



March 2, 2021

Dear Sewage Enforcement Officer,

As you may know, Act 34 of 2020 amended sections of the Sewage Facilities Act (SFA) that were previously amended by Act 26 of 2017; specifically, sections 5(c.1) and 5(c.2). Amendments to Section 5(c.1) seek to provide for the use of alternate or conventional systems in planning for new land development. However, without site suitability criteria specifically for alternates, the general site suitability criteria established in the existing regulations are required to be implemented. The Department understands that the intent of recent amendments to the SFA is to expand the use of alternate systems to allow for development of lots that are currently unavailable for new land development. However, other provisions of the SFA and the Clean Streams Law also require DEP to ensure that sewage plans and treatment technologies protect public health and the environment.

The Department is working on additional guidance to address specific items associated with the implementation of the SFA as amended by Act 34 of 2020. This guidance will be forthcoming in an "All SEO Letter."

In the meantime, the Department wants to clarify our expectation of what municipalities should do with proposals for new land development that they have already received and that were submitted based on the draft *Pennsylvania Sewage Facilities Act Program Guidance; Site Suitability and Alternatives Analysis Guidelines for New Land Development Proposing On-lot Sewage Disposal (385-2207-001)* (Planning Guidance) that was developed in response to Act 26 of 2017. The following contains important deadlines for sewage planning proposals:

- If a municipality has received or receives a sewage planning proposal for a subdivision that proposes lots that rely on on-lot sewage disposal and that sewage planning proposal is consistent with the draft Planning Guidance, the municipality may base their decision for action based on whether the proposal is consistent with the sewage planning requirements in the draft Planning Guidance if the site investigation was completed and attested to by the local agency SEO between September 18, 2017 (effective date of Act 26 of 2017) and February 23, 2021 (Sewage Advisory Committee meeting).
- Any new plan revision using the site investigation completed between September 18, 2017 and February 23, 2021 must be submitted to the municipality by **June 1, 2021** (90 days from date of this letter). Any new plan revision received after June 1, 2021 should be consistent with the SFA as amended by Act 34 of 2020 regardless of when the site investigation work was completed; guidance on this will be forthcoming. If the plan revision is withdrawn or denied, any subsequent submittal should follow the forthcoming guidance.
- Any sewage planning proposal with site investigation completed and attested to by the local agency SEO after **February 23, 2021**, should be consistent with the SFA as amended by Act 34 of 2020.

If you have any questions or concerns, about this or any other issues, please contact us through the SEO Resource Account at RA-seotrng@pa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Schlauderaff".

Brian Schlauderaff

Environmental Group Manager
DEP Planning Section