

Commonwealth of Pennsylvania
Sewage Advisory Committee
Minutes of the Meeting
March 12, 2008

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 sixteen (16) organizations with voting members or alternates recorded as Present; twelve (12) organization's members (and/or 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 (▶)

	Member Alternate	Representing
▶	▶ 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
	Primary representative unnamed Sean Anderson	Department Of Community And Economic Development

▶	▶ 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.
▶	▶ Keith Klingler (No alternate)	Pennsylvania Landowners Association, Inc.
▶	▶ Anita Stabile Peter Slack	Pennsylvania Municipal Authorities Association
▶	▶ Charles R. Waddy ▶ Joe Valentine	Pennsylvania Onsite Wastewater Recycling Association, Inc.
▶	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

▶	Lester O. Houck ▶ James Wheeler	Pennsylvania State Association Of Township Supervisors
	Samuel M. D'Alessandro Charles B. Zwally	Pennsylvania Vacation Land Developers Association
▶	▶ 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
	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
	Other Attendees:	
	Scott Houser	Pennsylvania State Association Of Township Supervisors
	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
	Mark Brown	Pennsylvania House Committee on Environmental Resources and Energy (R)
	Brock Wanless	RING Industrial Group
	Ben Berteau	RING Industrial Group

	Kevin Callahan	Site Specific Design Inc.
	Jeff Rachlin	Pennsylvania Septage Management Association
	Jack Himes	Recycling Markets Technical Specialist, Pennsylvania Recycling Markets Center
	DEP Representatives	
	Ronald Furlan	Chief, Division of Planning and Permits, Bureau of Water Standards and Facilities Regulation
	John Diehl	Chief, Act 537 Management Section, Division of Planning and Permits, Bureau of Water Standards and Facilities Regulation
	Jim Novinger	Water Program Specialist, Act 537 Management, Division Of Planning And Permits
	John J. McHale, Jr.	Water Program Specialist, Act 537 Management, Division Of Planning And Permits
	Karen Fenchak	Water Program Specialist, Act 537 Management, Division Of Planning And Permits
	Dennis Wilson	Water Program Specialist, Act 537 Management, Division Of Planning And Permits
	Duke D. Adams	Executive Policy Specialist 2, Office of Policy and Communications

Meeting Opening

Barbara Brown, Chairperson, called the meeting to order at 10:35 a.m. in Room 105 of the Rachel Carson State Office Building. Meeting sign-in sheets were circulated and quorum was present.

Old Business

Acceptance of the Previous Minutes

Mr. Wood moved that the minutes be approved for the December 12, 2007 meeting. The Committee unanimously approved the motion.

Inquiries to the Chairman

Mr. Mowery inquired concerning whether a follow-up letter had been sent to the Secretary of Department of Environmental Protection concerning Chapter 72A as had been decided during the meeting of December 12, 2007. The Chair said that, due to subsequent discussions with DEP staff and other pending events, this had not been done.

Mr. Wood inquired concerning whether the Department, or anyone in the Department, had responded to any correspondence expressing current positions of the Committee. The Chair responded that the Department had not.

New Business

Election of New Officers

The nominating committee candidates list had been mailed to the members prior to the meeting. Joe Valentine, Pennsylvania Onsite Wastewater Recycling Association, Inc was nominated for Chairperson and Robert T. Wood, Pennsylvania Association of Realtors, was nominated for Vice Chairperson. The Chair opened the floor for nomination of additional candidates. After short discussion, nominations were closed without the proposal of additional candidates. The decision was made to elect the slate of candidates in nomination in a single vote. The nominated officers were elected.

After remarks from the outgoing Chairperson, the incoming Chairperson, Mr. Joe Valentine, assumed the Chair, thanked the outgoing Chairperson and Vice Chairperson for their efforts, and continued the conduct of the rest of the meeting.

Discussion of letter of Northwest Regional Roundtable of June 18, 2007.

Mr. Klinger related his experiences of abuses in his township in the DEP's Northwest Region. He asserted that DEP should take actions to prevent the types of abuses he experienced and as also described by the Roundtable.

- a. The point was made that non-adherence to the requirements of the Sunshine Law, the municipal codes and the processes as outlined in the regulations concerning expose the actions of both the municipality and DEP to private lawsuit. This not only may stop execution of plans and actions that may be abuses of power in themselves, but also exposes plans and actions that are otherwise environmentally necessary and required to roadblock and delay.
- b. The desire for characterization of malfunctions as to relative hazard was discussed.

- c. The point was raised that local officials control what the local SEO investigates in his estimation of the municipal need for sewers.
- d. Act 537 related public meeting notification procedures were criticized as insufficient to assure adequate and timely notice to the members of the public affected by planning that was proposed; in a cited instance the description of the areas affected were not accurate, the notice seemed not timely, the notice of the meeting was placed only in the legal notices of a local paper but not in other communications of the municipality, etc., but still the notice and local procedure was accepted by the Department as satisfactory.
- e. The point was raised that both the Department and the regulation are constrained by the provisions of the Act. Not everything that might be desirable to be done can be done.
- f. The consensus of the meeting was that the Department should be responding to letters such as this one.
- g. The Committee expects to revisit at least some of these issues when it makes comment on the expected proposal of the Department revising 25 Pa. Code 71.

Education of the Committee about its member organization.

The Pennsylvania Landowners Association distributed its brochure. Mr. Klinger made a short presentation on the general purposes and aims of his organization. This organization advocates for the rights of private property holders and the encouragement and continuance of governmental practices that preserve the holding of land by private individuals rather than government. Present concerns include current utilization of conservation land easements and the acquisition of land, currently held by individual landowners, by government and related public-interest conservancy groups. The organization has approximately 1200 members.

The Pennsylvania Onsite Wastewater Recycling Association (POWRA) presentation was made by Mr. Joe Valentine. The mission of POWRA is to promote sound watershed and smart growth principles by recycling wastewater on the land and in the soil. The organization has approximately 65 members who are primarily professionals in fields related to the organization's objectives. The organization sponsors seminars and symposiums that support needs of both its own members and a wider audience consisting of allied professionals and others who can make use of the topical information presented. POWRA is affiliated with the National Onsite Wastewater Recycling Association.

The following organizations were requested to make their educational presentations as part of the June 11, 2008 meeting:

- a. The Pennsylvania Bar Association
- b. The Governor's Policy Office
- c. The Pennsylvania Environmental Council, Inc

Discussion of current drafts of guidance and drafts of regulations presented to the Committee

Mr. Wood raised the issue of the practical fact that the members of the Committee and the staff of the Department have been working separately on the guidance documents already proposed. Would the Department revisit its thinking on this in the future? There had been no opportunity to meet or receive feedback prior to the publication of the guidances concerned.

Mr. Diehl responded that the staff is considering all comments as it continues work on the guidance documents and regulations. Mr. Furlan continued the response of the Department; acknowledged a “resource issue” as to staffing; observed that the Department appeared to have lost, through a process of unending negotiation, the ability to move guidance and regulation change actions forward “on to the street”; assured the Committee that while the Department may not agree with every comment, it is taking their comments seriously. The Department had a need to stop the incessant negotiation. The Department needs to publish its draft in the *Pennsylvania Bulletin*. This will probably generate even more comment to which the Department must respond. The process of publishing regulations in this area has been drawn out to become a five to ten year process; prior to “New Focus”, it was never as long as it is currently. Pre-“New Focus” there may have been insufficient opportunity for input from outside of the Department, but now, the gathering of input should not impede the orderly process of necessary updating and revision of guidance and regulation. The regulators in the field (the Department personnel and the municipal level Sewage Enforcement Officers) need guidance that addresses current issues. The Department needs to both continue input gathering and continue movement toward accomplishing these revisions.

Mrs. Brown raised the issue that the Committee had no source of information concerning what the Department’s thinking was on content of the regulations and guidances that were presented to it. Other members raised other related issues.

Mr. Furlan responded to these in a manner consistent with his previous comments.

Mr. Elliott, and others, expressed the desire to continue a process of collaboration with the Department to gain both the benefits of that process and to act as a supplement to the resources currently available to the Department. On all five documents the Committee has commented on in the last year what has been missing is both “dialogue” and adequate feedback concerning comment already received from the Committee.

Mr. Furlan and Mr. Adams confirmed that the Department will be publishing draft proposals without returning them for further review of the Committee.

Future Committee Consideration of revisions to 25 Pa. Code 71

Mr. Diehl indicated that the Department would be looking for the Committee's comments on the proposed revisions to 25 Pa. Code 71. The Committee should be receiving the draft of the revision (Chapter 71A) at its September 2008 meeting. Comment would be desired before the end of the year. The Department is expecting to present an overview of Chapter 71A at the Committee's June meeting.

Mr. Valentine expressed the likely need for workgroup meetings. After discussion, it appeared that it was likely that workgroup meetings would be scheduled in the fall to have comments ready for formal approval of the Committee at its November 2008 meeting.

Continuing Research and Development of Onlot Technology

Mr. Valentine inquired concerning both the status of research and development, including further work on the results of DelVal II. He also inquired concerning the availability of funding for onlot research and development.

Mr. Diehl responded that he believed some funding, on the order of \$15,000 was available for research and development. The Department is considering possible additional work at DelVal, though nothing specific is selected at this time.

Unlisted alternate technology question

Responding to an inquiry of Mr. Valentine, and other related comments, concerning a drip technology known as ACT WFS dispersal system for which the Department had issued a letter of functional equivalency to other treatment technology already classified as alternate technology; the Department confirmed, regardless of the issuance of such a letter, that all proposals for use of technology that was not described fully in the current Alternate System Guidance must be submitted by the local agency to the Department for its classification. This includes any technology for which an individual letter of equivalency to other technology already classified as alternate technology has been previously issued to a manufacturer or distributor. This will remain a requirement until information relevant to such technology is incorporated into Department guidance documents.

Public Comments

In response to an inquiry by Kevin Callahan, it was clarified that the previous item concerning unlisted alternate technology was based on a copy of a DEP letter circulated by PASEO to its members. There was further confirmation that individual proposals will need to be submitted to DEP Central Office for classification.

Grant Gulibon asked for clarification of the timeline for Chapter 71 revision.

Tom Ashton commented that DEP needs to get a better information flow to all SEOs concerning its decisions relative to treatment technologies. Also, that DEP, as it tries to depart from approval of proprietary systems, must come up with standards. The technology must be demonstrated. These demonstration efforts had occurred in the past. Otherwise, the industry is [except for NSF standards for aerobic units} unregulated and the Department is relying on pocket claims and unverified data.

Adjournment

The Chair asked for a motion to adjourn. Ms. Brown moved that the meeting adjourn. After second by Mr. Wheeler, the Chair, hearing no nay, adjourned the meeting. The meeting adjourned at 12:17 p.m.