

**Sewage Advisory Committee
Minutes of the Meeting
March 13, 2019**

VOTING SEWAGE ADVISORY COMMITTEE (SAC) MEMBERS PRESENT

Adam Browning, Pennsylvania Onsite Wastewater Recycling Association
Carl Cox, Pennsylvania State Association of Boroughs (via conference call)
Ginnie Anderson Kane, Pennsylvania State Association of Township Commissioners
Sarah Miller, Pennsylvania Builders Association
Mark Mills, Pennsylvania Association of Professional Soil Scientists
Duane Mowery, Chairman, Pennsylvania Water Environment Association
Susan Myerov, Pennsylvania Environmental Council (via conference call)
Eileen Nelson, Pennsylvania Society of Professional Engineers (via conference call)
John Peffer, County Departments of Health and Health Agencies
Scott Russell, American Water Works Association (via conference call)
Wayne Schutz, Pennsylvania Municipal Authorities Association
Joseph Valentine, Pennsylvania Septage Management Association
John Wagman, American Society of Civil Engineers
Chris Wood, Vice-Chairman, Pennsylvania Association of Sewage Enforcement Officers
Robert T. Wood, Pennsylvania Association of Realtors
James Wheeler, Pennsylvania State Association of Township Supervisors

MEMBERS OF THE PUBLIC PRESENT

Tom Ashton, American Manufacturing Company, Inc.
Oran Biehl, Premier Tech AQUA
Mike Callahan, Soil Hub
Laurel Mueller, Soil Services Company
Keith Salador, Citizen's Advisory Committee
Jason Sanfalice, Premier Tech AQUA
Nick Troutman, Senator Yaw's office
Brett Wieber, Norweco

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) STAFF PRESENT

Brian Chalfant, Policy Office
Annamaria Ether De Sanctis, Environmental Engineering Trainee, Planning Section, Division of
Municipal Facilities (DMF), Bureau of Clean Water (BCW)
Jay Patel, Environmental Program Manager, DMF, BCW
Brian Schlauderaff, Environmental Group Manager, Planning Section, DMF, BCW
Janice Vollero, Water Program Specialist, Planning Section, DMF, BCW

CALL TO ORDER AND APPROVAL OF MINUTES

The meeting was called to order by Chairman Duane Mowery at 10:32 AM in Room 105 of the Rachel Carson State Office Building, Harrisburg. A quorum was present. Chairman Mowery reminded everyone that only the 2017-2019 members can sit at the table and not the newly elected members for the upcoming 2019-2021 term.

Motion: Chairman Mowery called for a motion to approve the December 13, 2018 meeting minutes. There were two (2) corrections requested to be made:

1. Wayne Schutz stated that he was present at the December 13, 2018 meeting and requested the minutes reflect his attendance.
2. Mark Mills stated that on page 5 of the minutes, he said 20", not 12" and requested the minutes reflect 20".

Ginnie Anderson Kane made a motion to adopt the December 13, 2018 meeting minutes with changes. James Wheeler seconded the motion, which was unanimously approved by the Committee.

ACTION ITEMS

1. John Wagman chaired a nominating committee for the selection of officers for the 2019-2021 term. The other members of the committee were Wayne Schutz and Robert Wood. Mr. Wagman thanked the members of the committee for participating and asked if anyone else would like to come forth to be considered as an officer; no one did. Mr. Wagman announced that the committee selected Duane Mowery as Chairman and Chris Wood as Vice-Chairman for the 2019-2021 term.

Motion: James Wheeler made a motion to accept the nominations. Ginnie Anderson Kane seconded the motion, which was unanimously approved by the Committee.

DISCUSSION/INFORMATION ITEMS

1. The report on the February 5, 2019 SAC Subcommittee was postponed until later as the Chair of the subcommittee, Joe Valentine, was not present. (See #3 below.)
2. Jay Patel gave an update on the Technical Guidance Documents:
 - The *On-Lot Sewage Pretreatment Technology Verification Protocol (TVP)* was still under review and DEP was still taking comments. Mr. Patel anticipated that this guidance would go final but cautioned there was always the possibility it could go out for another public comment period due to the changes made.
 - The *Site Suitability and Alternatives Analysis Guidelines for New Land Development Proposing On-Lot Sewage Disposal* was also still under review but a little further along in the process than the TVP guidance; it will be going back out for public comment as a draft guidance.

- Mark Mills asked if DEP received any data from the existing manufacturers and Brian Schlauderaff said DEP received field data from one (1) manufacturer. John Wagman commented that DEP asked for this data nine (9) months ago so how can DEP make a decision moving ahead without the data? Mr. Schlauderaff explained that DEP can't make a decision until the TVP is final and at that point, DEP will ask again for the data, although some manufacturers don't have field testing data. Chairman Mowery suggested that some manufacturers may be waiting to see the final version of the TVP before sending in their data.
 - Mark Mills commented that DEP was changing the minimum limiting zone from 10" to 12" for alternate systems based on existing published data but yet this same data suggests using 24" instead of 20" for sand mounds. Mr. Mills explained that this whole process was to assure conventional and alternate systems were handled the same and he asked if DEP would move the 20" to 24" as the next step. Jay Patel explained that Act 26 deals with alternate technologies and that changing the 20" to 24" (general site suitability as established in the regulations) would require a rulemaking. Mr. Patel agreed that the data suggests 24" is more protective but it is not what DEP is considering right now; DEP is just dealing with the alternates at this point.
3. Joe Valentine, Chair of the February 5, 2019, SAC subcommittee, passed out his notes from that meeting and invited those who were at the meeting to add to his comments. There were four (4) motions put forth at the February 5th subcommittee meeting; three (3) passed. The three (3) motions were:
- a. Recommend the elimination of the performance audit with the replacement of an operation and maintenance (O&M) requirement by the manufacturer because long-term acceptable operation is our goal and because excessive resources are needed in DEP to support the performance monitoring. Mandatory O&M reports in accordance with the manufacturer's recommendations should be required in lieu of performance monitoring.
 - b. Recommend elimination of a fecal requirement level that varies with limiting zone and soil texture. DEP is currently proposing a maximum of 1000 MPN for fine textured soils with a limiting zone of 12"; a fecal level of 200 MPN for sandy soils with a 12" limiting zone; and disinfection for soils with a limiting zone less than 12". Brian Schlauderaff clarified that between 12" and 20" its 1000 but as soon as it goes under 12", its 200. F4 is for sandy soils <12" and then it is 1 or 2. Mr. Valentine asked if that meant disinfection and Mr. Schlauderaff answered yes, but if you are thinking UV, that is not what we are saying. DEP is saying this is the standard, you need to meet it, we don't care how you meet it. Mark Mills stated that between 12" and 20" it still needs to be disinfected, it is just a different number.
 - c. Recommend that the soil requirement of 10" to seasonal soil wetness as evidenced by redox features and 16" to a rock limiting zone be maintained. Currently DEP is proposing 12".

The following discussion and points were made:

- Chairman Mowery clarified that the elimination of the fecal requirement level is a reiteration of what SAC recommended and submitted to DEP in December 2017.
- Chairman Mowery also explained that recommendation #3 was also a reiteration of what SAC recommended and submitted to DEP in December 2017.
- Mark Mills stated he understood why DEP was trying to come up with a system having numbers that are real, but it is hard to keep track of all the different numbers, it is confusing and further differentiates between conventional and alternates.
- Mark Mills stated that PAPSS did not go to the workgroup with the position of eliminating the performance audit, but it became clear during the workgroup of the burden of the audit and the cost to the homeowner.
- Mark Mills stated that there is a problem between splitting systems into new and repair; there is a gray area in between for failed septic certifications. These failed septic certifications are not malfunctions because the sewage is not surfacing, backing up or getting into the water and its not a nuisance either, but they may have to be called a repair now and not sure if that is correct or not.
- Joe Valentine modified recommendation #2 to only include the first sentence:
 - Recommend elimination of a fecal requirement level that varies with limiting zone and soil textures.
- Joe Valentine modified recommendation #3 to only include the first sentence and a slight change:
 - Recommend that the soil requirement of 10” to seasonal soil wetness as evidenced by redox features and 16” to a rock limiting zone be maintained.

Motion: Vice-Chairman Wood made a motion that SAC accept the report of the subcommittee as the official comments of SAC. Robert Wood seconded the motion, which was unanimously approved by the Committee. Chairman Mowery will create a letter to the Secretary of DEP with those recommendations; he thanked Joe Valentine and the subcommittee.

4. Brian Schlauderaff reported that the Technical Guidance Document *Sewage Enforcement Officer Certification and Training Program Guidance* will be posted for public comment in the near future and the most recent version of the document is the one on the SAC webpage.
5. Brian Schlauderaff reported that DEP will send out invites to SEOs to set up their accounts in the Pa. Clean Water Academy (Pa. CWA) shortly. Initially, the invite will be sent to those SEOs who have never taken the advanced soils course. These 270 SEOs will have the opportunity to also sign up for the Soil Hub soils course. Mr. Schlauderaff cautioned that this email may get caught in people’s spam folder.

Further discussion included:

- Chairman Mowery informed everyone that DEP presented the Pa. CWA at the PASEO conference yesterday. There was confusion that all training will be through the Pa. CWA, but indeed it is just a clearinghouse, a place you can access courses that are available.
- Chairman Mowery mentioned that it was suggested at the PASEO conference to use the Pa. CWA to place archived information pertinent to the SEO community, i.e., All SEO letters. Brian Schlauderaff agreed but mentioned that information would have to be current; for instance, DEP wouldn't post old policies that are no longer valid. It may also be good for DEP to place FAQs (frequently asked questions) on the Pa. CWA.
- James Wheeler questioned if the Pa. CWA will have links to third party trainings or will sponsors be able to house training on the site. Brian Schlauderaff explained that it could be either; SCORM packages will allow the training to be housed on the Pa. CWA. The training provider will still be responsible to get SEO course completions to DEP for anything other than on-line courses on the Pa. CWA. An on-line course, once taken, will show course completion automatically.
- Wayne Schutz inquired if the Pa. CWA was robust enough to eventually incorporate the EarthWise Academy and other license/certification programs into it. Brian Schlauderaff explained that Pa. CWA has the same backbone as EarthWise Academy, but the plan is not to go that route at this time; we are two (2) separate programs.

NEW BUSINESS

Joe Valentine formally put forth that it is time to update Act 537. Act 537 is 50 years old and has been amended many times. We need an Act that will take us into the next 50 years. DEP and SAC were working on reg revisions for over 15 years but developing regs on an Act that needs an update will run into road blocks, such as the O&M issue. Several points were made:

- Robert Wood commented that SAC went through the regulations point by point in the past and that document would be good to pull out and look at. Chairman Mowery agreed that could be a good place to start.
- James Wheeler suggested SAC should look at what they want in a new Act independently from DEP and then figure out how to work those two (2) together in some sort of backing that would generate something important legislatively for an updated bill.
- Wayne Schutz agreed that an update is necessary, but a plan or strategy is needed to carry it forward or it will not get accomplished.
- Sarah Miller mentioned that is what happened 2 ½ years ago when they tried to make changes to the Act. Nobody at the table could agree on anything. She reminded SAC that special interest groups have the ability to stop this legislatively before it starts and therefore, you need to have a very good core group of support.
- Jay Patel stated that DEP believes that is a good idea. He reminded everyone that a few years back, Dana Aunkst gave testimony that the Act needed to be updated and he gave the reasons why. Mr. Patel said staff would be willing to sit down and discuss what is needed but reminded everyone DEP only creates regulations and policies; DEP would only be asked if we support the law or not; we do not write the law.

- Joe Valentine stated that he feels in the 30 years he has been around, the group now in Central Office is the most technically competent he has seen and now is the time to meet and discuss these points and see if we could come to a consensus on the general concepts for Act 537.
- John Wagman asked if DEP would also work concurrently on the reg revisions given that an update to the Act may take a long time. Jay Patel answered yes.
- Joe Valentine asked if DEP would revisit the line-by-line reg change document that was created 15 years ago or create a whole new document. Jay Patel answered that DEP did look at the 15-year-old document as a baseline during the development process of the reg revision.
- Mark Mills stated he agreed with Joe Valentine that we should go back to the foundation. There are things in the regs that are a problem, but we must follow them. If we look at alternate systems, there is a whole section in the regulations that now we are going to disregard. That section states you submit the plan to DEP, you get your comments, you act on it. Mr. Mills says he is not in favor of that, DEP is not in favor of that, nobody is in favor of that, but that is what is in the regulations. Part of why we are having such problems making these changes is because we are not getting to the root of the issue.

Motion: Joe Valentine made a motion: SAC supports an amendment to Act 537 and we request a meeting with the Department so that we can jointly come up with some consensus on what is needed to revise Act 537 to make the regulation implementation possible. Robert Wood seconded the motion, which was unanimously approved by the Committee. Chairman Mowery stated that he and Mr. Valentine will draft the letter to the Secretary of DEP.

PUBLIC COMMENT

Laurel Mueller, owner of Soil Services Company and professional soil scientist, commented on the debate over the 10 and 12 inches. It is important to understand that in PA, limiting zones which are evidence of a seasonal high-water table are frequently not the observation of the water table, but they are redoximorphic features or mottles. PA interprets it way more conservatively than our surrounding states. Soil scientists do work in other areas than sewage disposal, such as, wetlands, stormwater, forestry, etc. and they have standards that are international, that have been in place for sometimes 50 years, such as drainage classes and moisture classes. In soil taxonomy and classification, as well as the standards for describing soil profiles, Ms. Mueller feels she is constantly challenged by being asked to break USDA National Cooperative Soil Survey standards to do descriptions to meet the whims or demands of DEP. As an example, the depth to the seasonal high-water table may vary within the test pit and the redoximorphic features may vary as faint, few to common, or distinct. Ms. Mueller agrees you must look for the safest position in a soil profile description, but DEP coaches to go for the highest mottle. USDA Standards specify the middle of the wavy boundary for horizon breaks which may include a seasonal high-water table. She cautioned that the highest mottles are the pinnacles of a limiting zone; the bare fringe of saturation. For this reason, she feels DEP is safe in requiring a minimum of 10 inches to seasonal high water table.

NEXT MEETING

The next meeting of the Sewage Advisory Committee is planned for Wednesday, September 11, 2019, at 10:30 AM in Room 105 of the Rachel Carson State Office Building.

ADJOURN

Motion: Chairman Mowery called for a motion to adjourn the meeting. Ginnie Anderson Kane made a motion to adjourn the meeting. James Wheeler seconded the motion, which was unanimously approved by the Committee. The March 13, 2019, SAC meeting was adjourned at 11:55 AM.