

Summary of the Act 537 Plan Submission Process

The Pennsylvania Sewage Facilities Act (Act 537) planning process requires several steps before submission to the Pennsylvania Department of Environmental Protection (PADEP). Below is an outline of the necessary steps from submission to municipal planning agencies to final submission to PADEP. The accompanying Flow Chart illustrates this process and includes the estimated dates for each milestone.

1. Submission to Municipal and County Planning Agencies

- Once a draft of the Act 537 Plan (Plan) is completed, it must be sent to:
 - The municipal planning agency / planning commission, and
 - The area-wide or county planning agency (Lehigh Valley Planning Commission)
- For purposes of the Kline's Island Sewer System (KISS) Plan, this submission will be accomplished by having staff from Lehigh County Authority (LCA) hand-deliver the Plan to each municipality.
 - Upon delivery, the municipal official receiving the Plan will be asked to sign an acknowledgment of receipt – this acknowledgement may be signed by the municipality's receptionist, office administrator, clerk, etc., or the municipal manager, if available at the time of delivery.
- These planning commissions will have **60 days** to review the draft and provide comments in writing.
 - A public hearing of the planning commission is not required
- If no comments are received from the planning commission, a **statement from the municipality** confirming this must be provided within the 60-day deadline, and this "no comment" letter will be included with the submission to PADEP.

2. Public Notification and Comment Period

- After receipt of Planning Agency comments, a **public notice** must be issued, allowing for a **30-day public review and comment period**.
- The notice should include:
 - Project name, type, and location
 - User fees
 - Major recommendations
 - Instructions on where and how to submit public comments.
- The notice must be published at least once in a **newspaper of general circulation**.
- All **written** public comments and municipal responses must be included with the final submission to PADEP.
- For purposes of the KISS Plan, LCA will arrange for this required public notice.
 - The Plan will be posted for public viewing at www.lehighcountysewer.org
 - Public comments will be directed to Mike Schober from ARRO
 - Municipalities are expected to have the Plan available for public viewing at the municipal public office building
 - Any public comments received by the municipality directly should be forwarded to Mike Schober from ARRO
 - Upon receipt of all public comments, and following the close of the public comment period, LCA will coordinate preparation of any necessary responses to the comments for inclusion in the Plan

3. Municipal Adoption of the Plan

- **After the 30-day public comment period**, following the preparation and inclusion of any necessary responses to those comments received, the governing body of each participating municipality must adopt the final Plan by **resolution**.
- If the Plan is developed by a **municipal authority**, it must still be adopted by each municipality—an authority resolution alone is **not sufficient**.
- While not required, if a municipal authority also wishes to provide an adopting resolution, it will be included with the Plan submission to PADEP.
- The resolution must have “**wet ink**” **signature (no digitally printed or photocopies accepted)** and a **raised seal**.

4. Final Submission to PADEP

- LCA submits the final plan package including all municipal resolutions, to PADEP, which must include:
 - Three copies of the final plan,
 - All **written** comments and responses from municipal/county planning agencies and the public,
 - A completed Act 537 Plan Content and Environmental Assessment Checklist.

5. PADEP Review and Approval

- PADEP will formally review the Plan for completeness and compliance with regulatory requirements.
- If the Plan is **found incomplete**, it will be returned to LCA for revisions.
- If the Plan is administratively complete, PADEP will have four months to review it. If the review is not completed in four months, PADEP can notify us that they need two additional months.
- When PADEP **approves** the Plan, each municipality is responsible for its **implementation** according to the included schedule.

ACT 537 PLAN UPDATE PROCESS

