

## **Act 537 - Sewage Planning for Commercial New Land Development**

### **Frequently Asked Questions (FAQ)**

**July 24, 2025**

**Version 1.0**

#### **Background**

Sewage Planning is a municipal requirement. Developers must work with the municipality where their facility will be located to get Act 537 planning approval for proposed development. Once the municipality approves and takes formal action on the sewage planning proposal, the municipality submits the sewage planning to DEP for review and action.

When commercial development, such as a data center, is proposed and sewage will be generated, sewage planning is required. There are three methods of sewage disposal typically proposed: construction of an on-lot sewage disposal system; construction of a private sewage facility; or connection to a sewerage system that leads to a centralized wastewater treatment facility. See Figure 1 for a flowchart depiction of the sewage planning for commercial new land development process.

This FAQ document was developed to generalize sewage planning for commercial new land development. Nothing in this document affects regulatory requirements. The interpretations herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the interpretations in this document that weight or deference.

#### **FAQ #1: How does a developer initiate the sewage planning process?**

The first step is for the developer or their representative to submit a [Sewage Facilities Planning Module Application Mailer](#) (Application Mailer) to the DEP regional office that covers the geographic area where the facility is proposed. The Application Mailer provides the regional planning staff with a summary of the proposal which allows them to determine which sewage planning documents are appropriate to meet sewage planning requirements.

#### **FAQ #2: If on-lot sewage disposal is proposed to manage sewage from new land development for commercial proposals, what type of planning mechanism would be used?**

Proposals for disposal of sewage via on-lot systems to serve commercial development either use a [Sewage Facilities Planning Module - Component 2 - Individual and Community Onlot Disposal Of Sewage](#) (Component 2) or they may qualify for an Exemption to Sewage Planning. Proposals may be eligible for an Exemption if the following criteria are met:

1. The official plan shows that the area proposed for development is to be served by onlot sewage disposal facilities.
2. The area proposed for the use of individual or community sewage systems is not underlain by carbonate geology nor is this area within 1/4 mile of water supplies documented to exceed 5 PPM nitrate-nitrogen.
3. The area proposed for development is outside of high quality or exceptional value watersheds.
4. Subdivided lots and the remaining portion of the original tract after subdivision are 1 acre or larger as confirmed by signature of the applicant.
5. Complete soils testing and site evaluation establish that separate sites are available for both a permittable primary soil absorption area or spray field and a replacement soil absorption area or spray field on each lot.

Planning Exemption Requests are submitted via the [Application Mailer](#) to DEP. DEP evaluates the eligibility for exemption. If a proposal is deemed ineligible, a Component 2 will be required. Once completed, the developer will submit the completed module to the municipality. Once approved and adopted by resolution by the municipality, the module will be submitted to DEP for approval.

**FAQ #3: If connection to new or existing sewage collection, conveyance, and/or treatment facilities is proposed to manage sewage from commercial new land development, what type of planning mechanism would be used?**

Proposals for connection to sewerage facilities may fall into several categories. A proposal for connection to publicly owned sewage facilities may be eligible for an Exemption to Sewage Planning if the following criteria are met:

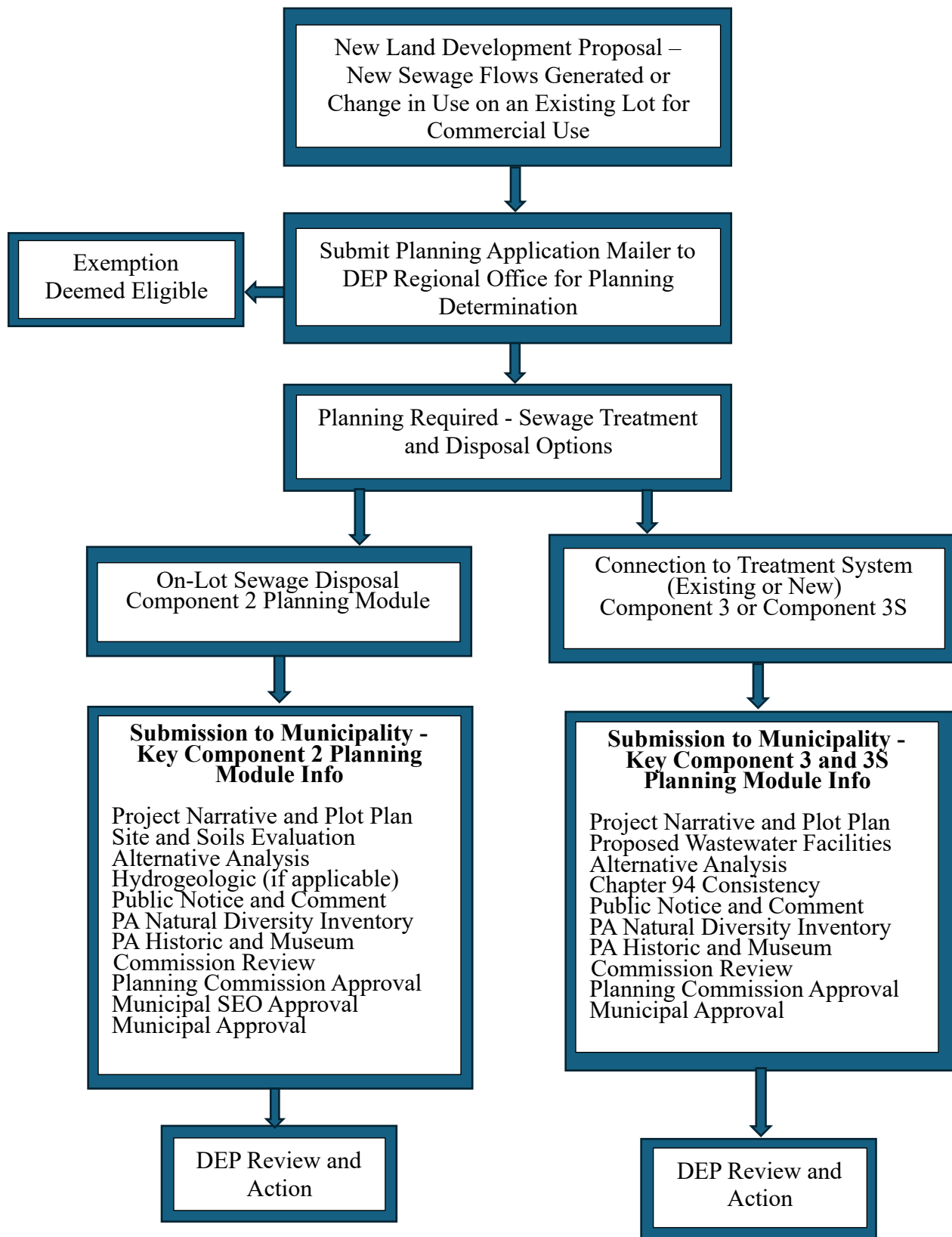
1. The existing collection conveyance and treatment facilities are in compliance with The Clean Streams Law and the rules and regulations.
2. The permittees of the receiving sewerage facilities have submitted information under Chapter 94 (relating to municipal wasteload management) which documents that the existing collection, conveyance and treatment system does not have an existing hydraulic or organic overload or 5-year projected overload.
3. The municipality has a current approved sewage facilities plan update revision which is being implemented.
4. The applicant has provided written certification from the permittees of the collection, conveyance and treatment facilities to the municipality in which the subdivision is located and the Department or delegated agency with jurisdiction over the municipality in which the subdivision is located that there is capacity to receive and treat the sewage flows from the applicant's proposed new land development and that the additional wasteload from the proposed new land development will not create a hydraulic or organic overload or 5-year projected overload.
5. No new or modified Water Quality Management or NPDES Permit for the discharge of treated sewage flows will be required to facilitate connection of the proposed development.

Planning Exemption Requests are submitted via an [Application Mailer](#) to DEP. DEP will either deem the proposal eligible for an exemption or DEP will indicate the type of sewage planning mechanism required for the proposal. For sewage flows less than 2,000 gallons per day (gpd) proposing the use of a small flow treatment facility with a stream discharge, a [Sewage Facilities Planning Module - Component 3S - Small Flow Treatment Facility](#) should be used. For all other proposals of connection to existing sewerage facilities or new sewerage facilities, a [Sewage Facilities Planning Module - Component 3 - Sewage Collection and Treatment Facilities](#) will be required.

**FAQ #4: Are there steps beyond municipal review and DEP review, that a developer should account for when anticipating a timeline in the sewage planning process?**

There are steps leading up to submission of the sewage planning documents to the municipality for review and action that developers will need to account for in their timeline. Examples may include municipal and county planning commission review, coordination with jurisdictional agencies for consideration of endangered or threatened species and historical significance, as well as review and sign off on the needed collection, conveyance, and treatment capacity by the entity that owns the existing sewage facilities. These are often part of the sewage planning process. Municipalities and municipal authorities take action at their board meetings, so it is also important for developers to consider the frequency of those meetings in their timeline. For DEP to be able to review and approve sewage planning, the local approvals must be in place.

**Figure 1: Sewage Planning for Commercial New Land Development**



### **Version History**

<b>Date</b>	<b>Version</b>	<b>Revision Reason</b>
7/24/2025	1.0	Original