

**Sewage Advisory Committee
Minutes of the Meeting
October 4, 2017**

VOTING SEWAGE ADVISORY COMMITTEE (SAC) MEMBERS PRESENT

Duane Mowery, Chairman, Pennsylvania Water Environment Association
James Wheeler, Vice-Chairman, Pennsylvania State Association of Township Supervisors
Chris Wood, Pennsylvania Association of Sewage Enforcement Officers
Mark Mills, Pennsylvania Association of Professional Soil Scientists
John Peffer, County Departments of Health and Health Agencies
Greg Marshall, Pennsylvania Onsite Wastewater Recycling Association
Susan Myerov, Pennsylvania Environmental Council
James Fickes, American Institute of Architects, Pennsylvania
Andy Bockis, Pennsylvania Bar Association
Scott Russell, American Water Works Association (PA Section)
John Wagman, American Society of Civil Engineers
Wayne Schutz, Pennsylvania Municipal Authorities Association
Carl Cox, Pennsylvania State Association of Boroughs
Matthew Quesenberry, County Commissioners Association of Pennsylvania
Keith Heigel, Pennsylvania Society of Land Surveyors
Eileen Nelson, Pennsylvania Society of Professional Engineers
Jessica Shirley, Governor's Policy Office
John Gigliotti, Pennsylvania Builders Association
Robert Wood, Pennsylvania Association of Realtors
Joseph Valentine, Pennsylvania Septage Management Association
Jacqueline Peleschak, American Council of Engineering Companies of Pennsylvania
Judith Tutino, United States Department of Agriculture Rural Development Mission (via conference call)

MEMBERS OF THE PUBLIC PRESENT

Tom Ashton, American Manufacturing Company, Inc.
Ed Schloss, Jet, Inc.
Meghan Andress, PreDoC, Inc.
Scott Hetrick, Norweco, Inc.
Ron Grutza, alternate for Carl Cox, Pennsylvania State Association of Boroughs
Bruce Willman, alternate for Mark Mills, Pennsylvania Association of Professional Soil Scientists
Adam Browning, alternate for Greg Marshall, Pennsylvania Onsite Wastewater Recycling Association
Andy McKinlay, Waterloo Biofilter Systems, Inc.
Marie-Christine Belanger, Premier Tech Aqua
Laurel Mueller, Soil Services Company, Inc./Mountain Wastewater Management

Mike Nerozzi, Joint Legislative Conservation Committee
Darren Mong, E-Z Treat Corporation

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT

Lee McDonnell, Director, Bureau of Clean Water (BCW)
Jay Patel, Environmental Program Manager, Division of Municipal Facilities (DMF), BCW
Brian Schlauderaff, Environmental Group Manager, Planning Section, DMF, BCW
Janice Vollero, Water Program Specialist, Planning Section, DMF, BCW
Annamaria Ether De Sanctis, Environmental Engineering Trainee, Planning Section, DMF, BCW
Hayley Jeffords, Executive Policy Specialist, Policy Office
Kim Childe, Director, Bureau of Regulatory Counsel
Bill Cumings, Attorney, Bureau of Regulatory Counsel
Sean Gimbel, Executive Assistant, Office of Water Resources Planning

CALL TO ORDER AND APPROVAL OF MINUTES

The meeting was called to order by Chairman Duane Mowery at 9:30 AM in Room 105 of the Rachel Carson State Office Building. A quorum was present.

A correction was requested by Mark Mills, on his comments, for the minutes from the March 23, 2017 meeting in the Public Participation section on page 4. He said the last sentence was not accurate and asked that the sentence end with “sense” and the remaining words be removed.

Motion: Chris Wood made a motion to adopt the March 23, 2017, meeting minutes with the changes requested by Mark Mills. Wayne Schutz seconded the motion, which was unanimously approved by the Committee.

TABLED NSF 350 SUBCOMMITTEE RECOMMENDATION

SAC planned to revisit the subcommittee recommendation regarding the use of National Sanitation Foundation (NSF) 350 for approving new technologies for onlot sewage disposal systems at today’s meeting. However, because Act 26 has been signed into law and will address new technologies, the recommendation (prior motion) to revisit this topic was withdrawn.

NEW ACT 537 STAFF

Annamaria De Sanctis was introduced as a new employee in the Planning Section. She holds a Ph.D. in Environmental Engineering.

OLD BUSINESS

DEP was to provide clarification on whether percolation testing is necessary in siting drip systems and to provide feedback on where our program stood on the use of NSF 350. Jay Patel explained that considering the passage of Act 26, these two (2) points are moot.

NOMINATIONS FOR CHAIRMAN/VICE-CHAIRMAN

Nominations were suggested by the Nominating Committee for the Chairperson and Vice Chairperson of the SAC Committee.

Motion: Wayne Schutz made a motion to reappoint Duane Mowery as the Chairman and appoint Chris Wood as the Vice-Chairman. Carl Cox seconded the motion, which was then opened to SAC for additional nominees. No others were nominated.

Motion: James Wheeler made a motion to close the nominations. Wayne Schutz seconded the motion. Motion carried and the nominations were closed. Duane Mowery will remain the Chairperson of the Committee and Chris Wood will be the Vice Chairperson. These positions are 18 month positions (expires on March 31, 2019).

DEP PRESENTATION ON POLICY GUIDANCE UPDATES

DEP Policy Specialist, Hayley Jeffords, presented information on updates made to the Regulatory Review Policy, the Technical Guidance Policy and the Advisory Committee Policy. The updates were done to increase transparency and clarity and to remove some internal guidance to simplify the documents for the public. No major substantive changes were made to any policy.

Chairman Mowery pointed out that the policies require advisory committees to submit a formal report to the Environmental Quality Board after reviewing any rulemaking. Ms. Shirley clarified that this is an option that advisory committees have.

The updates were published in the October 14, 2017, *Pennsylvania Bulletin* (Pa.B.) for public comment.

ACT 26 DISCUSSION

Jay Patel and Brian Schlauderaff gave a presentation on Act 26 and MFD's (Municipal Facilities Division) implementation strategy, providing the following information:

As of July 20, 2017, Act 537 was amended with Act 26, which went into effect on September 18, 2017. Act 26 must be looked at within the context of Act 537. Act 537 provides for effective treatment of sewage to protect the waters and properties in this Commonwealth. Section 5 of Act 537 requires municipalities to adopt official plans and DEP is required to act on the plans.

Act 26 allows for the use of alternate on-lot systems, not just conventional systems, in new land development if the site is suitable. General site suitability

requirements must be redefined for alternate onlot systems. Act 26 requires DEP to develop standards for alternate systems in 180 days in consultation with SAC; these standards need to be completed by March 17, 2018. The existing regulations allow for the establishment of experimental systems on a case-by-case basis without standards, which led to inconsistencies. DEP, therefore, developed the *Experimental Onlot Wastewater Technology Verification Program* guidance document which DEP intends to modify as part of the standards development to accommodate Act 26. Field testing will be done and ongoing verification for alternate systems will take place. Clarification of the time it takes for third party test center verification will be investigated. DEP is looking at the frequency of ongoing verification to be five (5) years. DEP is evaluating standards for different treatment levels: primary, secondary, advanced, nitrogen reduction, and disinfection. Manufacturers want to be held to the same standards so they know what is acceptable in Pennsylvania. DEP is also looking at other states to see what they require for alternate systems and whether they require disinfection.

DEP proposes to apply statistical analysis to account for variability of the systems and to determine if the systems are performing up to the standard. The first step is to verify that the system has third party test center verification. The second step is to verify the test center data meets the specified standard 85% of the time. Testing of the system should be done over the winter months.

Field testing of the system should be done by third party testing with a testing protocol reviewed and accepted by DEP. Existing systems must submit field testing done in the past for DEP evaluation. There are many variables to evaluate when looking at the field test data. A statistical analysis will be performed on the field testing data also. The workgroup can dive deeper into the statistics but DEP does not have any statistician to help the workgroup.

SAC members expressed concern that alternate systems are being held to a higher standard than conventional systems with this vetting proposed process, but DEP stated that they are reacting to Act 26. DEP believes it will also eventually need to update parts of the sewage regulations.

DEP proposed the following timeline to SAC:

- SAC has approximately 60 days to work with DEP on the proposed standards (through the beginning of December)
 - Proposed standards need to be ready by late December 2017 or early January 2018 at the latest
- DEP will release the proposed standards for a 30-day public comment period
- DEP will prepare a comment and response document
- By March 17, 2018, the final approved standards will need to be developed for all on-lot alternate systems. The evaluation of existing technologies will be after mid-March 2018. There is no mandated time in Act 26 for vetting the existing technologies, but DEP wants to do this as soon as possible. This evaluation will also be done in consultation with SAC.

DEP informed SAC that they can provide comments to DEP during the comment period. Many members of SAC expressed a desire to take part in subcommittee meetings to discuss the standards and work with DEP to develop them. It was decided that there would be three open (anyone can attend) subcommittee meetings. A show of hands was conducted to determine who wanted to participate in these meetings and to find dates suitable for the majority. The subcommittee meetings will take place on November 2, November 15, and November 30. A full SAC meeting will be held on December 5, 2017, to discuss the subcommittee recommendations and approve them.

Members of the Act 26 subcommittee are: Adam Browning, Carl Cox, Keith Heigel, Greg Marshall, Mark Mills, Duane Mowery, John Peffer, Scott Russell, Wayne Schutz, Joe Valentine, John Wagman and Robert Wood.

SAC worked through many questions and concerns regarding Act 26 and compliance with the standards

SAC: Concerns about having older lots that were approved for specific technologies and then being told that the lots can't be developed now because they don't meet the new standards

DEP: Hopes to avoid these situations.

SAC: Are DEP Regions not reviewing any alternate technologies until the new standards are done?

DEP: Modules are currently being accepted for review of alternate systems for both replacement and as primary systems.

SAC: Additional requirements being added to the planning process to be able to use alternates in planning is discriminatory when they can be permitted without them.

DEP: Proposals will be reviewed on a case-by-case basis, in all regions, because the Act requires modules to be submitted by municipalities and reviewed by DEP. Once finalized, the standards will be applied to existing alternate technologies but no dates are set as to when this will occur.

SAC: Has DEP found information about public hazards in Pennsylvania and is that why new standards are being developed?

DEP: No, the standards are being done to be consistent across Pennsylvania.

2018 SAC MEETING DATES

DEP will be publishing all Advisory Committee meetings for the upcoming year in a December edition of the Pa.B. SAC set meetings to take place on April 24, 2018, and September 12, 2018.

STATUS OF REGULATIONS – CHAPTERS 71a, 72a AND 73a

DEP staff stated that the standards development is laying groundwork for updating the regulations. Once the standards are finalized, the regulations will be discussed.

Similarly, DEP has put updates to the *Small Flows Manual* and advanced treatment systems on hold until the standards are finished.

PUBLIC COMMENT

Laurel Mueller, a soil scientist, asked for clarification on the terms “systems” versus “technology.” She also mentioned that systems are an event from beginning to end. These systems were in the old *Alternate Systems Guidance*. That was rescinded with the technologies listings; some currently DEP-approved alternates are components not systems; there is a difference. Some listings are not NSF approved, they are not name brand, like the shallow limiting zone absorption area and at-grade beds. Was the *Alternate and Experimental Systems Guidance* rescinded, or does it still exist? It is referenced in the *Technical Decision Making Guidance*. Mr. Patel will provide clarification at a later date. Ms. Mueller also clarified that she qualifies absorption areas and not pretreatment units that must meet certain standards; that part of the treatment system is picked at the design stage, not the planning stage. She also stated that general site suitability has nothing to do with brand name and advanced pretreatment units. Mr. Mowery asked whether DEP will be looking at planning modules based on the entire system or just meeting the on-site suitability. Ms. Mueller believes Act 26 does not require the brand name technology to be picked at the planning stage, just that the site and landscape has conditions that work to place an absorption area in, whether it is shallow or deep.

NEXT MEETING

The next meeting of the Sewage Advisory Committee is planned for Tuesday, December 5, 2017. Location to be determined.

ADJOURN

Motion: Carl Cox moved to adjourn the meeting. Keith Heigel seconded the motion which was unanimously approved by SAC. The October 4, 2017, SAC meeting was adjourned at 12:46 PM.