

**Sewage Advisory Committee
DRAFT
Minutes of the Meeting
September 11, 2019**

VOTING SEWAGE ADVISORY COMMITTEE (SAC) MEMBERS PRESENT

Adam Browning, Pennsylvania Onsite Wastewater Recycling Association (POWRA)
Terry Carcella, Pennsylvania Municipal League
Carl Cox, Pennsylvania State Association of Boroughs
Keith Heigel, Pennsylvania Society of Land Surveyors
Keith Klingler, Pennsylvania Landowners' Association, Inc.
Mark Mills, Pennsylvania Association of Professional Soil Scientists (PAPSS)
Duane Mowery, Chairman, Pennsylvania Water Environment Association (PWEA)
Laurel Mueller, Pennsylvania Builders Association, Alternate
Susan Myerov, Pennsylvania Environmental Council
Eileen Nelson, Pennsylvania Society of Professional Engineers (via conference call)
John Peffer, County Departments of Health and Health Agencies
Esten Rusten, American Institute of Architects, Pennsylvania (AIA)
Drew Shaw, Pennsylvania Planning Association (via conference call)
Joseph Valentine, Pennsylvania Septage Management Association (via conference call) (PSMA)
John Wagman, American Society of Civil Engineers
Chris Wood, Vice-Chairman, Pennsylvania Association of Sewage Enforcement Officers
(PASEO)
Robert T. Wood, Pennsylvania Association of Realtors

MEMBERS OF THE PUBLIC PRESENT

Meghan Andress, PreDoc, Inc.
Tom Ashton, American Manufacturing Company, Inc.
Mike Callahan, Soil Hub
Don Carabin, Norweco
Linda Cox, Member of the public
Barry Helverson, Premier Tech
Brett Wieber, Norweco
Bruce Willman, Pennsylvania Association of Professional Soil Scientists, SAC Alternate

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) STAFF PRESENT

Annamaria Ether De Sanctis, Environmental Engineering Specialist, Planning Section, Division
of Municipal Facilities (DMF), Bureau of Clean Water (BCW)
Charles Klinger, Water Program Specialist, Planning Section, DMF, BCW
Kevin McLeary, Environmental Engineering Manager, Facility Permits, DMF, 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 10:30 AM in Room 105 of the Rachel Carson State Office Building, Harrisburg. A quorum was present. Chairman Mowery thanked all first responders and military due to today being 9/11. Chairman Mowery took roll call and reminded everyone to turn on their microphone and identify themselves when they speak to the group.

Jay Patel introduced the newest member to the Planning Section, Charles Klingler, Water Program Specialist and Soil Scientist.

Motion: Chairman Mowery called for a motion to approve the March 13, 2019 meeting minutes. He apologized that the minutes stated that he and Joe Valentine were to draft a letter to the Secretary of DEP requesting a redraft of Act 537; this has not been done as of yet.

Robert Wood made a motion to adopt the March 13, 2019 meeting minutes. Susan Myerov seconded the motion, which was unanimously approved by the Committee.

ACTION ITEMS

- 2020 SAC meeting dates - Chairman Mowery asked Vice-Chairman Chris Wood if he saw any issues with having a SAC meeting March 11, 2020, the day following the PASEO annual conference and Vice-Chairman Wood replied no.

Chairman Mowery called for a vote on the 2020 meeting dates, dates were unanimously approved by the Committee. (See dates posted on SAC webpage at: <https://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/SAC/Pages/default.aspx>).

2. Minor change to the SAC Bylaws – Chairman Mowery explained that the bylaws refer to March 30 as the end of the term for members instead of March 31. He further explained that DEP brought it to the Committee’s attention 13 days before the meeting and the bylaws state SAC can amend the bylaws if the Committee had the change in hand 14 days ahead of the vote. Chairman Mowery asked if anyone saw a reason to not vote on the change given only the 13 days of notice. Nobody objected.

Motion: Carl Cox made a motion to approve the minor change to the bylaws at this meeting. Keith Heigel seconded the motion but asked if that was a change to both Section 2 and 3 (dealing with members and alternates); DEP replied yes. The change from March 30 to March 31 in both Sections 2 and 3 of the SAC bylaws was unanimously approved by the Committee.

DISCUSSION/INFORMATION ITEMS

1. Jay Patel gave an update on the following Technical Guidance Documents:

- The *Sewage Enforcement Officer Certification and Training Program Guidance*'s public comment period has closed; DEP is considering the comments and making provisions. The majority of the comments centered around the carry-over credits. There is no timeline to get through the executive staff approval, but Mr. Patel stated he didn't expect it to have to go out for any further public comments and hoped it would be final by the end of the year.
- The *On-Lot Sewage Pretreatment Technology Verification Protocol (TVP)*'s comment period has closed; DEP is making final revisions. Mr. Patel explained that it would then go through executive staff for approval and he anticipated that this guidance would not go back out as a draft. Mr. Patel stated he had no time frame for when these steps would be completed.
- The *Site Suitability and Alternatives Analysis Guidelines for New Land Development Proposing On-Lot Sewage Disposal* is currently in public comment, which closes at the end of September. Mr. Patel reminded everyone that the best way to submit their comments was through eComment.
- The *Small Flow Treatment Facility (SFTF) Manual* and *WQG-01 General Permit* Updates:
 - Many of the advanced alternate on-lot systems are also used for SFTFs. A long-standing issue was in order to qualify for coverage under the WQM general permit, the technology had to be listed in the SFTF Manual. The only systems listed in that manual are the generic, non-proprietary systems which left out all of the manufactured systems. Individual permits have to be issued for proprietary systems. This is problematic for the public in that it takes longer to get a permit and problematic for the Department as it takes more time to issue individual permits rather than general permits.
 - Chairman Mowery asked if the agreement was in place with EPA to issue SFTF permits. Mr. Patel explained that WQM permits are Clean Streams Law (CSL) permits, which is a state permit and not an EPA permit. DEP has authority to issue those permits. You need 2 permits to discharge from a SFTF at a house: an individual WQM or general WQM permit and a PAG-04. Mr. Patel did not think the PAG-04 was drafted and out for public comment but he will check on that. All general permits, including the PAG-04 and the WQG-01, must go out for a 30-day public comment period and DEP must address the comments. He reminded everyone that these are draft and to send any questions or comments to him.
 - Mr. Patel went through the Power Point presentation that explained updates to the manual and the WQG-01 permit. (See presentation on SAC webpage at:

<https://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/SAC/Pages/default.aspx>).

- There was some discussion from the Committee:
 - Laurel Mueller explained there are some malfunction situations where you don't have enough soil to a limiting zone, and there is no access to a stream or ditch. In these cases, it would be beneficial to pretreat the water and prove hydrogeologically that the water can permeate the soil. Will the draft allow for discharges to soil that is permeable? Mr. Patel answered no that the guidance document and general permit only addresses discharges to waters of the Commonwealth. DEP has a Reuse Manual that looks at the reuse of treated effluent as a groundwater discharge. DEP is also working on the Sewage Treatment Land Use manual. Mr. Patel explained that what Ms. Mueller was discussing could be permitted now with an individual WQM permit under the CSL, where DEP could put special conditions in the permit. Mr. Patel advised that if anyone had a situation like that, talk to the regions, or himself or his staff (who would get the regions involved).
 - Terry Carcella asked if there was a requirement to notify the Department of the transfer of a SFTF system from one homeowner to another? It happens many times that a homeowner does not disclose the system, sells the property and the new homeowner never gets inspections or maintains the chlorine tablets because they don't know what they have. Mr. Patel said there is nothing currently proposed but it is a good comment and DEP could add something to the SFTF Manual or even include that as a permit condition. The property owners already have an obligation to transfer, but whether they read their permit or not, is something DEP cannot enforce, and the Department does not have the staff to follow-up on all the SFTF permits. Mr. Carcella agreed. He stated that Derry Township requires a bond for a period of time on SFTFs and stated that the local government is to follow through to make sure they are protecting the community. Robert Wood explained that this is resolved if you require a deed covenant; require a corrected deed be issued and filed in the courthouse. A corrected deed is not that big of an expense, it is searchable and anyone looking at the deed can see the requirements (for the SFTF). Laurel Mueller agreed. Keith Heigel also agreed and added that other agreements can also be recorded at the courthouse, such as right-of-way or lease agreements that cost \$30 to \$40 instead of \$200 to \$300 to correct a deed. These "other agreements" would also be found during a property deed search.
 - Adam Browning asked if there were any plans to have the small flows' reporting included with GreenPort's eDMR? Mr. Patel didn't know but would check on this and get back with the answer. He commented on how difficult it is to get homeowners to take samples and report the results let

alone report through eDMR. Laurel Mueller stated that a sewage management program (SMP) gives a municipality a hammer to aid in this reporting since the responsibility ultimately falls on the municipality to enforce this.

- Robert Wood brought up that home inspectors, for a small fee, could take the tests at a SFTF annually if the homeowner contracts with them and then the test would get done, get done accurately and get reported. Joe Valentine also suggested that an SEO can do the same if it is in the municipality's fee schedule.
 - Terry Carcella brought up that we can't take a homeowner's right away from them to do their own testing; some people may have gated properties and do not want other people walking on their property taking tests. Property owners have to be given options. We need to think long and hard about what is required and who is going to be responsible. As a manager of a township, we are ultimately responsible for everything that happens in that community, including the discharge of sewage.
 - Adam Browning asked if there was a general permit provision to exclude the homeowner as an operator of a SFTF? Mr. Patel said that unless the homeowner is a certified operator at another plant, the homeowner would have to contract with a service provider or other third party to operate the SFTF. Mr. Patel said he could provide the exact language in the PAG-04.
2. Brian Schlauderaff reported that DEP received funding to once again subsidize those SEOs who take the advanced soils course with Mike Callahan of SoilHub, so long as they have not taken the Advanced Soils course previously. DEP will subsidize 90 SEOs for \$250 of the course. Currently the course is \$550. You can register for the course through the Clean Water Academy.

NEW BUSINESS

1. Chairman Mowery asked Mr. Patel to talk about the recently released Chesapeake Bay Phase III WIP and the mention of sewage management within the WIP. Mr. Patel was co-chair of the wastewater workgroup along with John Brosious of the Pennsylvania Municipal Authorities Association (PMAA).
- Mr. Patel explained that largely there is no new requirements for wastewater dischargers. There is a change in the draft WIP to require municipalities to do O&M and septic tank pumping, essentially SMPs.
 - Mr. Patel explained there is a Chesapeake Bay model that drives all decisions and is a tool for compliance with the TMDL for the states. The model incorporates all BMPs for ag and in this case, there is a BMP for various levels of sewage management, one which includes inspections and pumping of septic tanks. The

model also has inclusion of denitrification for systems, largely because Maryland requires denitrification for some systems.

- Robert Wood commented that within the last 7 to 10 years, home inspections have become more common in the real estate world and “Agreement of Sale” has language that states a seller must locate and pump their sewage system prior to the closing. Because of this, a lot of malfunctioning systems have been corrected as part of the sale.
- Keith Klingler commented that it doesn’t make sense to make it mandatory to pump tanks every 3 to 5 years when most of the systems, even if they malfunction, are not close enough to any water course that the malfunctioning effluent would ever get into the watershed and into the Bay.

Mr. Patel explained that besides the Bay issues, the focus was also on what is good for Pennsylvania local water quality, both groundwater and surface water. One good BMP for water quality in PA is septic pumping and management of on-lot systems by municipalities. We’ve encouraged sewage management for decades, so this was a natural progression. The decision was made to require this state-wide. It allows for an on-lot system to function properly for a long period of time.

- Chairman Mowery commented that he sees this as a natural extension of what the committee has recommended to the Department for the last several years; continue to enforce sewage management. Its clearly part of the regulations and municipalities are responsible for the proper O&M of sewage facilities within their borders. Chairman Mowery explained that part of asking Mr. Patel to comment on this was not necessarily related to the Bay strategy, but to further bolster our recommendation as SAC that more emphasis be placed on sewage management.
- Mr. Patel stated that the heavy lift for the Bay is agriculture; the percent of nitrogen to the Bay from ag is 89%. PA needs to meet 75% of the overall planning target for the reductions proposed in the WIP. It is likely PA won’t get the whole way there. How do we get the information needed and how do we report it to EPA? How do we report on-lot management? Mr. Patel explained DEP is proposing a GIS based on-line database to allow municipalities to monitor, track inspection and pumping data and convey that data to DEP. This requires funding of which the workgroup has no control over.
- Vice-Chairman Wood asked if DEP is looking at mandatory pumping and maintenance for the Delaware and Erie watersheds? Mr. Patel answered yes that this requirement would be state-wide. Vice-Chairman Wood asked if DEP has ever done or seen studies of the affect of excessive

pumping of systems? Are there any studies that show you need a certain amount of fecal matter to build-up in a tank before it can operate correctly? Vice-Chairman Wood said that excessive pumping, in his opinion, can cause the tank to not function properly. Mr. Patel answered that he was not aware of any such studies or data. Vice-Chairman Wood further stated that maybe three (3) years is not the appropriate time period to pump the tank, maybe it is two (2) or (1). He commented that this pumping frequency goes back to the Penn State charts which are very old and maybe not as accurate as newer information, if there was any.

- Laurel Mueller clarified that maintenance and management are two different things. Management is how we set the rules, write agreements, have accountability and do the reporting. Maintenance is hands on, go to a system, inspect it, fix and clean things. Maintenance is done by service providers and management is done by agencies and municipalities. Ms. Mueller wanted everyone to be clear of the differences.
- Chairman Mowery asked if the WIP document added an additional tool to the Department's toolbox to assist in encouraging municipalities to perform O&M of sewage facilities?

Mr. Patel said it tells people what our direction is going to be. If we don't do what we say we are going to do in the WIP, EPA can take additional actions against us; other states can take additional actions against us. This is the Department's intention and we plan to move forward with it. Mr. Patel mentioned he thought PA was on the hook to accomplish it by 2025.

2. Keith Klingler asked why you cannot use a postcard exemption in a high quality or exceptional watershed? He said he assumed it was because if the system malfunctioned, it was assumed it would negatively affect that watershed, but if the system is 1000' away from that watercourse, it will never affect that watershed. Further, the exemption process requires a primary and a back-up site, so you are protected if the primary site fails.

Janice Vollero explained that the exemption process is an exemption from the planning process and in the beginning, the exemption process only required an SEO, the municipality and the homeowner to sign off on it. That was all DEP received. Therefore, the legislature put in very specific requirements for situations in which you couldn't use the exemption, such as special protection watersheds. If any of the specific requirements were triggered, like being in a special protection watershed, it forced that project to go through the full-blown planning process where the Department would get a lot more information to make a decision. Now, some of that extra information, like soils testing and plot plans do come in with the exemption. Also, in the full planning process, the municipality has a lot more input, the project is publicly noticed so the public can comment on it and there is more transparency to the whole process.

Mr. Patel emphasized that you could plan for on-lots in high quality (HQ) and exceptional value (EV) watersheds, you just didn't qualify for an exemption. The planning does allow the Department to receive additional information to do an evaluation. The Department has been challenged on this HQ/EV issue and on-lots. In addition, the regulations lay out the provisions for the exemption process and so until there is a reg change, projects in HQ/EV watersheds do not qualify for an exemption.

Mr. Klingler stated that there has been talk about revising Act 537 and in the future when the regs are opened up, we should have a little more common sense written into them.

3. Mark Mills asked if the TVP will be changed back to limiting zones of 10" and 16" since the planning document has 10" and 16"? The TVP currently has limiting zones of 12". It doesn't make sense for the two different documents to say two different things. Mr. Patel stated he couldn't comment on what the final document will say. Chairman Mowery commented that if the current document out now for public comments says 10" and 16", the Department would be in a difficult position if they had different criteria in a companion document.
4. Mr. Patel brought up that the Department will have to review all of the alternates against the existing standards when the TVP goes final. The Department will do that in consultation with SAC. He asked how SAC would like to be part of that process; workgroups were developed in the past. Chairman Mowery suggested that both he and Mr. Patel discuss it further and come back with some ideas to SAC at the March meeting, but Mr. Patel stated the Department will be ready for a subcommittee before March. There were no objections from SAC to the formation of a subcommittee. Chairman Mowery suggested the documents they are to review be distributed ahead of the subcommittee meeting, maybe two (2) weeks, so that they can review them. Mr. Patel agreed and further suggested that some meetings could be done via conference call.
5. Laurel Mueller suggested DEP look at the forms, specifically the 298 form, when reviewing the alternates, as to what is suitable and not suitable. It is confusing when an SEO writes 30" to a limiting zone, 20% slope and therefore, they mark it not suitable. It is suitable for an alternate system. Ms. Mueller suggested we add a second line on our form that allows for unsuitable for a conventional system but suitable for an alternate. Vice-Chairman Wood agreed on the confusion issue and suggested suitable/unsuitable should be taken off the form because it is not relevant until the permit is issued. It is difficult to tell if it is suitable until they see the design.
6. Keith Klingler asked if the term "marginal conditions" will be going away? Mr. Patel affirmed this and stated that if the planning technical guidance document goes forward, all the planning modules will be changed.
7. Laurel Mueller missed the action item to approve the minutes and stated she would like to amend the minutes concerning her comment. The changes are:

- Change “USDA National Soil Survey standards” to “National Cooperative Soil Survey standards”.
- Change “Ms. Mueller takes the middle of the wavy boundary” to “USDA standards specify to do this for horizon breaks”.
- Change final line from “she feels...” to “DEP is safe in requiring a minimum of 10” to a seasonal water table.”

Ms. Mueller gave a written copy of the changes to Janice Vollero for the minutes.

Motion: Chairman Mowery called for a motion to accept the amended March 13, 2019 meeting minutes. Susan Myerov made a motion to adopt the amended March 13, 2019 meeting minutes. Robert Wood seconded the motion, which was unanimously approved by the Committee.

PUBLIC COMMENT

1. Bruce Wilman, PAPSS alternate and soil scientist, made the following comments:
 - Mr. Wilman worked with the sand specs for elevated sand mounds. At that time, he recommended the use of a uniformity coefficient. We try to match our sand to what PennDot specs are, but we need to come up with our specifications and get PennDot or some other source to meet those specifications. The reason being is if you have a small uniformity coefficient, you have better porosity through the sand material and not as much fines.
 - Mr. Wilman thought it is good to have a sewage management database that municipalities can use to provide data to DEP. He talked to SEOs that record pumping for multiple municipalities and each municipality has a different reporting program which makes it difficult.
 - Mr. Wilman agrees that the 10” and 16” should be consistent between the TVP and the site suitability document.
 - Mr. Wilman suggested that before we review the alternate systems, we should decide what items we are looking to review since all the technologies are different. What level or review do you want that is going to be consistent with all the alternate evaluations?
2. Larry Earney, Infiltrator Water Technologies, asked if the general permit language will say the name of the specific providers or will it say systems that meet 10/10 through the TVP process? Mr. Patel stated that as it is proposed now, it will be generic. DEP does not want to have to revise the guidance document because of specific names.
3. Mark Mills asked Mike Callahan, Soil Hub, if he teaches to measure the depth to limiting zone by measuring to the top of the limiting zone or take the average of the horizon? Mr. Callahan replied the highest of the boundary for the limiting zone.

4. Laurel Mueller asked if there is an opportunity for the science community to review what is taught in the courses for SEOs before the courses are approved? Mr. Patel said that is something that the Planning Section would have to talk about. Historically, the Department has the authority to approve courses. He suggested that if she had specific concerns about a topic, to let us know and we would do our best to make sure it is addressed properly. Mr. Patel said he doubted there will be a committee to approve course materials.

NEXT MEETING

The next meeting of the Sewage Advisory Committee is planned for Wednesday, March 11, 2020, 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. Laurel Mueller made a motion to adjourn the meeting. Keith Klingler seconded the motion, which was unanimously approved by the Committee. The September 11, 2019, SAC meeting was adjourned at 12:17 PM.