

**Sewage Advisory Committee
Minutes of the Meeting
April 16, 2025**

VOTING SEWAGE ADVISORY COMMITTEE (SAC) MEMBERS PRESENT

Karen Atkinson, Pennsylvania State Association of Township Supervisors
Robert Bressler, Pennsylvania Association of Professional Soil Scientists (PAPSS)
Adam Browning, Pennsylvania Onsite Wastewater Recycling Association (POWRA)
Brian Chalfant, Governor's Policy Office, Alternate
Michael Ciocco, Pennsylvania Society of Professional Engineers
Tyler Groh, Pennsylvania State University
Larry Hatter, Pennsylvania Association of Realtors
Keith Heigel, Pennsylvania Society of Land Surveyors
Roger Lehmann, Pennsylvania Association of Sewage Enforcement Officers
Duane Mowery, Chair, Pennsylvania Water Environment Association (PWEA)
Michael McGraw, Pennsylvania Association of Plumbing, Heating & Cooling Contractors, Inc.
John Peffer, County Departments of Health and Health Agencies
Paul Racette, Pennsylvania Environmental Council, Alternate
William Rehkop, Pennsylvania Municipal Authorities Association
Martin Siegel, Pennsylvania Bar Association
Joseph Valentine, Pennsylvania Septage Management Association (PSMA)
John Wagman, American Society of Civil Engineers

MEMBERS OF THE PUBLIC PRESENT

Members of the public were present but not identified.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) STAFF PRESENT
(CENTRAL OFFICE ONLY)**

Adam Duh, Assistant Counsel, Office of Chief Counsel, BRC
Robert Haines, Environmental Group Manager, OWP, BCW
Tomisa Kiskadden, Environmental Group Manager, Planning Section, MFD, BCW
Charles Klinger, Water Program Specialist, Planning Section, MFD, BCW
Jay Patel, Assistant Bureau Director, BCW
Janice Vollero, Water Program Specialist, Planning Section, MFD, BCW
Richard Wright, Environmental Program Manager, MFD, BCW

CALL TO ORDER AND APPROVAL OF MINUTES

The meeting was called to order by Chair Duane Mowery at 10:02 A.M. The meeting was conducted both in-person and on-line.

A quorum was present.

Chair Mowery welcomed and thanked the new and old members of the SAC.

Quintin Little, American Institute of Architects asked if he was still on the SAC and Vollero responded that the American Institute of Architects did not send any nominations in for this current term for member or alternate and discussed what materials are needed to get back on the SAC.

Chair Mowery requested comments to the September 18, 2024, meeting minutes. Larry Hatter requested a commentary be added to the minutes. Brian Chalfant stated that the first 3 instances of the word “draft” on page 4 can be removed. Minutes will be corrected.

Motion: Chair Mowery called for a motion to approve the September 18, 2024, meeting minutes as amended.

Hatter made a motion to approve the September 18, 2024, meeting minutes as corrected. Chalfant seconded the motion. Mike Ciocco abstained from the vote as he was just appointed to the SAC. Minutes were unanimously approved by the Committee.

PUBLIC COMMENT

1. Brett Wieber, Norweco, Inc.

- The new regulations, § 73.32, unfairly prohibits the usage of aerobic advanced treatment systems for seasonal homes. The word ‘seasonal’ is not defined. Wieber invited anyone to provide the science for this prohibition, particularly as it pertains in comparison to any other type of system.
- The industry is concerned about the onerous and dangerous testing requirements proposed for tanks. The field vacuum testing is promulgated in several states nearby but not enforced because it is overreaching, dangerous and unnecessary. If DEP is aware of quality control issues, those issues should be discussed with the precasters and should not lump all tanks in together.
- Is there a grandfather provision in the technical verification protocol (TVP) for technologies that have already been approved by DEP in the past?

2. Ron Naumann, National Precast Concrete Association (NPCA)

- The proposed field vacuum testing of tanks is somewhat complicated and dangerous to do in the field and people have to be trained to do that. The installers are not trained. There are systems in place to ensure that a quality tank is manufactured in a controlled environment. Section 73.31(b)(6) is the vacuum testing and manufacture of the tanks. Consider mentioning ASTM C1227. The American Society of Testing and Materials has a very good standard written for precast tanks which requires the materials used in concrete and reinforcement to be quality controlled and compliant with ASTM.
- For tanks other than concrete, consider Z1000 for the manufacturing details.

- If there are any questions in regard to concrete construction, Naumann or another colleague or NPCA, would be willing to answer them.
3. Laurel Mueller, retired soil scientist
- There is no place in the draft regulations for systems on sites with 13% slope and 40" of well drained soils. Many of the alternates can be placed on 12% to 15% slopes but over 12% slopes are not in the regs, so when these alternates are excluded, there is no place for them currently in land development. These should also be a focus, not just focusing on shallow soils. Soils between 15% to 25% slopes do have a place using drip dispersal technology.

ACTION ITEMS

Chair Mowery switched the agenda items.

1. SAC workgroup report on technical guidance document *Technical Decision Making (TDM) Guidance for On-lot Sewage System Repair Situations*

Chair Mowery reminded everyone that they should have received a document generated at a SAC workgroup meeting in December 2024. The document was the draft TDM guidance with SAC comments. Chair Mowery asked if there were any questions on the comments. There were none.

Motion: Chair Mowery asked for a motion to approve the comments to be forwarded to DEP.

Robert Bressler made a motion to approve the SAC workgroup comments on the TDM technical guidance document and forward them to DEP. Joe Valentine seconded the motion, which was unanimously approved by the Committee.

2. SAC vote for Chair/Vice Chair

Chair Mowery turned over the discussion to the Chair of the Nominating Committee, John Wagman. Wagman explained that besides himself, the Nominating Committee consisted of Laurel Mueller and Keith Klingler. The Nominating Committee unanimously agreed to nominate Adam Browning for Chair and Duane Mowery for Vice Chair. Chair Mowery thanked the Nominating Committee and called for additional nominations from the floor. There were no additional nominations.

Motion: Chair Mowery called for a motion to close the nominations.

Hatter made a motion to close the nominations. Bressler seconded the motion, which was unanimously approved by the Committee.

Chair Mowery welcomed Browning as the new Chair and thanked the Committee for the last 12 years. Chair Browning took over the meeting, thanking everyone.

DISCUSSION/INFORMATION ITEMS

Planning program presentation on proposed regulation updates to Chapters 71, 72 and 73

Tomisa Kiskadden presented a PowerPoint (see meeting materials) that gave a broad overview of the proposed changes to the regulations and explained that DEP will have significant engagement with SAC through workgroup meetings.

A discussion concerning the workgroup meetings occurred and the following was decided:

- The best approach would be to have workgroup meetings by chapter. Roger Lehmann will be lead for Chapter 71, Chair Browning will be lead for Chapter 72 and Vice Chair Mowery will be lead for Chapter 73.
- Meetings should begin end of April or early May. Frequency of meetings is yet to be seen.
- DEP involvement in the workgroup meetings is key.
- Administrative help from DEP is desired and a discussion ensued as to what that entailed. SAC was hoping for DEP to be the notetakers because SAC is all volunteers. DEP does not think it is smart to take the notes as DEP could misconstrue what it hears and DEP is short staffed. DEP promised to get back to SAC concerning what DEP would be willing to help with.
- Workgroups can proceed outside of the Sunshine Law as long as meetings are limited to SAC members and the workgroups only develop recommendations to bring back to SAC. Suggest your organization members bring their concerns to you as a SAC member to bring to the table.
- DEP will provide Word documents of each chapter. A discussion ensued about whether a clean version with DEP changes accepted or the annex format with current and proposed language would be best for the workgroups to comment on and make their changes to. The final decision was the annex version. Ciocco asked how to read DEP's edits to the drafts. Vollero and Kiskadden responded that there is a key for each chapter and the green coloring is moved text, the red coloring is deleted text, black, bold and underlined is new text. The word 'reserved' in a section means that text was deleted or moved, and that section will never be used again.
- The workgroups' recommendations will be presented to the full SAC at the public meeting in September where public comments will be invited. Additional public comments would be invited after the Environmental Quality Board proposes the rulemaking. That public comment period would likely be 60 – 90 days.

Chair Browning asked for general questions or comments concerning the chapters themselves.

- Vice Chair Mowery – Concerning the long term performance monitoring, is it DEP's intention to take all of the currently classified alternates and reevaluate them every 5 years or will they be exempt from that? How will that process play out? Jay Patel responded that depending on the performance of the technology, there are opportunities to do an evaluation of the data to extend that time period beyond the 5 years depending on the data. Vice Chair Mowery claimed the industry was not made aware of any malfunctions or of data indicating that the alternate technologies weren't working but asked if he was correct that now the draft regulations are to apply a performance standard to the alternates but not to the conventional systems. Patel responded in the affirmative.

- Wagman mentioned he is part owner of Monarch Products Company, a large precast concrete manufacturer. Their industry wants to know what data is out there that indicates there is a problem with the tank structures that they now will be required to perform the vacuum testing of tanks on the job site. That would be time consuming to the property owners and a safety issue to all. This is a big deal to their industry.
- Vice Chair Mowery stated that the draft regulations make the process of what is required in Act 34 of 2020 so difficult that in effect, we aren't able to accomplish what Act 34 says, specifically meaning the performance monitoring and issues with private property rights. There is a lot we can agree on such as maintenance of the on-lot systems. We have heard repeatedly the issues regarding affordability and availability of homes and the governor is on record encouraging more home availability for folks. We don't want the regulations to be an impediment to that. Plea to the Department is that we try to work on those things that we probably all can agree on and that we don't sacrifice advancement of our cause in the interest of trying to be perfect.

PUBLIC COMMENT

1. Laurel Mueller

- How do we anticipate getting through this without changing the Act, and the definitions?
- Planning in rural areas means a lot less to municipalities anymore. There used to be county wide agencies getting reimbursed to oversee planning but when the money dried up, the agencies fell apart. Some of these municipalities don't have a clue about their official plan. It's not just upgrading plans, it is basically resurrecting or starting over on plans that are unrecognized or don't exist.

2. Brett Wieber

- Corrected his citation in the first public comment session.
- He has perspective on what other states are doing and would like to share that insight at the workgroups if possible. He knows of several of his other peers that would like to offer the same. They are great people with great experience and not reaching out to them would be detrimental.

SAC REQUESTED ITEMS

1. SEO Roundtable Meetings

Kiskadden explained that there is one roundtable scheduled in the Northcentral region on May 15th. Regions will host the roundtables. SEOs within the regions will be invited by the regions. Other roundtables will be scheduled around the state. Topics will be general to specific; in general, what is an Act 537 plan to specific items on permitting. The agenda is coordinated between Central Office and the region.

Bressler asked if the meetings were strictly for regulatory SEOs or do they include consulting SEOs and soil scientists? Kiskadden responded that the meetings are geared towards regulatory

SEOs. Robert Everett, Northcentral Regional Office Planning Chief stated they limited the invite to SEOs they knew were employed by municipalities in their region.

2. 2025 PASEO/PSMA Super Conference Q & A follow-up

Kiskadden responded:

- There was a question if a trust satisfies the owner of record since January 10th, 1987, as it relates to the 10-acre planning and permitting exemption (25 Pa. Code § 72.22(f)). There are a lot of complexities in the way trusts are established and each situation has specifics. Every case should be evaluated and discussed with the municipal solicitor.
- The other question was related to planning for repairs on lots of record prior to May 15th, 1972. If there is no increase in flows, would planning be required for a repair? Kiskadden replied that we didn't have an answer for this question today and would follow-up on it in the future.

NEW BUSINESS

Chair Browning called for any new business from the committee. There was no new business.

ADJOURNMENT

Motion: Chair Browning called for a motion to adjourn the meeting.

Larry Hatter made a motion to adjourn the meeting. Vice Chair Mowery seconded the motion, which was unanimously approved by the Committee. The April 16, 2025, SAC meeting was adjourned at 11:30 A.M.

NEXT MEETING

Workgroups to be set up and announced.

Next regular meeting will be Wednesday, September 17, 2025, Room 105, Rachel Carson State Office Building, to be held virtually and in person. Notice of the meeting and meeting materials will be on the SAC webpage.