

CAC Comments

5/13/2025

My name is Jeff Miller. I have a masters degree in Water Resources Engineering and have been certified as a Sewage Enforcement Officer since 1975 with a certification number of 00064. I want to offer the following comments:

1. New regulation proprot to allow for more options in citing on lot systems, indeed the power point presented to the sewage advisory board by DEP stated as much.
2. New regulations do the exact opposite.
3. Use of alternate systems was curtailed by the 2005 memo issued by Dana Aunskt on his last day of employment where he indicated Alternate systems could not be used for planning if those alternate systems did not require a passing percolation test
4. Ch 71 §71.51 (b) (v) only requires two permittable systems are required for exceptions. It does not specify between conventional and alternate
5. Many alternate systems have been approved in Pa. Their technology approval number starts with the year of approval. The current drip approval goes to 2010 but its approval goes back further, to a demonstration project funded by DEP at Delaware Valley College in 1996! Eljen to 2015.
6. 2017 Act 26 approved. This act provided that alternate systems could be utilized in planning approvals and allow for dep to develop a standardized alt tech testing procedure.
7. DEP refused to allow those alt tech where a perc test was not required stating that they need to change their rules. I never knew that the dep rules superseded an act of the legislature. Little to no DEP further action except to work on the approval protocol TVP protocol which required testing of 6 different locations throughout the state regardless whether that tech was used in the surrounding states; the process was cost prohibitive for technology providers.
8. I have not heard that there is huge number of reported malfunctions of these alternate system technologies throughout Pa. I personally have designed hundreds of drip and micromound systems and am not aware of any malfunction.
9. PA is a member of the Chesapeake bay group where performance data from various on lot systems is to be shared.
10. 2020 PASEO conf, a rep from MDE is that speaking to their nitrogen strategy. Offers to share data with DEP. All dep need to do is ask. They did never asked.
11. 2020 Act 34 passed after DEP refusal to recognize alternate systems in planning approval. Act 34 remove some of the department discretion found in act 26, it was mor of a “you will” to DEP.
12. As of this meeting DEP has not allowed the use of alternate systems that do not require percolation tests to be used for planning

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13. The proposed regulations do not reclassify any of the current alternate systems to conventional systems, a process that was mandated in both acts 26 and 34
14. The draft regulations require that alternate system permit be issued by DEP and allow for a 45 day review period. Can DEP handle this work load as they indicate they are over taxed now.
15. I believe read that alternate system installations will require the installation of monitoring wells., why?
16. Alternate system installations require an easement in favor of DEP allowing for DEP unfettered access to the property for the inspection and evaluation of the system at any time. There is no reasonable time provision just any time without notice. People should not have to give up their 5th amendment rights under the US constitution just so DEP can continue its never ending research project.
17. The current alternate technologies have been in use for many years. The approvals date from 2012 to 2022 with no new approvals since 2022.
18. Where are the bodies? If these systems do not work why are they still on the approved list? If they do work why, as required by Acts 26 & 34 have then not been converted to conventional systems? Why this endless research project on Alternate systems.
19. Who would consider an alternate system knowing you need to grant unfettered access to your property to DEP and drill a monitoring well that will require sampling?
20. Indeed, do the so called conventional systems work as well as the systems listed in the alternate system listing? Why do they not require the access easement, or monitoring as well?
21. My quick read of the pre-draft regulations suggest that going forward, planning approvals will be technology specific by lot in a subdivision and should you want to change technologies, like going from a sand mound to drip irrigation, you would need to submit a new planning module.
22. The governor ran on a platform of making the state more business friendly.
23. The pre-draft regulations require that DEP be provided a 10-day notice of all soil testing, not just soil testing for subdivisions. This will be a huge hardship and cause additional delays.
24. The pre-draft regulations are reducing the requirements for public notice and preliminary hydrogeologic studies from 50 new lots to 25 new lots. Why, aren't the current safeguards sufficient?
25. The news reported this morning that Saudi Arabia can construct new city in 18 months. It can take over 18 months just to obtain Planning Module approval in Pa. and then there is the permitting process
26. Finally, DEP is also looking to revise its stormwater regulations. Pa is the only state in the region requiring an NPDES stormwater permit for projects between one and 5

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acres. An individual SW permit in a special protection watershed can take an year for approval. That is a year delay to build your house. Worse there is no coordination between the septic system and stormwater programs. They often have differing isolation requirements that causes confusion and delays including delay in planning module approvals.

27. I would be happy to speak with any member of the CAS to discuss these issues further.