

**Commonwealth of Pennsylvania**  
**Sewage Advisory Committee**  
**Minutes of the Meeting**  
**December 12, 2007**

Membership and function of this committee is established by 35 P.S 750.4. Successors to the entities listed in the statute retain the right to representation of the original organization named in the statute, but are not entitled to more than one member, if they have merged.

For purposes of quorum, there were ten (10) organizations with voting members or alternates recorded as Present; eighteen (18) organization's members (and alternates) were Not Present. There are five (5) member organizations having no current appointed member or alternate, including one Inactive statutory member organization. Minimum quorum is one third of 28 appointed members/alternates able to cast votes; for this meeting quorum was 10. Organizations and members and/or alternates present are indicated as marked (▶)

	<b>Member Alternate</b>	<b>Representing</b>
	James C. Elliott Andrew J. Hilt	American Council Of Engineering Companies Of Pennsylvania
	Muscoe Martin Caroline E. Boyce	American Institute Of Architects--Pennsylvania
▶	▶ John F. Wagman David Sheridan	American Society Of Civil Engineers
	Brian S. Funkhouser Scott E. Russell	American Water Works Association, Pennsylvania Section
	Harold Hurst Kristen Goshorn	County Commissioners Association Of Pennsylvania
	Ralph DeFazio Doug Range	County Departments Of Health, Local Health Agencies

	Patricia M. Grim Joanne R. Denworth	Governor's Policy Office
	Gabriel D. Alexi (No alternate)	Mortgage Bankers Assoc. Of Pennsylvania
	Walt Krzyzanowski Al Ruscito	Pennsylvania Assoc. Of Plumbing, Heating & Cooling Contractors, Inc.
▶	▶ Bruce P. Willman William F. Beers	Pennsylvania Assoc. Of Professional Soil Scientists
▶	▶ Robert T. Wood Linda A. Peters	Pennsylvania Association Of Realtors
▶	▶ Barbara Brown [chairperson] ▶ Ralph M. Houck	Pennsylvania Assoc. Of Sewage Enforcement Officers
	Eugene E. Dice Kevin J. Garber	Pennsylvania Bar Association
	Carl D'Amico (No alternate)	Pennsylvania Builders Association
▶	▶ Eric R. Conrad John J. Walliser	Pennsylvania Environmental Council, Inc.
	Anita Stabile Peter Slack	Pennsylvania Municipal Authorities Association
	Bruce Fox Rusty Luzell	Pennsylvania Septage Management Association
	Brian L. Book Shannon G. Williams	Pennsylvania Society Of Professional Engineers
▶	▶ Dan O'Connell Thomas A. Klaum	Pennsylvania State Association Of Boroughs
	Ginnie Anderson Kane Frank Linn	Pennsylvania Association Of Township Commissioners
▶	▶ Keith Klingler (No alternate)	Pennsylvania Landowners Association, Inc.
▶	▶ Lester O. Houck ▶ James Wheeler	Pennsylvania State Association Of Township Supervisors
	Samuel M. D'Alessandro	Pennsylvania Vacation Land Developers Association

	Charles B. Zwally	
▶	▶ Duane E. Mowery ▶ Allison J. Shuler	Pennsylvania Water Environment Association
	Dr. Henry Lin Dr. Richard Stehouwer	The Pennsylvania State University
	John Williams Gary A. Rothrock	U.S. Department Of Agriculture Rural Development Mission Area
▶	Charles R. Waddy ▶ Joe Valentine	Pennsylvania Onsite Wastewater Recycling Association, Inc.
	Primary representative unnamed Sean Anderson	Department Of Community And Economic Development
	No nomination	League Of Cities And Municipalities
	No nomination	National Assoc. Of Water Companies, Pennsylvania Chapter
	Organization disbanded	Pennsylvania Environmental Health Association
	No nomination	Pennsylvania Planning Association
	Organization's own policy prevents further participation	U.S. Department Of Housing And Urban Development
	<b>Other Attendees:</b>	
	Jeffrey Rachlin	Pennsylvania Septage Management Association
	Sue Wilson	Executive Director, Citizen's Advisory Council to the Department of Environmental Protection
	Elizabeth Hensil	Pennsylvania Association Of Realtors
	Tom Ashton	American Manufacturing Company, Inc.
	Grant Gulibon	Pennsylvania Builders Association
	Lori Books	Lebanon County Planning Department
	Karen Atkinson	Pennsylvania State Association Of Township Supervisors

	<b>DEP Representatives</b>	
	John Diehl	Chief, Act 537 Management Section, Division of Planning and Permits, Bureau of Water Standards and Facilities Regulation
	John Borland	Water Quality Specialist, Act 537 Management Section, Division Of Planning And Permits
	Jim Novinger	Water Quality Specialist, Act 537 Management, Division Of Planning And Permits
	John J. McHale, Jr.	Water Quality Specialist, Act 537 Management, Division Of Planning And Permits

### **Meeting Opening**

Barbara Brown, Chairperson, called the meeting to order at 10:35 a.m. in the 2d Floor Auditorium of the Rachel Carson State Office Building. Meeting sign-in sheets were circulated and quorum was announced as present.

### **Old Business**

#### **Acceptance of the Previous Minutes**

Corrections were made to both the Minutes of the Meeting of August 15, 2007 and the Minutes of the Meeting of October 17, 2007 to reflect that a copy letter from Infiltrator Systems, Inc. to Sewage Enforcement Officers was submitted to the SAC Committee. This letter's discussion also included reference to another recent circular concerning certain information on Geo Flow, Inc. drip systems that had been circulated to some Sewage Enforcement Officers. Both appeared to indicate Department acceptance or approval as compliant with regulatory requirements of the information provided in Pennsylvania. This was not factual. No Departmental notice had been given to SEOs concerning the subject products or techniques of installation. The corrective motion was made by Mr. O'Connell. It was accepted without dissent.

Motion made was made to have the minutes approved for the October 17, 2007 meeting with the needed correction, as above. The Committee unanimously approved the motion.

## **Committee Comments concerning proposed 25 Pa. Code Chapter 73a Standards for Onlot Sewage Treatment Facilities**

Ms. Allison Schuler was introduced by the Chairman to present an overview of the Committee's workgroup product. The work group suggested changes and comments to the wording and content of the proposal for 25 Pa. Code 73a Standards for Onlot Sewage Treatment Facilities that would replace the current 25 Pa. Code 73 having the same title. As this document is a technical document, some of the proposed changes suggesting removal of specific text IS INTENDED to have the non-technical item moved out of this document to other related regulation that is also in some stage of the process of current consideration of change.

A memorandum was also presented by Ms. Schuler raising the concerns of the Committee, originally as raised in the workgroup. The proposals were discussed by the Committee.

Concerns expressed during Committee discussion included the issues of SEO vs. shared SEO-local agency responsibility for specific actions; system sizing rationale used in the proposed regulation, and the concern that the regulations, as proposed, might restrict repair options for malfunctioning systems significantly as compared to the current regulation. The Committee in certain areas would like to see the basis of the changes to technical requirements. .

A draft cover letter was proposed. The committee discussed further distribution to persons in addition to the Secretary of the Department of Environmental Protection. Discussion was also made concerning future follow-up correspondence.

Mr. Mowery moved acceptance of the workgroup's comments and the forwarding of these to the Secretary as the Committee's comments on the proposed regulations. After, additional discussion, the motion was amended to add the sending of copies to each person in the Department chain of supervision extending from Mr. Joseph R. Powers, Executive Deputy Secretary and Ms. Cathy C. Myers, Deputy Secretary for Water Management to John Diehl, Chief Act 537 Management Section, Bureau of Water Standards and Facilities Regulation. Motion was passed without dissent.

### **New Business**

#### **Nominations for New Officers**

Mr. Mowery reported for the Nominating Committee. The Committee report is the same as last meeting. The Nominating Committee will produce a ballot would be distributed to the members prior to the next meeting to enable a vote to be the first item of business on March 12, 2008.

## **Last Meeting of the Citizen's Advisory Council**

Mr. Mowery reported on the recent meeting he attended of the Citizens Advisory Council. The members of the council appeared to be very interested in maintaining continuous communication with the SAC. Particular Council interest relates to new guidance documents and regulation changes. He reported Mr. Aunkst comments concerning projected timing of events concerning submission of proposed 25 Pa. Code 72a and proposed 25 Pa. Code 73a to the Environmental Quality Board and the release of draft guidance documents for public comment.

The Chairman reported her knowledge of Citizens Advisory Council efforts on a white paper concerning onlot systems. It mentions Broad Top Township's current efforts. The draft is on the Council's website. The Chairman offered to accept comments for consolidated submission from the members on the white paper prior to the third week of January 2008.

Mr. Wood made comments concerning the apparent lack of interaction between DEP staff, various stakeholders and the Committee. The Chairman responded in related remarks observing work group difficulties encountered due to the lack of information flow that affected the reviews of proposed 25 Pa. Code Chapter 72a and Chapter 73a. The Department's thinking concerning certain areas lacked a known foundation. In this context, possible Committee follow-up correspondence was discussed

Mr. Mowery moved that follow-up letter reinforcing the Committee's concerns be sent to the Secretary of the Department on the topic of proposed Chapter 72a, with copies to the wider distribution list used contained in the Committee guidance document follow-up letter. The letter should include a request for meeting of the Chairman and a few representatives of the Committee with the Secretary or her designee(s). After discussion, motion approved unanimously.

Discussion turned to consideration of the verbal reporting of Mr. Aunkst's apparent Chapter 71a timeline as outlined in his comments to the Citizen's Advisory Council meeting in mid-November 2007. This anticipated Department proposal of regulation 25 Pa. Code 71a would replace current 25 Pa. Code 71. The Committee discussed concerns about anticipated possible timing of requirements for submission of Committee comments to the Secretary of the Department. Discussion speculated as to arrangements that might allow meaningful review and timely action.

The last topic of discussion was the Chairman's suggestion that a group be formed to represent the Committee in any future meetings with the Secretary and/or other representatives of the Department. Consensus seemed accepting but left manning this group to the discretion of the chairperson.

Mr Klingler asked about the Department's response to the Committee's request for information on the status of the information from the Del-Val Research (October 22,

2007 letter to the Secretary). The Chairman reported there was no response from the Secretary.

### **Adjournment**

The meeting adjourned at 12:10 p.m.