

**Commonwealth of Pennsylvania
Sewage Advisory Committee
Minutes of the Meeting
March 23, 2017**

VOTING MEMBERS OR ALTERNATES PRESENT

Duane Mowery, Chairman, Pennsylvania Water Environment Association
John Wagman, American Society of Civil Engineers
Scott Russell, P.E., American Water Works Association (PA Section)
Sandra Orth, Department of Community and Economic Development
Jessica Shirley, Governor's Policy Office
Bruce Willman, Pennsylvania Association of Professional Soil Scientists
Robert Wood, Pennsylvania Association of Realtors
Chris Wood, Pennsylvania Association of Sewage Enforcement Officers
Martin Siegel, alternate for Andrew Bockis, Pennsylvania Bar Association
John Gigliotti, Pennsylvania Builders Association
Wayne Schutz, Pennsylvania Municipal Authorities Association
Gregory Marshall, Pennsylvania Onsite Wastewater Recycling Association
Joe Valentine, Pennsylvania Septage Management Association
Keith Heigle, Pennsylvania Society of Land Surveyors
Commissioner Ginnie Anderson Kane, Pennsylvania Association of Township Commissioners

MEMBERS OF THE PUBLIC PRESENT

John Peffer, Montgomery County Health Department
Larry Earney, Infiltrator Water Technician
Tom Ashton, American Manufacturing Company
Lori Books, North Lebanon Township
John Diehl, citizen
Mark Mills, alternate, Pennsylvania Association of Professional Soil Scientists
Adam Browning, alternate, Pennsylvania Onsite Wastewater Recycling Association
Jeff Rachlin, alternate, Pennsylvania Septage Management Association

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT

Secretary Patrick McDonnell
Lee McDonnell, Director, Bureau of Clean Water (BCW)
Jay Patel, Environmental Group Manager, Division of Municipal Facilities, BCW
Brian Schlauderaff, Chief, Planning Section, Division of Municipal Facilities, BCW
Janice Vollero, Water Program Specialist, Planning Section, Div. of Municipal Facilities, BCW
Nick Hong, Environmental Engineering Specialist, Southcentral Regional Office
Kathering Hetherington Cunfer, Acting Executive Director Citizens Advisory Council (CAC)
Hayley Jeffords, Executive Policy Specialist

CALL TO ORDER AND APPROVAL OF MINUTES

The meeting was called to order by Chairman Duane Mowery at 10:32 am in Room 105 of the Rachel Carson State Office Building. A quorum was present.

DEP Secretary Greeting

DEP Secretary Patrick McDonnell was present to greet the members of SAC. He voiced his appreciation for all advisory groups and the advisory group process, stating that he was working on making the public information process better. He entertained comments and questions. He voiced his understanding of the frustration of the members with the need for Chapter 71, 72 and 73 regulation changes and explained the many resource constraints in the program and across the Department. He also responded to a concern about EPA cutting funding for the Chesapeake Bay and hence, funding to townships, by explaining that DEP sent a letter to EPA voicing this same concern. The Secretary offered to share this letter with SAC. Before departing, he thanked the members for their effort, sacrifice, hard work and experience.

SAC Appointments

DEP SAC liaison, Janice Vollero, mentioned that appointment letters went out to all organizations on SAC that have submitted their member and alternate member choices for the 2017 – 2019 term. However, three (3) organizations did not submit any nominees – American Society of Civil Engineers, Department of Community and Economic Development and the Pennsylvania Land Owners Association, Inc. She requested that anyone here from these three (3) organizations should take this information back to their organization to see if it was an oversight. If it was an oversight they should contact Ms. Vollero immediately with their nominations.

Availability of Draft Minutes

Chairman Mowery mentioned that he requested draft meeting minutes be made available to the SAC members shortly after the meetings instead of prior to the next meeting, since sometimes there is a year between meetings. He read DEP's email response stating that draft minutes must first be approved by legal and policy as part of a package for the next meeting; the information is distributed to the members within two (2) weeks of the upcoming meeting and there will not be a deviation from that process.

The Committee considered its first item of business – the approval of the March 22, 2016 meeting minutes. Chairman Mowery requested a correction.

Motion: Ginnie Kane Anderson made a motion to adopt the March 22, 2016, SAC meeting minutes with corrections. Wayne Schutz seconded the motion, which was unanimously approved by the Committee.

REORGANIZATION OF BCW AND NEW ACT 537 STAFF

The BCW was reorganized at the end of 2016. The Division of Planning and Permitting is now renamed the Division of Municipal Facilities; Jay Patel is the Division Chief, replacing Ron Furlan, who retired in June. Brian Schlauderaff is the Planning Chief, replacing John Diehl, who also retired in June.

SAC CHAIRPERSON AND VICE CHAIRPERSON

Chairman Mowery stated that he called for a nominating committee to nominate people for the chairperson and vice chairperson positions with the intention of voting on this today, but no vote was

taken. The bylaws state that the members who hold these positions remain in that position until there is an election. Chairman Mowery asked for a nominating committee so that nominees can be chosen and voted on at the September meeting. John Gigliotti, John Wagman and Wayne Schutz offered to comprise the committee. Chairman Mowery asked them to give the names they choose to Janice Vollero for dissemination to the group prior to the September meeting.

SAC BYLAWS

At the previous meeting, SAC requested the Department seek a legal opinion on the inclusion or complete removal of the list of organizations that comprise the Committee. Bill Cummings, DEP council, provided that opinion and Chairman Mowery distributed it to the members prior to this meeting. Attorney Cummings's opinion is that the Bylaws should contain some reference to the constitution of the membership according to Section 4 of the Act, in other words name the organizations, but there is no need to list members appointed from those organizations.

The composition of the Committee contains other organizations, approved by the Department Secretary, that are not listed in the Act. These organizations voiced concern that if they were not included in the Bylaws, they would lose their voice. Jessica Shirley brought it to everyone's attention that membership lists are not in other advisory committee bylaws but rather displayed on the advisory committee's webpage, as is SAC's membership. The Committee would like to put it on record that they recognize these other groups beyond the groups stated in the Act.

Motion: John Gigliotti made a motion that the bylaws will merely refer to a list that the Department maintains and to remove the language that refers to the Act. Chris Wood seconded the motion, which was unanimously approved by the Committee. Bylaws will be completed and put into effect.

DEP GUIDANCE ON THE USE OF ALTERNATES FOR NEW LAND DEVELOPMENT

In January, Chairman Mowery asked Mr. Patel to explain the Department's position on using alternate systems in planning. Mr. Patel's response was distributed to all members prior to this meeting. Several members brought concerns to the Department's attention and Mr. Patel promised to get clarification on these points:

- Drip irrigation systems do not need percolation testing to site them according to the alternate listing, but percolation testing must be done to show general site suitability. So on 20" of soil, you must perform a useless perc test in order to get approval for a drip system. Can drip be used in planning without a perc test?
- Drip systems can be used on slopes up to 25%, but sand mounds can only be sited on slopes up to 15%. If you propose a drip system and you must do a perc test, are you limited to 15% slope because that is the limit for sand mounds in the regulations?
- Can you use alternate systems as replacement systems for residual tracts or must the developer use a residual tract waiver?

Mr. Patel further clarified that shallow limiting zone systems can be used as replacement systems and the definition of "permissible" is any Chapter 73 system.

STATUS OF PROPOSED DRAFT REGULATIONS - CHAPTERS 71a, 72a, AND 73a

Mr. Patel explained that the Planning Section is actively working on the regulation changes, using the draft Chapters 71a, 72a and 73a and considering all relevant comments and suggestions from the past

SAC workgroups. The Planning Section is most of the way through Chapter 71. Chairman Mowery asked for a time line commitment from the Department. Jessica Shirley said DEP can have drafts of the regulations ready for the September SAC meeting and further committed to developing a time line with the program and emailing it out to SAC within a few days.

GEOHERMAL WELL ISOLATION DISTANCE TO SEPTIC SYSTEMS

Greg Marshall presented information on potential horizontal isolation distances between septic systems and geothermal wells. Currently, the regulations do not have a horizontal isolation distance for this situation and the Department does not have any guidance related to this. These wells can be a conduit for sewage to enter the groundwater. Health Departments have been successful in requiring horizontal isolation distances between geothermal wells and septic systems. SAC offered to put a subcommittee together to make a recommendation on this issue to the Department. Mr. Patel believes the information would be useful for our rewrite of the regulations and would welcome any recommendations and rationale for them. Chris Wood wanted to put it on record that this is a complex issue and should be looked at with a holistic approach, because these wells are usually dug after a subdivision is recorded and an isolation distance will affect other properties as well as the property the well is being constructed on. There was no motion to create a subcommittee at this time.

NSF 350 SUBCOMMITTEE RECOMMENDATION

SAC had a subcommittee meeting in May 2016 to develop a recommendation to the Department regarding the use of NSF 350 for approving new technologies for onlot sewage disposal systems. NSF 350 is a reuse standard and much stricter than NSF 40. Nick Hong explained that the basis to use NSF 350 was to establish a formal definition for advanced treatment. The subcommittee's recommendation was distributed (attached to these minutes) and discussed by Greg Marshall. The subcommittee proposed not using NSF 350 as it is, but rather use parts of the standard. Chairman Mowery wanted everyone to understand that it was not a unanimous vote for this recommendation from the subcommittee. He further stated that if the Committee approves this recommendation, it would be a significant philosophical change to allow technologies that have no fail-safe post filter as part of their design, and if the Committee approves it, the Committee is doing so knowingly. Members requested more time to research this concept before voting on the recommendation.

Motion: Chris Wood made a motion to table the vote until the next SAC meeting. Ginnie Kane Anderson seconded the motion, motion carried.

John Gigliotti asked Mr. Patel if the Department could give the Committee feedback on where we stand on using NSF 350 prior to the September SAC meeting. Mr. Patel agreed.

PUBLIC PARTICIPATION

Mark Mills, soil scientist from the Harrisburg area, voiced his frustrations with not being able to use alternate systems for new land development. He claimed that the site testing necessary for these systems is so much more robust than the testing to show general site suitability that it doesn't make sense.

Tom Ashton, environmental health specialist and soil scientist, American Manufacturing, stated that other states are putting geothermal well isolation distances to septic systems in their regulations. He

also made a point that advanced pretreatment onlot sewage disposal systems for single family residences are deemed to comply that they will perform to some sort of expectation consistently and that is different than compliance monitoring.

NEXT MEETING

The next meeting of the Sewage Advisory Committee is planned for Wednesday, September 13, 2017, at 10:30 a.m. in Room 105 of the Rachel Carson State Office Building.

ADJOURN

Bob Wood moved to adjourn the meeting.

Keith Heigle seconded the motion, which was unanimously approved by the Committee.

The March 23, 2017, meeting of the Committee was adjourned at 12:50 p.m.