.)

Step 3 - Determine if the Site Requires Additional Permeability Testing or Hydrogeologic Studies

- Additional permeability testing may be required if the proposal has any of the following:
 - a. The development proposes a large volume or community onlot system with a sewage flow in excess of 10,000 gallons per day (gpd).
 - b. The development proposes a total onlot sewage disposal system absorption area greater than 5,000 square feet.
 - c. The initial site evaluation contained soil profiles or geology which revealed slowly permeable conditions below the depth at which the percolation test was performed.
- A preliminary hydrogeologic evaluation is required when one (1) or more of the following is present:
 - a. The development proposes a large volume onlot system (greater than 10,000 gpd).
 - b. The development proposes a subdivision of more than 50 equivalent dwelling units with a density of more than one (1) equivalent dwelling unit per acre.
 - c. DEP has documented that the quality of water supplies within 1/4 mile of the proposed development exceeds five (5) parts per million (ppm) nitrate-nitrogen.
 - d. DEP has determined that known geological conditions for the proposed site may contribute to the potential for groundwater pollution from the systems.
- Detailed hydrogeologic studies may be required by DEP when the preliminary hydrogeologic evaluation identifies a potential for a conflict between the proposal and existing or potential future uses of groundwater in the area.
- If the proposal has any of the conditions requiring or potentially requiring further permeability testing or hydrogeologic studies, contact DEP for further information.

Step 4 - Determine if the Site has Marginal Conditions for the Long-Term Use of Onlot Sewage Systems

- A proposed development site that is not suitable for the use of a conventional onlot sewage system because of inadequate depth to limiting zone or an unacceptable percolation rate is considered to have marginal conditions for long-term use of onlot sewage disposal. A site where the absorption area technology being considered requires a soil morphological evaluation instead of a percolation test is included in this group.
- A proposed development site is also considered to have marginal conditions for the long-term use of onlot sewage systems when one (1) or more of the following conditions are present:

- a. The site evaluation documents areas of soils generally suitable for onlot sewage systems intermixed with areas of soils unsuitable for onlot systems.
 - b. The site evaluation documents soils generally suitable for elevated sand mounds with some potential lots with slopes greater than 12 percent.
 - c. The site evaluation documents soils generally suitable for in-ground systems with some potential lots with slopes greater than 20 percent.
 - d. The density of the proposed development site is greater than one (1) residential dwelling unit per acre.
 - e. A community onlot system or an onlot system serving a commercial, industrial, or institutional use is proposed.
 - f. Site evaluation which documents shallow limiting zones, between 12 inches to 20 inches. (This does not apply to sites that propose the use of IRSIS.)
- Where marginal conditions exist on the proposed development site, additional documentation should be provided by the property owner and the municipality to assure that long-term sewage disposal needs are addressed. Shallow limiting soils may require even more stringent documentation.
 - a. Additional documentation for sites that have sufficient suitable soils for conventional systems:
 - 1) Where replacement with sewerage facilities (i.e., centralized sewer) is not imminent (i.e., scheduled within five (5) years), the municipality and property owner should, at a minimum, implement a sewage management program capable of ensuring the long-term provision of sewage facilities for the appropriate onlot technology.
 - 2) Where replacement with sewerage facilities is imminent or where the proposed development is located within a future sewage service area that is projected for service within five (5) years, onlot sewage systems may be considered interim rather than long-term facilities.
 - 3) Where deemed necessary for long-term onlot sewage system viability by a municipality or DEP, additional assurances such as replacement area testing may also be required.
 - 4) Where marginal conditions are caused exclusively by high density, the municipality may eliminate the marginal conditions through a reduction in the density of the onlot systems.

- b. Additional documentation for sites that do not have sufficient suitable soils for conventional systems:
- 1) The municipality and property owner must, at a minimum, implement a sewage management program capable of ensuring the long-term provision of sewage facilities for the appropriate onlot technology.
 - 2) Where replacement with sewerage facilities (i.e., centralized sewer) is imminent (i.e., scheduled within five (5) years) or where the proposed development is located within a future sewage service area that is projected for service within five (5) years, onlot sewage systems may be considered interim rather than long-term facilities.
 - 3) Permit level site testing should be done for both a primary and a replacement absorption area on each lot being developed.
 - 4) Soil morphological evaluations for each lot must be conducted by a qualified soil scientist.
 - 5) The replacement absorption area for each lot should be protected by deed restriction.
 - 6) DEP may require hydrogeologic testing to assure that the proposed onlot sewage disposal systems will not create a public health hazard or pollute the waters of the Commonwealth.
- In all cases where an alternate component or system will be proposed, planning must ensure the specific alternate technology is permissible. Each alternate technology has specific permitting requirements found in DEP's approval. In order for planning to be approved, a developer must show during the planning process that each specific permitting requirement for the alternate technology is being met.

Step 5 - Conduct an Alternatives Analysis and Select an Onlot Treatment Alternative

- Planning for new land development requires a comprehensive alternatives analysis to determine the most suitable onlot treatment for the lots being created and to assure the long-term sanitary collection, treatment, and disposal of sewage.
- At this point, with the completion of Steps 1 through 4, the proposed lots should have passed the suitability tests for the installation of an onlot sewage system and a determination has been made concerning marginal site conditions. The soils, slope and other site information collected during these steps provide the site suitability factors needed to determine the type or types of onlot sewage system technologies for consideration.
- Conventional, alternate or experimental onlot sewage disposal systems may be considered for evaluation in this step.

- Specific operation and maintenance requirements for alternate systems are found in the technology approvals and must be taken into account during the alternatives analysis in addition to operation and maintenance requirements in Chapters 71 and 73.
- Use of experimental systems for new land development is specifically limited to those systems in the field-testing phase of the DEP's technical guidance *Onlot Wastewater Technology Verification Protocol (TVP)*. The use of experimental systems requires replacement areas and monitoring per § 73.71. DEP has the authority to limit the number of experimental permits.
- New land development proposals considering a conventional or alternate onlot sewage disposal system that allows for the reduction in the size of the absorption area, should show in planning, there is sufficient area for installation of both a primary and replacement full-sized absorption area (prior to the calculation of the reduction) on each lot. Protection of this absorption area should be demonstrated by a deed restriction.
- New land development proposals considering the use of an alternate technology must show in planning that the proposal meets all the permitting requirements in DEP's approval for that specific alternate technology. The alternatives analysis must take the permitting requirements into account.
- § 71.52 contains the required elements for evaluating and selecting the most suitable onlot treatment alternative. The relationship of the proposed development to land uses, existing sewage needs, proposed sewage facilities and sewage management programs in the area must be evaluated. The alternatives evaluation also requires municipalities to assure the long-term sanitary treatment and disposal of sewage and to evaluate and implement options to assure the proper operation and maintenance of onlot sewage systems.
- Once the evaluation is complete, the applicant may select one (1) alternative to solve the sewage disposal needs of the new land development and support this choice with documentation that shows that the alternative is technically, environmentally, and administratively acceptable. The proposal must include:
 - a. Selection of an alternative that adequately addresses both the present and future sewage needs of the proposal.
 - b. A description of operation and maintenance activities required by Subchapter E of 25 Pa. Code Chapter 71 (relating to sewage management programs.)
 - c. Selection of an alternative that assures continued operation and maintenance of the selected sewage facilities through a sewage management program and administrative capability.
 - d. The name of the person responsible for operation and maintenance activities and the legal/financial arrangements necessary for the assumption of this responsibility.

- e. Assurance that the proposal will be implemented and designation of the institutional arrangements necessary for implementation.

Step 6 - Submit the Proposal for Review

The new land development proposal, on the appropriate DEP forms, will then be submitted to the municipality for its review. (See *Section III* below.) Once the municipality has acted on the proposal, the municipality will submit the proposal to the DEP for its review.

III. DEP FORMS FOR SUBMITTING NEW LAND DEVELOPMENT PROPOSALS

A. Exemption request (Planning Exemption Request section of the Application Mailer)

This form is used when an applicant is eligible to request an exemption from sewage facilities planning. The following apply to its use:

1. The conditions in § 71.51(b)(1) must be met first.
2. Only conventional onlot sewage disposal systems may be proposed. Exemption requests may not propose the use of alternate systems or components.
3. The exemption may be requested where marginal conditions exist.
4. An exemption may not be requested if a hydrogeologic study is required.

B. Exception request (Planning Module Component 1)

This form is used when an applicant would like to request an exception to the requirement to revise the official plan. The following apply to its use:

1. The conditions in § 71.55(a) must be met first.
2. Only conventional onlot sewage disposal systems may be proposed. Exception requests may not propose the use of alternate systems or components.
3. The exception may be requested where marginal conditions exist.
4. An exception may not be requested if a hydrogeologic study is required as part of the site evaluation.

C. Revision for new land development or supplement (Planning Module Component 2)

This form is used when an applicant requests a revision to the official plan. The following apply to its use:

1. Conventional or alternate systems may be proposed.
2. May be used where marginal conditions exist.

3. May be used when hydrogeologic studies are required as part of the site evaluation.

IV. IMPLEMENTATION OF THE SEWAGE MANAGEMENT PROGRAM REQUIREMENT

Implementing the sewage management program provisions of this guidance will represent a significant logistical challenge to municipalities, local agencies, and DEP. Therefore, implementation of the sewage management program provisions of this guidance will be “phased in” based upon a risk assessment-like process that recognizes a more pressing need for sewage management in areas with greater population as characterized in housing density.

Implementation will be subject to the following criteria:

- A. Municipalities that are completely served by a community sewerage system are exempt from the sewage management program provisions of this guidance.
- B. Municipalities may continue to process new land development planning modules for areas that include marginal conditions for the long-term use of onlot sewage disposal systems, provided that:
 - (1) A sewage management program is being developed simultaneously for the following:
 - (a) Municipalities with a housing density of greater than 61 housing units per square mile should commence implementation of the sewage management program within one (1) year of the date of this guidance.
 - (b) Municipalities with a housing density of greater than 20 and less than 61 housing units per square mile should commence implementation of the sewage management program within three (3) years of the date of this guidance.
 - (c) Municipalities with a housing unit density of 20 or fewer housing units per square mile may continue to process new land development planning modules for areas that include marginal conditions for the long-term use of onlot sewage disposal by substituting other options recognized in planning module forms for the sewage management program. (See *Section II: Procedure, Step 4.*)
 - (2) Those appropriate projects that are approved in this timeframe are included in the resulting sewage management program, and
 - (3) Until such time that the municipality has developed, adopted and implemented a sewage management program, the municipality must assure, for the life of the sewage facilities, the long-term proper operation and maintenance of the proposed sewage facilities through an evaluation and selection of one (1) or a combination of the administrative options listed below:

- (a) A maintenance agreement between the permit holder or property owner, the municipality or its designated local agency which establishes the permit holder's or property owner's responsibility for operating and maintaining the sewage facilities. Protection of this maintenance agreement must be by deed restriction.
- (b) A maintenance agreement between the permit holder or property owner, the municipality or its designated local agency, and an individual, firm or corporation demonstrated as experienced in the operation and maintenance of sewage facilities. The maintenance agreement must establish and designate the responsibilities between the permit holder or property owner and the individual, firm, or corporation for operating and maintaining the sewage facilities. Protection of this maintenance agreement must be by deed restriction.
- (c) Establishment of a properly chartered association, trust or other private legal entity to assure long-term administration of an operation and maintenance program. The charter or other terms of establishment must establish the association, trust or other private legal entity as responsible for the proper performance of the sewage facilities and establish and designate responsibilities between the permit holder or property owner and the association, trust or other private legal entity for operating and maintaining the sewage facilities.
- (d) Municipal ownership of the sewage facilities upon completion.

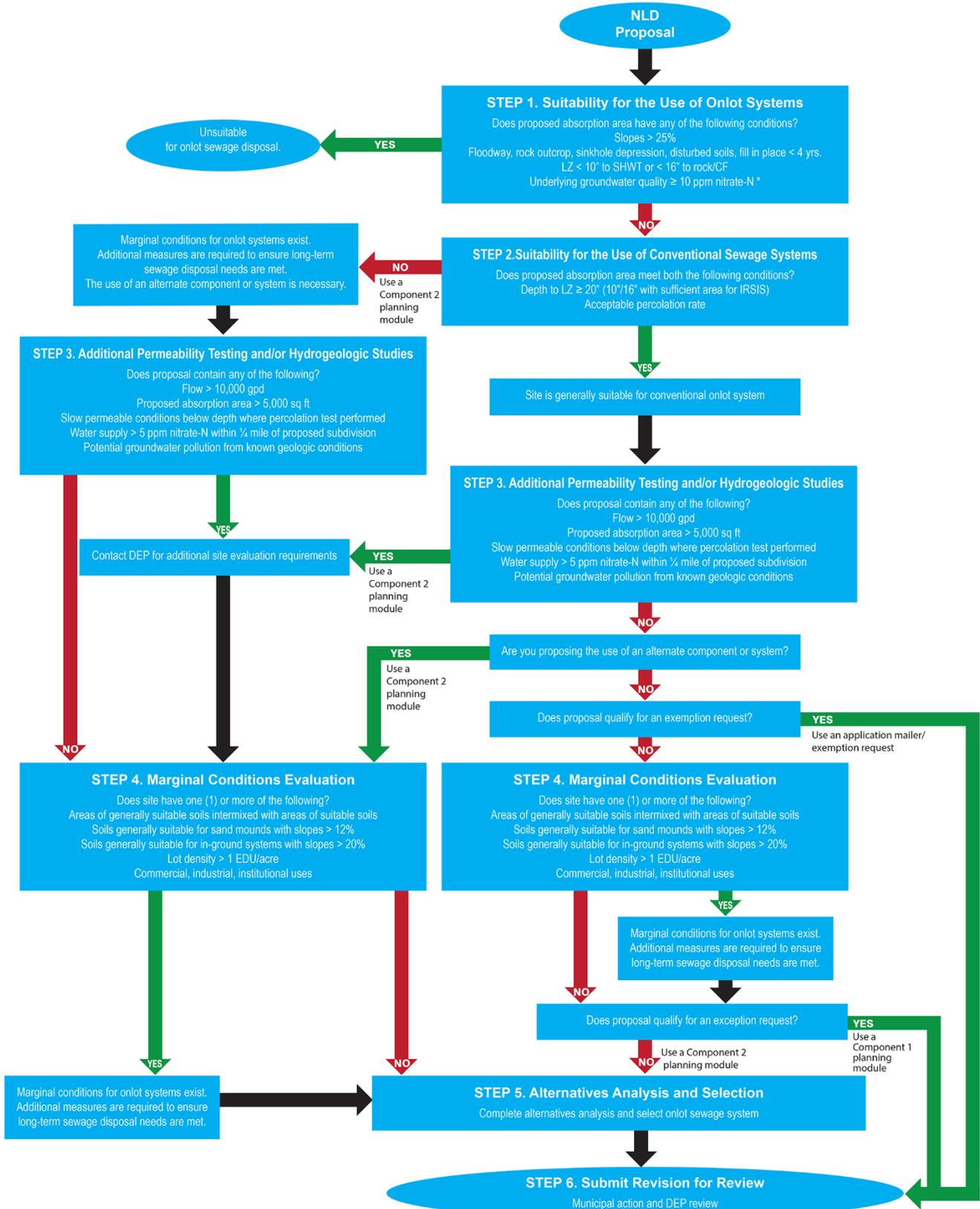
C. Phased implementation will not:

- (1) Restrict a municipality from selecting a sewage management program to address existing or future sewage disposal needs.
- (2) Exempt a municipality from including a sewage management program in an Act 537 Official Plan or Official Plan Update Revision.
- (3) Exempt a municipality from the provisions relating to a "Private request to require a sewage management program" under § 71.75.

D. Housing density (i.e. housing units per square mile) will be used to determine whether a sewage management program will be the minimum requirement as identified in Appendix A, Step 3 or whether other "additional measures" will suffice.

E. The most recent US Census Bureau information will be used to determine housing density. Census data for Pennsylvania is available online.

Appendix A Site Suitability Determination Process



* Unless proposing an alternate system to overcome this situation.