



## INSTRUCTIONS FOR COMPLETING REQUEST FOR PLANNING WAIVER & NON-BUILDING DECLARATION

***This form replaces all previous versions of the "Non-Building Waiver" forms. Previous forms may no longer be used and should be recycled.***

**Background:** The Pennsylvania Sewage Facilities Act (35 P.S. §750) (Act) and 25 Pa. Code Chapter 71 require each municipality to modify its Official Sewage Plan whenever a subdivision of land occurs. To modify an Official Plan, an appropriate sewage facilities planning module or planning exemption request, completion of required soils testing where onlot disposal is proposed, and formal approval by both the municipality and the Department of Environmental Protection (DEP) is required. This sewage facilities planning requirement is not altered by the presence or absence of local or county subdivision regulations or ordinance. Developers, municipal officials and future lot owners are best protected by complying with sewage planning requirements to assure that adequate sewage facilities will be available to serve all newly created parcels of land.

In consideration of claims that since there is no present or future need for sewage disposal facilities on a given site and that completion of sewage facilities planning need not be required, DEP created this waiver request and declaration form (previously known as "Form B") to allow individuals proposing strictly "non-building" subdivisions to document that they may qualify for a waiver from these planning requirements. This form may only be used during the process resulting in creation of new lot boundary lines and a change in land ownership. Neither this declaration nor a Sewage Facilities Planning Module is required to be submitted for a side lot addition when a local ordinance requires such a side lot addition to be legally merged into the tract to which it is being added and any future proposal to subdivide any portion of the merged tracts is to be in accordance with the provision of the Municipalities Planning Code (53 P.S.A. § 10101 *et seq.*). This request may be submitted in support of "non-building" subdivision proposals in both sewerred and unsewerred areas.

**Acceptable Uses:** Examples of acceptable large parcel uses for this form include subdivision of property for agriculture, silviculture, mineral lease, division of farmland to settle estates where no building or development is proposed and airport runway extensions. Examples of acceptable small parcel uses for this form include, location of water towers, sewerage pump stations, cell phone towers, separating an existing dwelling from its farmland for agricultural use and where "legally merged" is not a municipal requirement for "side lot additions".

**Unacceptable Uses:** Use of this form is **NOT** acceptable where parcels are being created for new structures that will generate sewage. It may **NOT** be used for subdivision proposals concerning hunting cabins, recreational vehicle sites, camps, or other uses involving construction or placement of temporary or seasonal dwellings on the lots. This form may not be used for further subdivision where lot sizes were originally established in response to local environmental conditions nor may it be used as a means to simply **defer** sewage facilities testing or planning for any purpose. This form may **NOT** be used in conjunction with or as an "add-on" to a planning module for new land development.

**Form Instructions:** The person requesting the subdivision must complete Section A. The person buying or receiving the parcel must complete Section B. Section C must be signed by the municipality's Sewage Enforcement Officer (SEO) when the proposal involves the subdivision of property on which there is an existing building currently served by an onlot system. Sections D and E document acceptance of the request by the municipal or county planning agency and by the municipality. The completed waiver/declaration form must be retained by the municipality as part of the permanent record of the subdivision. Following municipal approval, a copy of this form and all attachments must be submitted to DEP and to the municipality's SEO.

**REQUEST FOR PLANNING WAIVER & NON-BUILDING DECLARATION**

**Section A - To Be Completed by Subdivider**

I, \_\_\_\_\_ (subdivider), propose a subdivision of \_\_\_\_\_ lot(s), located in \_\_\_\_\_ Township/Borough, \_\_\_\_\_ County. No facility or building will be erected on the subdivided lot(s) either now or in the future that will result in the generation of sewage requiring a permit or planning under the Pennsylvania Sewage Facilities Act (35 P.S. §750) (Act) or the Pennsylvania Clean Streams Law (35 P.S. §691). In support thereof, I have attached the following:

1. A written description of the subdivision and its intended use.
2. A copy of the plot plan and deed (if available) which contains language identical to or similar to:  
 "As of the date of this deed/plot plan recording, the property/subdivision described herein is and shall be dedicated for the express purpose of \_\_\_\_\_ use. No portion (or lot number(s) \_\_\_\_\_) of this property/subdivision are approved by \_\_\_\_\_ (Municipality) or the Department of Environmental Protection (DEP) for the installation of any sewage disposal facility. No permit will be issued for the installation, construction, connection to or use of any sewage collection, conveyance, treatment or disposal system (except for repairs to existing systems) unless the municipality and DEP have both approved sewage facilities planning for the property/subdivision described herein in accordance with the Pennsylvania Sewage Facilities Act (35 P.S. §750.1 *et seq.*) (Act) and regulations promulgated thereunder. Prior to signing, executing, implementing or recording any sales contract or subdivision plan, any purchaser or subdivider of any portion of this property should contact appropriate officials of \_\_\_\_\_ (municipality), who are charged with administering the Act to determine the form of sewage facilities planning required and the procedure and requirements for obtaining appropriate permits or approvals."
3. **Language identical to or similar to that in Section A.2 above has been recorded on the plot plan and will be recorded on the deed. A copy of the deed (if available) and plot plan is submitted with this waiver request/non-building declaration as documentation of this fact.**

I verify that the statements made in Section A of this document are true and correct to the best of my knowledge, information and belief. I understand that false statements in this document are subject to the penalties prescribed by applicable law, including, but not limited to, 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Subdivider/Developer (Print Name)	Signature	Date
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**Section B - To Be Completed By Buyer Or Recipient Of The Non-Building Parcel**

As the anticipated buyer or recipient of the non-building land parcel described in Section A, I declare that my intended use of the parcel is for the purpose of \_\_\_\_\_, that it will not result in any sewage generating facility and that I cannot obtain a permit for a sewage disposal system located on this parcel except in accordance with the Act (35 P.S. §750.1 *et seq.*), the Pennsylvania Clean Streams Law (35 P.S. §691.1 *et seq.*) and regulations promulgated thereunder. I understand that false statements in this document are subject to the penalties prescribed by applicable law, including, but not limited to, 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Buyer/Recipient (Print Name)	Signature	Date
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**Section C - Sewage Enforcement Officer (SEO)** (Only when there is an existing septic system on the parcel under consideration)

I have inspected the lot on which the existing building and existing septic system are located and have concluded, based on soils mapping or soils evaluation, permit information or site inspection that the long-term sewage disposal needs of this site and the building currently served can be met. I further acknowledge that no violations of the Act are known to me or have become apparent as a result of my site inspection. No inferences regarding future performance of the existing septic system should be drawn from this acknowledgement. A brief description and sketch of the existing system and site is attached.

_____ SEO (Print Name)	_____ Signature	_____ Certification Number	_____ Date
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**Section D - Planning Agency Concurrence**

The described use (agriculture, silviculture, utility placement, mining, etc.) of parcel(s) herein proposed must be consistent with the zoning, land use ordinances and comprehensive plans for the area involved in the proposed subdivision. By signature of the designated official, \_\_\_\_\_ (planning agency with Municipal Planning Code jurisdiction), has reviewed the information submitted requesting a non-building waiver and has found this request to be consistent with applicable plans and ordinances administered by this agency and that it is not part of a subdivision that proposes new sewage generating structures.

_____ Planning Agency Official (Print Name)	_____ Signature	_____ Date
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**Section E - Municipal Concurrence**

By signature of the designated official, \_\_\_\_\_ Township/Borough, \_\_\_\_\_ County acknowledges acceptance of this proposal as a non-building lot subdivision. Officials of \_\_\_\_\_ (Municipality) accept full responsibility now and in the future to identify any violation of the non-building lot criteria described and to submit to DEP a completed Sewage Facilities Planning Module for the entire subdivision should a violation occur. We understand that such planning information may require municipal officials to be responsible for soil testing and other environmental assessments for all the lots in the subdivision. This municipality will retain a copy of this waiver and all attachments. A copy of this form and all attachments are being forwarded to the appropriate office of DEP and to the municipal SEO.

_____ Municipal Secretary or Chairperson (Print Name)	_____ Signature	_____ Date
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