

No. 2012-97

AN ACT

HB 823

Amending the act of July 31, 1968 (P.L.805, No.247), entitled, as amended, "An act to empower cities of the second class A, and third class, boroughs, incorporated towns, townships of the first and second classes including those within a county of the second class and counties of the second through eighth classes, individually or jointly, to plan their development and to govern the same by zoning, subdivision and land development ordinances, planned residential development and other ordinances, by official maps, by the reservation of certain land for future public purpose and by the acquisition of such land; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; providing for the establishment of planning commissions, planning departments, planning committees and zoning hearing boards, authorizing them to charge fees, make inspections and hold public hearings; providing for mediation; providing for transferable development rights; providing for appropriations, appeals to courts and penalties for violations; and repealing acts and parts of acts," in subdivision and land development, providing for notice to school district; in planned residential development, further providing for application for final approval; and providing for wastewater processing cooperative planning.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, reenacted and amended December 21, 1988 (P.L.1329, No.170), is amended by adding a section to read:

Section 508.1. Notice to School District.—Each month a municipality shall notify in writing the superintendent of a school district in which a plan for a residential development was finally approved by the municipality during the preceding month. The notice shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the expected construction schedule of the development.

Section 2. Section 711 of the act is amended by adding a subsection to read:

Section 711. Application for Final Approval.—* * *

(f) Each month a municipality shall notify in writing the superintendent of a school district in which development plans for a planned residential development were finally approved by the municipality during the preceding month. The notice shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the expected construction schedule of the development.

Section 3. The act is amended by adding an article to read:

ARTICLE XI-A
WASTEWATER PROCESSING COOPERATIVE PLANNING

Section 1101-A. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Environmental Protection of the Commonwealth.

"Wastewater system official." Either:

- (1) the manager of a wastewater system; or*
- (2) if a manager is not employed to oversee a wastewater system, the system municipal officials of the municipality in which the wastewater system exists.*

Section 1102-A. Notification requirement.

(a) Notice to wastewater systems official.—

(1) Except as provided in paragraph (2), notwithstanding any other provision of law, this section applies to a person who files an application for:

- (i) development, plat approval, planned residential development or waiver of land development under this act; or*
- (ii) a construction permit under section 502 of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act.*

(2) This article does not apply to:

- (i) an application that involves new construction or alteration or renovation of a one-family or two-family dwelling;*
- (ii) an application that has an approved sewer module; or*
- (iii) an application for which the department has issued a determination that sewage planning is not required or has granted an exemption from sewage planning.*

(3) A person subject to this subsection shall provide written notification of filing the application to the wastewater system official serving the property identified in the application. A copy of the written notification shall be provided by the person to the municipality.

(b) Failure to notify.—No application subject to subsection (a) may be deemed by the municipality to be administratively complete until the municipality receives a copy of the written notification required by subsection (a).

Section 1103-A. Review by wastewater system officials.

(a) Wastewater systems review.—

(1) Upon receipt of the notification required under section 1102-A(a), the wastewater system official shall review the notification to determine the impact of the application on the wastewater system. The wastewater system official may request additional information, including a copy of the application, from the applicant.

(2) (i) Except as provided under subparagraph (ii), review by the wastewater system official shall be completed within 30 days of receipt of the notification required under section 1102-A. For good

cause shown, the wastewater system official may request and the municipality shall grant an extension of up to 15 days for completion of the review.

(ii) If another statute establishes an application review period of 30 days or less, the review period and extension provided under subparagraph (i) shall not apply and the wastewater system official shall complete the review within the review period provided by that statute.

(3) If a municipality does not receive any notice from the wastewater system official within the time period provided under paragraph (2), the municipality shall proceed with the application as if the application is in compliance with the requirements of the wastewater system.

(b) Notification of results of review.—

(1) Upon completion of the review required under subsection (a), the wastewater system official shall notify the applicant and the municipality in writing of its findings, which shall include a statement regarding the expected impact of the application on the current wastewater system.

(2) If the application will cause the wastewater system to exceed its permitted capacity or will result in necessary upgrades to the wastewater system's infrastructure, the written notice of the wastewater system official shall include the specific reasons that are causing the wastewater system to exceed its permitted capacity or the necessity for upgrades to the wastewater system's infrastructure.

(c) Approval of applications.—Except for applications which are exempt from the provisions of this article as provided under section 1102-A(a)(2), a municipality may not:

(1) grant final approval of an application for development, plat approval or planned residential development under this act unless final approval is conditioned upon receipt of a waiver of or an approved exemption from sewage planning or written approval of the application is received from the wastewater system official; or

(2) approve an application for a construction permit under section 502 of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, unless the application has been reviewed under this section.

(d) Right of appeal.—Any person aggrieved by a decision of a wastewater system official shall be entitled to seek the remedies provided under the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act.

Section 1104-A. Applicability.

This article shall apply as follows:

(1) This article shall apply to applications for development, plat approval, planned residential development, waiver of land development or construction permits if the development or construction utilizes wastewater treatment service provided by a county wastewater treatment authority incorporated in a county of the second class A.

(2) This article shall apply to all municipalities served by the authority under paragraph (1).

Section 4. This act shall take effect in 60 days.

APPROVED—The 5th day of July, A.D. 2012

TOM CORBETT