

Draft Proposed Rulemaking Presented to the Sewage Advisory Committee

Bureau of Clean Water
April 16, 2025





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Environmental Protection

Program Background and Overview

- DEP's regulations at 25 Pa. Code Chapters 71-73 govern the implementation of DEP's Sewage Facilities Planning Program, which implements provisions of the [Pennsylvania Sewage Facilities Act](#) (SFA), also known as Act 537 of 1966.
- Within DEP's Sewage Facilities Planning Program, Chapter 71 covers the planning elements, Chapter 72 covers the permitting elements, and Chapter 73 covers standards for onlot sewage treatment facilities.
- These chapters of DEP's regulations have not been substantively updated in more than 25 years – the last comprehensive update to these regulations was finalized in November 1997.



Program Background and Overview

Section 3 of the SFA specifically identifies the following goals, all of which DEP is seeking to advance through this rulemaking:

- To protect the public health, safety and welfare of its citizens.
- To promote intermunicipal cooperation in the implementation and administration of plans by local government.
- To prevent and eliminate pollution of waters of the Commonwealth.
- To provide for the issuance of permits for onlot sewage disposal systems by local government in accordance with uniform standards.



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Program Background and Overview

Section 3 of the SFA specifically identifies the following goals, all of which DEP is seeking to advance through this rulemaking (continued):

- To provide for and ensure a high degree of technical competency within local government in the administration of this act.
- To encourage the use of the best available technology for on-site sewage disposal systems.
- To ensure the rights of citizens on matters of sewage disposal as they may relate to this act and the Constitution of this Commonwealth.



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Introduction

- Chapters 71, 72, and 73 have not been revised in over 25 years.
- New land development (creation of lots) on shallow limiting zone soils is a key issue that the regulatory revisions for Chapters 71, 72, and 73 aim to address.



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SAC Engagement

- We expect significant engagement from SAC on these regs.
- Stakeholder engagement is an important part of the regulatory development process.
- This engagement allows us to gather valuable perspectives about the proposed language early in the rulemaking process so that we can work through issues with the people it will impact in an open and transparent manner.



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Goals of This Rulemaking

- Proactive municipal planning
 - Municipal planning for sewage facilities should be proactive rather than reactive.
 - Periodic review and updates to municipal Official Plans allow municipalities and DEP to better understand the status of sewage disposal and existing needs.
 - Approximately 2/3 of all Official Plans are over 20 years old. Many municipalities are in need of planning updates to adequately uphold their sewage facilities planning obligations.



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Goals of This Rulemaking

- Simplifying sewage planning
 - Developers, homeowners, municipalities, local agencies, and SEOs often remark that sewage planning is too complex.
 - Although some of this complexity comes from the requirements from the SFA, where possible, DEP is aiming to make the planning process easier to understand and more streamlined through these regulatory amendments.



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Goals of This Rulemaking

- Onlot sewage disposal as a long-term solution
 - Historically, onlot sewage disposal had been thought of as a temporary means of sewage disposal –until extending public sewers became more practical and/or more economical.
 - With these regulatory revisions, DEP is focused on ensuring that the updates to onlot system standards are appropriate for the long-term use of onlot disposal as an option.



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Goals of This Rulemaking

- Providing flexibility in onlot permitting to SEOs and local agencies
 - The current regulations provide some flexibility to permit onlot systems on sites that have certain siting limitations.
 - The revised regulations are intended to carry this idea forward and expand upon the existing flexibility to address these challenging situations.



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Goals of This Rulemaking

- Updating standards for onlot systems (Chapter 73)
 - DEP has focused these revisions on adding standards and technologies.
 - This is intended to recognize systems that can be sited on shallow limiting zone soils.



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Highlights For All Chapters

- Providing new and revised definitions
- Restructuring for easier readability
- Many long paragraphs have been broken down into bulleted items
- Providing clarity for gray areas identified over the years



Chapter 71 Highlights

- New Section for Exemptions
- Requirements for municipal official plan review every 10 years
- Requirements for primary and replacement disposal areas



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Chapter 72 Highlights

- Provides breakdown of types of systems for the issuance of permits, General, Conventional, Alternate, and IRSIS to provide additional clarity
- New section for correction of malfunctions
- Creates a permit variance



Chapter 73 Highlights

- Requires a minimum of 2 soil probes on opposite ends of absorption area
- Requirements for the number of percolation holes
- Includes morphological investigations for siting systems
- Onlot sewage system treatment performance standards



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Chapter 73 Highlights

- Sizing based on soil morphology
- New technologies
- System maintenance requirements



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Next Steps:

- Workgroups? By Chapter?
- How often do we/you need to meet?
- DEP involvement?
- Work together to develop a timeline.
- How comments will be submitted?



Get In Touch

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The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water resources and to provide for the health and safety of its residents and visitors, consistent with the rights and duties established under the Environmental Rights Amendment (Article 1, Section 27 of the Pennsylvania Constitution).