



10 ACRE PERMIT EXEMPTION DOCUMENTATION

(Complete signature in Sections IV.a and IV.b prior to constructing the system)

Property Owner's Name _____
 Property Address _____
 Property Location _____ (Municipality, County, Road)
 Lot Size _____ Remaining Acreage _____

- I. Section 7 of the Pennsylvania Sewage Facilities Act (Act) provides a planning and permit exemption for the installation of an individual on-lot sewage system when all of the following requirements have been met:
- The municipality or local agency serving the area in which the on-lot system is to be located does not have a local ordinance requiring a permit regardless of lot size.
 - The on-lot system will serve a residential structure.
 - The residential structure will be occupied by the property owner or a member of the property owner's immediate family (brother, sister, son, daughter, stepson, stepdaughter, grandson, granddaughter, father, or mother of the property owner).
 - The residential structure and on-lot system are to be located on a contiguous tract of land of 10 acres or more.
 - The property owner owned the property as of January 10, 1987 or transferred ownership of one lot 10 acres or more subdivided from the parent tract after January 10, 1987 to a member of the property owner's immediate family.

- II. If a property and property owner qualify for a permit exemption, the only technical standards which must be met are those related to isolation distances. These must be verified by the SEO of the local agency serving the municipality in which the system is located prior to covering the system. The isolation distances are as follows:

Perimeter of the septic tank and absorption area and the perimeter of:

Any Property Line	200 feet	Lake	200 feet
Non-Utility Right-of-Way	200 feet	Dammed Water	200 feet
One Hundred-Year Flood Plain	200 feet	Pond	200 feet
River	200 feet	Spring	200 feet
Stream	200 feet	Ditch	200 feet
Creek	200 feet	Wetland	200 feet
Impoundment	200 feet	Water Supply	200 feet
Well	200 feet	Body of Surface Water	200 feet
Watercourse	200 feet	Utility Right-of-Way	10 feet
Storm Sewer	200 feet		

- III. Section 7(a.2) of the Act states that a person installing a permit-exempt system shall indemnify and hold harmless the Commonwealth, the local agency, the sewage enforcement officer serving the municipality in which the system is located and the municipality where the system is located from and against damages to property or injuries to any persons and other losses, damages, expenses, claims, demands, suits and actions by any party against the Commonwealth, the local agency, sewage enforcement officer and the municipality in connection with the malfunctioning of any on-lot system installed under the permit exemption provisions of the Act. The Act requires that every contract for the sale of a lot which is served by an individual sewage system which was installed under the 10 acre permit exemption provisions of the Act shall contain a statement in the contract that clearly indicates to the buyer that soils and site testing were not conducted and that the owner of the property served by the system, at the time of a malfunction, may be held liable for any contamination, pollution, public health hazard or nuisances which occur as the result of the malfunction of the sewage system installed. Contracts not meeting these requirements are not enforceable by the seller against the buyer. The Act further states that it is the sole responsibility of the property owner who installed or contracted for the installation of a sewage system under the permit exemption provisions of this Act or the property owner who accepted responsibility for the system upon purchase of the property to correct or to have corrected any system malfunction which contaminates surface or groundwater or discharges to the surface of the ground. Malfunctions of systems installed under the provisions of this Act which contaminate ground or surface water or discharge to the surface of the ground constitute a nuisance and shall be abatable in a manner provided by law. Such repairs must be conducted in accordance with the Department's standards under a permit issued by the local agency.

IV. Signatures

Property Owner:

- a. I have read and understand the conditions under which this permit exemption is available as described in Sections I through III of this document.

_____ Property Owner _____ Date

- b. The property for which a permit exemption is being requested meets the requirements described in Section I of this document.*

_____ Local Agency _____ Date

- c. I have personally verified the isolation distances listed in Section II of this document and confirm that all isolation distances have been met.*

_____ Sewage Enforcement Officer _____ Date

* If any of the conditions in Sections I or II of this document have not been met, the permit exemption does not apply and an on-lot system permit is required for the property in question.

(See Reverse Side for Additional Information)

INFORMATION FOR LOCAL AGENCY OFFICIALS ON THE 10-ACRE PERMIT EXEMPTION

1. Local agencies and their sewage enforcement officers are responsible for assuring the proper application of the 10 acre permit exemption. **Proper documentation from property owners requesting permit exemptions is necessary to protect your agency from future liability.** For these reasons, it is recommended that the local agency request the following information from the property owner prior to initiating construction of either the structure or on-lot system serving the structure so that the local agency can make a determination regarding the permit exemption before expenses are incurred by the property owner:
 - a. Copy of a deed or other record documenting ownership (prior to January 10, 1987) of the property for which the permit exemption is being requested and documenting that the property is a contiguous (touching along a boundary or at a point) tract of land of 10 acres or more.
 - b. Confirmation in writing that the structure served by the permit-exempt on-lot system is a residential structure to be occupied by either the property owner or the property owner's immediate family.
2. When a permit exemption is requested for a subdivided lot or parcel from a larger tract, the same documentation listed above should be provided for the parent tract and newly-subdivided lot, as appropriate, to qualify for the permit exemption. The 10 acre lot subdivided from the parent tract after January 10, 1987 may be owned by either the property owner or a member of his immediate family at the time of the permit exemption. Once such a permit exemption is granted for either an existing 10 acre or larger lot or a subdivided lot, the Act prohibits any additional exemptions to be issued for that lot or the parent tract. The Act does not provide for a permit exemption for more than one structure or system on the same tract, parcel or lot. It is important for the local agency to maintain records of these subdivisions since the law prohibits further permit exemptions after the initial exemption for the subdivided lot.
3. The Sewage Enforcement Officer may want to accompany the property owner onto the site before construction to help locate the system site. This will avoid violations of the isolation distances from the septic tank and absorption area, eliminating problems with isolation distances discovered after construction of the system and potential disqualification of the property owner from the permit exemption. If the sewage enforcement officer is unable to determine the location of features such as property lines, rights-of-way, floodplains, or wetlands, it is recommended that the local agency require the property owner to provide such information. The sewage enforcement officer and local agency are reminded that protection from liability for these permit-exempt systems is only applicable to properly-granted exemptions. Subsequently-documented violations of isolation distances could be used to support local agency or sewage enforcement officer liability for a malfunctioning system.
4. The maximum fee allowed to be charged to a property owner by a local agency for work related to the determination of a permit exemption is \$25.00.
5. A copy of this form should be retained by the local agency as part of the enforcement program files. A second copy must be included in the Local Agency's annual reimbursement application to document actual permit exemption expenses being claimed and a third copy should be sent to the appropriate DEP regional or district office.
6. The owner of a 10 acre parcel which qualifies for a permit exemption is also exempt from the sewage facilities planning requirements of the Act. If the property owner chooses not to use the permit exemption, the planning exemption still applies.
7. This permit exemption provision cannot be used in municipalities or local agency service areas that have ordinances requiring on-lot sewage system permits be issued regardless of lot size. Such an ordinance can be adopted at any time. Ordinances in effect prior to the Act 537 amendments (which created the exemption) remain in effect.