

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Water Supply and Wastewater Management

DOCUMENT NUMBER: 362-2207-008

TITLE: Administration of Fee Collection For Planning Module Reviews

EFFECTIVE DATE: October 20, 2001

AUTHORITY: Act 537 of 1966, the Pennsylvania Sewage Facilities Act (as amended), 25 Pa. Code Chapter 71

POLICY: DEP will set and collect fees in accordance with the procedures in this policy for the review of planning modules for new land development, as required by the Act 149 of 1994 amendments to the Pennsylvania Sewage Facilities Act (Act 537).

PURPOSE: To establish a standardized procedure for collecting fees for the review of planning modules for new land development (planning modules), in accordance with the requirements set forth in the Act 149 of 1994 amendments to the Sewage Facilities Act (Act 537).

APPLICABILITY: This guidance will assist regional staff in the Act 537 program in the calculation, collection and disposition of fees received by DEP for the review of planning modules.

DISCLAIMER: The policies and procedures outlined in this guidance document 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 the Department to give these rules 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: 10 pages

LOCATION: Volume 34, Tab 21A

DEFINITION: See Title 25 Pennsylvania Code, Chapter 71 and Chapter 73

I. Introduction

- A. Section 10 (12) of the Pennsylvania Sewage Facilities Act (Act 537) provides that the Department of Environmental Protection (DEP) has the power and duty to set and collect a processing fee from applicants for review of planning modules by DEP.
- B. Act 537 also establishes the specific amount of the fee that must be charged, based on a per lot, per equivalent dwelling unit (EDU) or per submittal basis.
- C. Act 537 provides an exemption from the fees for specific types of submittals.
- D. Other related DEP policies establish a process that provides a Money-Back Guarantee (MBG) when DEP does not act on applications within mandated time frames.
- E. Previous policies and procedures related to DEP's administration of fee collections for planning module review(s) led to a number of instances where DEP approved planning actions prior to billing applicants for fees or receiving payment. Later DEP presented demands for payment and could not collect just fees.

This document establishes the policies and procedures related to DEP's administration of fee collections for planning module review(s).

II. Fee schedule

- A. DEP will calculate and assess the fees established in Section 10 (12) of Act 537 for the processing of planning modules in accordance with the following fee schedule:
 - 1. Component 1 planning module submission - \$35 per lot
 - a. A Component 1 form is used when a proposal meets the requirements of an exception to the requirement to revise the official plan.
 - b. When a Component 1 form is submitted, the fee shall be based on the total number of building lots.

2. Component 2 planning module submission - \$30 per lot or per EDU
 - a. A Component 2 form is used when revising the official plan for a project proposing onlot sewage disposal.
 - b. When a Component 2 form proposes lots for single family dwellings to be served by individual onlot systems, the fee shall be based on the number of building lots proposed.
 - c. When a Component 2 form proposes a development to be served by a community onlot sewage system, the fee shall be based on the number of building lots or EDUs whichever is greater. The number of EDUs shall be calculated by dividing the total sewage flow projected in the planning module (as determined by Chapter 73, §73.17) by 400 gpd.

3. Component 3 planning module submission - \$50 per EDU or flat fee
 - a. A Component 3 form is used when revising the official plan for projects proposing (1) a subdivision to be served by existing sewage collection, conveyance, or treatment facilities; (2) a tap in to an existing collection system; or (3) construction or modification of sewage facilities that will require issuing or modifying a Clean Streams Law (CSL) permit.
 - b. Fee Schedule for Component 3
 - 1) New collection system, with or without CSL permit –
 - \$50 per lot or EDU
 - 2) Collection system extension to an existing system or individual tap-in to an existing system –
 - \$50 per lot or EDU
 - 3) Surface discharges greater than 2000 gpd –
 - \$1,500 per submittal (non-municipal)
 - \$500 per submittal (municipal)
 - 4) Subsurface discharges greater than 10,000 gpd or less than 10,000 gpd with CSL permit -
 - \$1,500 per submittal (non-municipal)
 - \$500 per submittal (municipal)

- 5) Increases in discharge (not addressed in b.1. or b.2. above) -
 - \$35 per lot or EDU, up to \$500 (municipal) or \$1500 (non-municipal)
 - c. When a Component 3 form proposes lots with single-family dwellings to be served by a collection system, the fee shall be based on the number of lots or EDUs proposed, whichever is greater.
 - d. When a Component 3 form proposes multifamily, commercial or institutional facilities, the flows may be from residential, commercial or industrial sources or a combination of these. Fee calculations must, therefore, be based on the projected population of the proposed development rather than on flows to provide an equitable fee assessment. Fees shall be calculated by multiplying the number of persons to be served by the proposal, times the appropriate sewage flows in Chapter 73, §73.17, then dividing by 400 gpd to obtain the number of EDUs. Where the flows for the type of facility proposed are either not contained in Section 73.17 or cannot be considered similar to a facility type listed in Section 73.17, a figure of 100 gallons per person per day shall be used in accordance with the *Domestic Wastewater Facilities Manual* available online at www.dep.state.pa.us (directLINK “Wastewater”).
4. Component 3s (Small Flow Treatment Facility) planning module submission - \$35 per lot or EDU
- a. A Component 3s form is used when revising the official plan for projects proposing the use of an individual or community sewerage system treating domestic type sewage, requiring a CSL permit, a design flow of 2,000 gpd or less, and either a surface discharge or land disposal.
 - b. When a Component 3s form proposes lots with single family dwellings to be served by a collection system, the fee shall be based on the number of lots proposed.
 - c. When a Component 3s form proposes multifamily or commercial facilities, the flows may be from residential or commercial sources or a combination of both. Fee calculations must, therefore, be based on the projected population of the proposed development rather than on flows to provide an equitable fee assessment. Fees shall be calculated by multiplying the number of persons to be served by the proposal, times the appropriate sewage flows in Chapter 73, §73.17, then dividing by 400 gpd to obtain the number of EDUs. Where the flows for the type of facility

proposed are either not contained in Section 73.17 or cannot be considered similar to a facility type listed in Section 73.17, a figure of 100 gallons per person per day shall be used in accordance with the *Domestic Wastewater Facilities Manual*.

- B. DEP will charge a single fee for the review of a planning module. A second or subsequent fee may be charged when a submittal is formally denied in writing by DEP and a second or subsequent new submittal is submitted and reviewed by the department. DEP will charge a second fee only when substantial changes have been made to the proposed development or the method of sewage treatment and disposal proposed in the original submittal has been changed.
- C. No fee will be charged for review and actions taken by DEP resulting in an exemption from the requirement to submit a planning module.
- D. Any residual tract which remains after the subdivision of lots shall not be included in the fee calculation.
- E. DEP will return all fees normally charged for the review of planning modules when it has exceeded the time limits established for final action on such submittals.
- F. DEP will waive review fees for a proposed subdivision if the applicant shows to the satisfaction of DEP that the proposal consists of one lot subdivided from a parent tract existing as of December 15, 1995 and that it is the first subdivision of this tract since that date. The subdivision of a second lot from this tract shall disqualify the applicant from the fee exemption and appropriate fees shall be assessed by DEP.
- G. Fees shall be charged for all module submittals received by DEP after December 15, 1995.

III. Procedure

DEP will assess a fee for the review of planning modules in accordance with the following procedures:

- A. Planning Module Package Content: An applicant obtains the appropriate planning module component from DEP through the planning module mailer process. In addition to the planning materials, each planning module package shall contain the *Pennsylvania Sewage Facilities Act Planning Module Review Fee* fact sheet (www.dep.state.pa.us directLINK "Wastewater," Fact Sheets) that discusses planning module review fees and, if appropriate, a notice that the project is located in the service area of an Act 537 delegated agency. (If the planning module component package will be reviewed by a delegated agency, that

agency's fee collection procedures take precedence over the following DEP fee collection procedures.)

An administratively complete submission is defined as a complete planning module component package, and a check or money order for the amount of the review fee due to DEP. DEP shall conduct an administrative completeness check of all planning modules received. DEP shall collect the fee for the review of planning modules prior to any review of a planning submission, or ultimately in the event a review fee is not paid, DEP will disapprove or return the entire submission.

- B. Completeness Check and Fee Determination: Upon receipt of a planning module, DEP staff shall log the module submission, assigning and/or recording the DEP code number, eFACTS Auth ID number, and name of the subdivision. The appropriate planning module review fee shall be calculated and an administrative completeness check shall be completed. As another available option, a project sponsor may also choose to calculate the planning module review fee and securely attach a check or money order to the planning module package prior to its submission to DEP. In this fashion, the project sponsor may avoid delaying the start of DEP's planning module review. The results of the completeness check and calculated planning module fee shall be mailed to the municipality and applicant. In the following paragraphs, the project **SPONSOR** is defined as the developer or his delegated agent. **DEP** is defined as the DEP field office staff. **MUNICIPALITY** is defined as the local agency, joint local agency, or municipal staff.

1. Outline of initial processing actions of **SPONSOR**, **DEP** and **MUNICIPALITY**:
 - a) Planning module components shall be logged by **DEP**, including: recording date, the DEP code number, the eFACTS Auth ID number, the name of the subdivision, name of applicant.
 - b) If fee payment is not included with the planning module submission, **DEP** shall complete an administrative completeness review for the planning module package, calculate the appropriate planning module review fee, and complete the "Invoice for Payment" similar to Appendix A.
 - c) Without the planning module review fee being paid, the planning module is considered administratively incomplete. An appropriate letter similar to that found in Appendix B shall be mailed by **DEP** to the **MUNICIPALITY**, "cc" to the **SPONSOR**. In addition to the review fee material, the letter shall list any other missing items. The MBG clock is stopped using an eFACTS "CL" subtask.

- If items other than the planning module fee are missing, DEP may return a copy of the planning module to the **MUNICIPALITY** for resubmission.
 - If the planning module review fee is the only item missing, no further action is required from the **MUNICIPALITY**.
- d) The **SPONSOR** receives notice of the calculated planning module review fee and an “Invoice for Payment” (Appendix A) with the “cc” copy of the administrative review letter.
- e) The **SPONSOR** submits the Planning Module Review Fee to the appropriate DEP Field Office. If the review fee was the only item missing from the planning module package, upon receipt of the appropriate fee, the planning module package shall be considered administratively complete and **DEP** staff shall restart the MBG clock.
2. For each complete submission, the amount submitted shall be forwarded by **DEP** to fiscal management for deposit in the restricted account established under Section 13.2 of the Pennsylvania Sewage Facilities Act known as the Sewage Facilities Program Administration Fund using the Sewage Facilities Fee Revenue Code assigned to the region.
- C. Review of Planning Modules: **DEP** reviews the complete planning module component, takes appropriate actions and notifies the **MUNICIPALITY** and **SPONSOR** in writing.

APPENDIX A

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

INVOICE FOR PAYMENT

PROCESSING FEE FOR SEWAGE FACILITIES PLANNING MODULE REVIEW

The provisions of Section 10 (12) of the Pennsylvania Sewage Facilities Act (Act 537) establish processing fees for the review of sewage facilities planning modules for land development. Fee amounts are based on the number of lots created, on sewage flows, or on a flat rate as determined by the Act and DEP regulations.

Invoice Date _____

DEP Code Number _____ eFACTS Auth ID Number: _____

Applicant Name _____

Address _____

City _____

State _____ ZIP _____

Name of development or project _____

Municipality _____ County _____

FEE CALCULATION (A times B) or flat fee in C-1 or C-2

A. Number of lots or equivalent dwelling units..... _____

B. Fee per lot (or equivalent dwelling unit)..... \$ _____

C-1. Project requires Clean Streams Law (CSL) Permit..... \$ _____

C-2. Project submitted by political subdivision requires CSL Permit \$ _____

PAY THIS AMOUNT \$ (Total fee due)

----- Cut Here -----

PAYMENT DUE 30 DAYS FROM INVOICE DATE!

Invoice Date _____

DEP Code Number _____ eFACTS Auth ID Number _____

PAY THIS AMOUNT.....\$ (Total fee due)

Make check or money order payable to: "*Commonwealth of Pa., DEP*". Mail your payment to:
Include DEP Code Number on your check.
Include this coupon with your payment.

Commonwealth of Pennsylvania
Department of Environmental Protection
Water Management Program - Planning Section
(City, State, ZIP)

Applicant Name _____

Address _____

City _____

State _____ ZIP _____

Name of development or project _____

Municipality _____ County _____

APPENDIX B

(1 - NAME AND ADDRESS)

Re: Planning Module for Land Development
(2)
APS ID No. (3)
DEP Code No. (4)
(5 - MUNICIPALITY), (6) County

Ladies and Gentlemen:

The subject module, received on (7 - DATE), has been determined to be administratively incomplete because the processing fee for sewage facilities planning module review, and possibly, additional information necessary for the Department of Environmental Protection (DEP) review of the planning package, has not been provided. DEP's review period provided under regulations and policy has not started and will commence only when the following matter(s) have been resolved.

The provisions of Section 10 (12) of the Pennsylvania Sewage Facilities Act (Act 537) establish processing fees for the review of sewage facilities planning modules for land development. The fees are based on the number of lots created or on sewage flows. If this processing fee is the only deficiency listed in this letter, no further action is necessary by municipal officials.

By copy of this letter, the project sponsor is notified of the fee requirement and payment is requested in accordance with the enclosed "Invoice for Payment".

(8) OPTIONAL BODY PARAGRAPHS

(8.1) There is an exemption from the planning module review fee for creation of a single lot under specific circumstances. To qualify for the exemption, the proposed lot must be equal to ONLY one EDU and must be the **only** lot subdivided from a parcel of land as that land existed on December 14, 1995. If you qualify for this fee exemption, please furnish the following deed reference information.

County Recorder of Deeds for _____ County, Pennsylvania

Deed Volume _____, Book Number _____

Page Number _____

Date Recorded _____

(8.2) This planning module is also considered incomplete for the following additional reasons. In this case further action by municipal officials will be necessary:

(9) OPTIONAL DEFICIENCY SUB-PARAGRAPHS OR PROVIDE WRITTEN COMMENTS)

(9.1) Optional paragraphs describing common deficiencies may be inserted here at Region's discretion

(10) OPTIONAL CLOSING PARAGRAPHS

(10.1) A copy of this letter **MUST** be attached to the planning module when resubmitted through the municipality to DEP. This letter is to be used as a checklist. The municipality must submit a complete module package. (See end of letter for certification statement.)

(10.2) Please address these items and resubmit two copies of the module for our review. The review period does not begin until we are in receipt of a complete submission.

If we do not receive the requested information within 45 days of the date of this letter, the planning module submission for this project will be disapproved.

If you have any questions or comments, please call me at (11).

Sincerely,

(12)

Enclosure

cc: (13)

bcc: Planning Section
File

CERTIFICATION STATEMENT:

I certify that this submittal is complete and includes all requested items. Failure to submit a complete module package will result in return of the package.

Signed: _____ Date: _____

Title: _____