

PROCEDURE FOR DELAWARE COUNTY ACT 537 REVIEWS

Persons who wish to apply for Pennsylvania Department of Environmental Protection (DEP) permits, approval of sewage facilities plans, their revisions, or updates must comply with Pennsylvania consistency determination requirements with a review of the proposed project by various agencies. Regulatory legislation that addresses the impact of sewage facilities on historic resources includes the Historic Preservation Act of 1978 and the Pennsylvania Sewage Facilities Act (Act 537). Act 537 requires completion of a sewage facilities planning module to determine both adequacy of the proposed system and consistency with other regulations. One of the items for consistency determination is the effect on archaeological and historical resources. The procedure for sewage facilities planning module reviews is as follows:

- a) Project sponsor notifies DEP of his intention to file for a sewage facilities plan revision or update.
- b) DEP supplies the sponsor with appropriate forms to be completed. The Delaware County Planning Department (DCPD) is sent a copy of the letter that is attached to these forms. Among these forms are Form A (Notification of Potential Effect of Proposed Action on Archaeological and Historic Resources). The sponsor sends this form to PHMC for its review. Meanwhile, the additional components of the planning module (sometimes including a completed Form A) are sent to the municipality and the County for review.
- c) The planning module preparer must complete DCPD's "Application for Act 537 Review," and include a municipal official's signature and the DEP code # which was assigned to the project. The following must accompany the application for it to be deemed complete: the appropriate Delaware County Act 537 review fee (with check made out to *Treasurer of Delaware County*), a project narrative and sewage facilities alternatives analysis, and a site plan with sheets showing existing conditions and public utilities.
- d) Within DCPD, the module is first reviewed by the Environmental Section for potential impact on wetlands, water resources, and endangered species, as well as for consistency with regional and local comprehensive plans and sewage facilities plans. The module is then transferred to the Preservation Planning Section, which reviews the proposed project for its impact on historical or archaeological resources. Information sources for these reviews include the individual municipal Historic Resources Survey, National Register and Determination of Eligibility listings, DCPD informational files, and the *Delaware County Archaeological Resource Inventory and Management Plan* (which includes both prehistoric and historic resources).
- e) These completed environmental and historical reviews (as noted on component 4 of the planning module) are then sent to the municipality with copies to the developer, owner/applicant, engineer, and DEP. When a project appears to have an adverse impact on known cultural resources, copies are sent to PHMC.

DCPD's review of the proposed projects is advisory and non-binding. Because of the more complete information held on the local level (county), this review has the potential to quickly flag projects which may have a high probability of adversely affecting significant sites. This information is passed on to both the applicant and PHMC. Then the appropriate agency (PHMC or DEP) has the option of recommending or requiring mitigation as a condition of approval.

DELAWARE COUNTY PLANNING DEPARTMENT PLANNING MODULE REVIEW FEE SCHEDULE

Effective October 4, 2002

Public Sewers

| | | |
|-------------------|---|--------|
| General fee: | Tap-in | \$ 75 |
| | Sewer extension and/or new collection system | \$ 115 |
| Supplemental Fee: | Per individual connection or per Equivalent Dwelling Unit (EDU), whichever is greater | \$ 15 |

On-Lot Systems

| | | |
|-------------------|--|--------|
| General fee: | Single lot individual new or replacement system | \$ 75 |
| | New treatment plant, community system, or multiple lot individual system | \$ 115 |
| Supplemental Fee: | Per lot for subdivision | \$ 15 |
| | Per EDU for land development | \$ 15 |

Miscellaneous Fees

| | | |
|------------------------|-------|-----------------------|
| 3Z Form: | Each | \$ 50 |
| Revision re-submittal: | Minor | \$ 50 |
| | Major | Same as new submittal |
| Private request: | | \$ 300 |

Per Ordinance 02-04, approved by County Council on September 24, 2002.

EXPLANATION FOR ACT 537 REVIEW APPLICATIONS

I. Instructions for Filling Out Form

A. Developer/Applicant

The information in this section pertains to the developer/applicant; however, it can be filled out by the developer/applicant or by the person preparing the planning module.

Name: self-explanatory

Phone: include area code

Address: complete mailing address

Name of Development: as it appears on the plot plan

DEP #: # assigned by DEP

Date of Act 247 Review: If a subdivision/land development plan was submitted to DCPC for review, then write the date of last review by DCPC, if not, write "N/A."

DCPC File #: code # assigned by DCPC (see DCPC Act 247 Review), if applicable. If non-applicable, write "N/A."

B. Planning Module Preparer

This section should be filled out by the person preparing the planning module.

Name: self-explanatory

Phone: include area code

Address: complete mailing address

Type of Review: choose one box from the top set of three boxes and one box from the bottom set of four boxes (see "III. Definitions" for explanation of terms).

Proposed Method of Treatment: check only the one that applies to the proposed project (see "III Definitions" for explanation of terms).

Water: check whether source of water for the proposed project is public or private.

Use: check which type of use applies to the proposed project.

EDUs: # of Equivalent Dwelling Units for the proposed project.

of Connections: This applies to public sewers. If non-applicable, write "N/A."

Projected Flow: Estimated # of gallons per day (gpd) or million gallons per day (MGD) for the proposed project.

Acreage: self-explanatory

Statement of Intent: Detailed description of proposed project including, but not limited to, # of lots, type of development, and if applicable, type of on-lot system.

Has a copy of this module been forwarded to:

- All tributary authorities – pertains to public sewers and includes all conveyance and treatment authorities who are required by law (Act 537) to sign off on the module.
- Sewage Enforcement Officers (SEOs) – usually pertains to on-lot systems.
- Pennsylvania Historical and Museum Commission (PHMC) if the proposed project requires PHMC comments, then check correct answer. If the proposed project doesn't require PHMC comment, then check “N/A” (waiver form should be included in the planning module submittal).

C. Municipality Section

This section should be filled out by the municipal manager, secretary, SEO, or engineer. Completion of this section indicates that the municipality is aware of the planning module submittal to DCPD.

Municipality: name of municipality where project site is located

Address: complete mailing address of municipal official

Municipal Official: name and title of authorized municipal official

Official's Signature & Date: self-explanatory

D. For DCPD Use Only

Do not write in this section. This section is to be completed by DCPD staff only.

II. Requirements for Completeness

A packet (review application and planning module with site plan) must be deemed both administratively and technically complete in order to be considered for review by DCPD.

- A. The Act 537 review application will be deemed administratively complete if and only if the application is submitted along with all of the following:
1. A check for the appropriate amount of the review fee
 2. Municipal official's signature
 3. All applicable information provided on the form.
- B. A planning module will be deemed technically complete when and only when **all** information (i.e., plot plan, location map, project narrative, method of treatment alternatives analysis, etc.) necessary for DCPD review is provided.
- C. Incomplete packets will be returned to the applicant (see “IV. DCPD Processing Procedure”).

III. Definitions

- A. Initial Submittal – a planning module which is being submitted for the first time to DCPD for review. This includes modules that were previously deemed incomplete.
- B. Minor Revision Resubmittal – a planning module which has been previously submitted and/or approved by DEP under an interim method of sewage disposal and/or treatment.
- C. Major Revision Resubmittal – a planning module which proposes a completely different method of sewage disposal and/or treatment or a major lot realignment from a previous submittal for the same property.
- D. Standard Form– any of the following planning module forms issued by DEP: Component 1, Component 2, or Component J for which a Component 4 Planning Agency Review is required.
- E. 3Z Form– a planning module form issued by DEP for projects of 10 acres or less which propose connecting to existing municipal collection and conveyance systems.
- F. Private Request – a landowner’s direct petition to DEP for consideration to revise the existing municipal base plan.
- G. Municipal Base Plan – a comprehensive plan for the provision of adequate sewage systems adopted by a municipality or municipalities possessing authority or jurisdiction over the provision of such systems and submitted to and approved by DEP.
- H. Municipal Ordinance – a regulation pertaining to sewage collection, conveyance, and/or treatment.
- I. Sewer Tap-in – a connection to an existing sewage collection system.
- J. Sewer Extension/New Collection System – the construction of a sewage collection system to serve more than one tap-in. Sewer lines that cross property lines are also sewer extensions.
- K. Individual On-lot or New Replacement System – a site with one system on one lot serving one structure which generates 400 gpd or less.
- L. Multiple On-lot System – a site with more than one lot with each lot being served by an individual on-lot system.

- M. Community System – a system other than public sewers serving multiple lots and/or structures or a system serving one structure on one lot which generates more than 400 gpd.
- N. New Plant – new sewage treatment plant designed to serve a sewer system.
- O. Lot – a parcel of land which is or may be occupied by a building and/or accessory structure or use, including open spaces and setbacks as are required within the district in which the lot is located. However, in the cases of single-family attached and single-family semi-detached dwellings, each unit will constitute one lot.

IV. DCPD Processing Procedure

- A. Planning module is submitted to DCPD with application form and review fee.
- B. Upon receipt, DCPD deems whether or not the module and application are complete or incomplete.
 - 1. If deemed incomplete, the module will be returned to the applicant with a list of deficiencies. DEP and the municipality will be copied.
 - 2. On the date that the planning module and application are deemed complete by DCPD, the time-clock for the 60-day review period begins.
- C. DCPD will complete its section of the application form and forward copies to the respective parties.
- D. DCPD will proceed with and complete the review of the planning module within 60 days and forward copies of its review to the appropriate parties (DEP, municipal manager/secretary, applicant, landowner, party who prepared the module).

ACT 537 REVIEW FEE – SAMPLE CALCULATIONS

Public Sewers:

A three-home development; each will individually connect to an existing sewer line in the street fronting the property. Proposal: 3-home tap-in Fee: $\$75 + \$15(3) = \$120$

A two-home development; a new sewer line will be built in the street fronting the property; two new homes will connect to this new line which in turn will connect to the existing sewer located in the street perpendicular to the new development.

Proposal: 2-home sewer extension Fee: $\$115 + \$15(2) = \$145$

A sixteen-home development; new sewer lines will be constructed from each home and connect to a main line which in turn will connect to the existing sewer system.

Proposal: 16-home new collection system Fee: $\$115 + \$15(16) = \$355$

Construction of a laundry service; connect to public sewer; 16,000 gpd/40 EDUs.

Proposal: Commercial tap-in Fee: $\$75 + \$15(40) = \$675$

On-Lot Systems:

Single home proposing to replace failing septic system with a sand mound system.

Proposal: 1-home replacement system Fee: $\$75 + \$15(1) = \$90$

Thirty-five single-family detached home subdivision; each home to be served by individual on-lot systems.

Proposal: Multiple (35) On-lot Fee: $\$115 + \$15(35) = \$640$

Construction of a church to be served by an on-lot system; 12,000 gpd/30 EDUs.

Proposal: Community System Fee: $\$115 + \$15(30) = \$565$

Construction of a 50 lot single-family detached subdivision to be served by a small package treatment plant; 20,000 gpd/50 EDUs.

Proposal: community system Fee: $\$115 + \$15(50) = \$865$

Construction of a 60-unit apartment building and 120-unit townhome community, with a clubhouse and neighborhood store; all to be served by a package treatment plant; 65,000 gpd/162.5 EDUs (Note: estimated gpd for each apartment and townhome unit is 350; however, 1 EDU = 400 gpd). For Supplemental fee, use #units for townhomes (subdivision), and #EDUs for apartments, store, and clubhouse ($52.5+2+3=57.5$).

Proposal: Community System Fee: $\$115 + \$15(120) + \$15(57.5) = \$2,777.50$

Townhome development is considered subdivision development and each unit equals one lot.

| <u>Structure</u> | <u># Units</u> | <u># Connections</u> | <u>Total gpbs</u> | <u># EDUs</u> |
|------------------|----------------|----------------------|-------------------|---------------|
| Apartment | 60 | 1 | 21,000 | 52.5 |
| Townhome | 120 | 120 | 42,000 | 105 |
| Clubhouse | 1 | 1 | 800 | 2 |
| Store | 1 | 1 | 1,200 | 3 |
| Total | 182 | 123 | 65,000 | 162.5 |

Additional Information for Calculation of DCPD Planning Module Review Fees for Redevelopment:

- When a development is proposed on two or more non-contiguous parcels, the fee for each will be calculated separately.
- There is no mechanism in the fee schedule to credit flow from a previous land use. Any new structure, land use, or connection on a previously developed lot will be treated as new development.
- An existing building to remain as part of a subdivision that will contain the same land use, general flow, and method for sewage treatment/connection to public sewer, **may not** (at DCPD discretion) be charged a fee. For example: subdivision of a residential lot with an existing house into two lots, only one of which will have a new connection to the street, the fee will be based on one tap-in and one lot (\$75+15= \$90).

For Example:

A single planning module contains proposals for development on two non-contiguous parcels.

Parcel 1 was created as a result of consolidation of multiple large-lot residential properties [or] is an existing lot containing a large non-residential use. In either case, the existing buildings are being demolished, and the property subdivided for 200 new single-family dwellings that tap into a new collection system that will connect to an existing sewer line in a nearby street.

Fee: \$115 sewer extension/collection + \$15(200) = \$3,115

Parcel 2 currently contains two offices, and is proposed to be subdivided into two separate lots. One of the offices will remain on Lot A, and one office will be demolished for development of a convenience store on Lot B (4,200 gpd / 400 = 10.5 EDUs).

- **Lot A** No fee will be calculated for the existing office building, considering it is to remain in its current use with no proposed increase in flow or change in connection to the street (DCPD discretion).
- **Lot B** A new convenience store will be constructed on the site of a former office building (previous flow will not be used in the fee calculation, as it is a new land use, will have a change in flow, and will have a new connection to the street).

Fee: \$75 tap-in + \$15(10.5) = \$157.50

| | |
|-------------------|-------------------|
| Parcel 1 | \$3,115.00 |
| Parcel 2 | \$ 157.50 |
| Total Fee: | \$3,272.50 |