

BYLAWS OF THE PENNSYLVANIA SEWAGE ADVISORY COMMITTEE

AMENDED

SEPTEMBER 18, 1996

MARCH 30, 2005

OCTOBER 5, 2005

Bylaws
The Pennsylvania Sewage Advisory Committee

AUTHORIZATION:

Section 4 of the Act of January 24, 1996, P.L. 1535 as amended, the Pennsylvania Sewage Facilities Act

Advisory Committee – An advisory committee shall be appointed within three months of the passage of this act and biennially thereafter, membership which shall be composed of one representative from the following organizations, the name of said representative to be submitted to the secretary of the Department of Environmental Protection, hereafter the Department, within ten days of receipt of request for same: Pennsylvania State Association of Township Supervisors, Pennsylvania State Association of Boroughs, Pennsylvania League of Cities and Municipalities, Pennsylvania State Association of Township Commissioners, Pennsylvania State Association of County Commissioners, Pennsylvania Association of Plumbing, Heating, and Cooling, Contractors, Inc., Pennsylvania Society of Professional Engineers, Mortgage Bankers Association, Pennsylvania Builders Association, Pennsylvania Society of Architects, Local Health Agencies, The Pennsylvania State University, Pennsylvania Municipal Authorities Association, Pennsylvania Section of the American Water Works Association, Water Pollution Control Association of Pennsylvania, American Society of Civil Engineers, Pennsylvania Environmental Health Association, USDA Rural Development, Consulting Engineers Council of Pennsylvania, National Association of Water Companies, Pennsylvania Vacation Land Developers Association, United States Department of Housing and Urban Development, Governor’s Policy Office, Department of Community and Economic Development, American Planning Association, General Contractors Association of Pennsylvania, Pennsylvania Environmental Council, Inc., Pennsylvania Bar Association, Pennsylvania Association of Realtors, Pennsylvania Association of Sewage Enforcement Officers, Pennsylvania Landowners Association, Inc., Pennsylvania Society of Land Surveyors, and such other organizations having a direct interest in the area of water and sewage as the Secretary deems necessary.

1. PURPOSE

The committee shall have the opportunity to review proposed rules, regulations, standards and procedures and shall review existing rules, regulations, standards and procedures of the Department pursuant to this Act. This will afford the regulated community and stakeholders the opportunity to participate in the development of such documents. The recommendations of the advisory committee shall be submitted to the Secretary who shall give due consideration to the same.

2. MEMBERS

- a. The members of the committee shall be appointed by their member organizations in writing to the Secretary and Chairperson for a two-year term.

- b. Should a committee member resign from his/her appointment, the member organization shall designate a new member to complete the unexpired term.
- c. Committee members shall not receive any compensation for their services but shall be reimbursed by the Department for their actual and necessary travel and subsistence expenses incurred in the performance of their duties.

3. ALTERNATES

- a. The alternate members of the committee shall be appointed by their member organization in writing to the Secretary and Chairperson for a two-year term.
- b. In the event that a committee member cannot attend a scheduled business meeting, he shall arrange with his/her organization for his duly appointed alternate to serve in his absence.
- c. Alternates shall be appointed for a two-year term and shall not receive any compensation from the Department for their services but shall be reimbursed for their actual and necessary travel and subsistence expenses incurred in the performance of their duties when attending in the absence of a member.
- d. While serving in the absence of an appointed committee member, said alternate shall have the authority to perform the duties and exercise the powers of the appointed member and shall be entitled to one vote in person on all matters as shall come before the committee.

4. OFFICERS

- a. The officers of the committee shall be a Chairperson, Vice-Chairperson, and such other officers as the committee may from time to time elect.
- b. It shall be the duty of the Chairperson to preside at all meetings of the committee, call special meetings, appoint subcommittee Chairpersons with the consent of the committee, and perform such other duties as pertain to the office.
- c. It shall be the duty of the Vice-Chairperson to perform the duties of the Chairperson in the absence of that Chairperson, and assist the Chairperson in the performance of such duties as may be assigned by the Chairperson.

5. DEPARTMENT RESPONSIBILITIES

The responsibility of the Department is to provide program and administrative support to the committee. This support includes framing issues for the committee and providing the necessary information for committee discussions; assisting in the development of agendas and meeting schedules; providing input into organization nominees for the committee. Administrative support includes transcribing, mailing and maintaining a permanent

record of meeting minutes, mailing agendas and materials to committee members prior to meetings, posting agendas, handouts and meeting minutes on the DEP World Wide Web site, and the review and approval of travel and subsistence expenses for committee members.

With respect to the development of regulations, the Department will provide timely briefings and consult with the appropriate advisory committee on regulations prior to Environmental Quality Board (EQB) consideration. For proposed regulations, the Department will involve the committee early in the drafting stage of proposed regulations. For final regulations, the Department will report to the committee on the extent and nature of comments and involve the committee in decisions to use the Advance Notice of Final Rulemaking procedure or to proceed with regulatory negotiation.

The Department will provide catered lunches when it is anticipated that the meeting will extend beyond 1 p.m.

6. ELECTION AND TERMS OF OFFICE

- a. The officers of the committee shall be elected by ballot at the regular meeting of the committee specified for that purpose in the bylaws, and shall hold office for a term of two years or until successors are elected.
- b. Prior to the end of the year preceding a required election, the Chairperson shall appoint a nominating committee of three members from the committee who shall prepare a list of nominations for the offices of Chairperson and Vice-Chairperson. The consent of the candidates named must be obtained before the nominations are presented. The name of those nominees by office shall be distributed to all members of the committee at least two weeks prior to election. Additional nominations to either office may also be made from the floor at the time of the election.
- c. In the event that there is no election due to the lack of a quorum, election of officers may take place by mail ballot, and existing officers will continue to serve until the results of that ballot are known. Prior to mailing election ballots, the Nominating Committee should by mail give each member the opportunity to nominate additional members for office. If a member receives two or more nominations, his or her name shall be placed on the mail ballot. The consent of all nominees must be obtained before placing their names on the ballot. The Chairperson of the Nominating Committee shall present the slate of nominees to the Chairperson, who shall instruct the Department to prepare a mail ballot containing the names of the nominees and to mail the same to all appointed members. The Chairperson shall set the date for the return and counting of the mail ballots.

7. MEETINGS

a. The committee Chairperson shall meet at least two times a year and at all other times at the call of the Chairperson. One meeting shall be held in mid-March every second year for the purpose of electing officers for the following year. A second meeting shall be held in November unless a different meeting schedule is determined to be necessary by the Chairperson.

1) A schedule of meetings should be a joint decision between the advisory committee officers and the Department. Considerations include statutory mandates, number, variety and complexity of issues facing the committee and the availability and amount of program support provided by the Department.

2) Notice of advisory committee meetings will follow requirements of Management Directive 250.1 Amended and the Department's Directive on Sunshine Act Meeting Notices.

A schedule of meetings for each calendar year shall be submitted in December on Form STD-5, as revised, titled The Sunshine Act Meeting Notices, to the Office of Administration, Bureau of Management Services (BMS) and to the Department's Office of Policy and Communications.

b. Upon receipt of a written request for a meeting from at least one-third of the members, the Chairperson shall, within two weeks of receipt of the request, schedule a meeting of the committee for the purpose of conducting the business of the committee.

c. One third of the members appointed to the committee shall constitute a quorum. A quorum for the purposes of voting shall be determined by the number of members present at the beginning of the meeting. The vote of members present at the beginning of the meeting but absent during a vote shall be tallied as "present, but not voting."

8. SUBCOMMITTEES

The Chairperson shall appoint such subcommittees as deemed necessary by the committee in order to carry out its duties and responsibilities. The Chairperson shall appoint the Chairperson of each subcommittee. Subcommittees shall make recommendations to the full committee for its consideration and action.

9. PARTICIPATION BY NON-MEMBERS

When non-members of the committee want to be included on a meeting agenda, they shall be required to submit a request to the Chairperson with a copy to the Department at least three weeks prior to the meeting. Such participation shall be limited to individuals

whose interests are not represented by organizations currently on the committee. Participation shall be limited to a 10-minute segment per participant scheduled for the end of each meeting as “public participation.”

10. AMENDMENTS

These bylaws may be amended, repealed or suspended at any meeting of the committee by two-thirds vote of the members of the committee present at the meeting, provided that written notice of such amendment or repeal shall have been sent by the Department on behalf of the committee to each member at least two weeks prior to said meeting.

11. PARLIAMENTARY AUTHORITY

On items not covered by these bylaws, Robert’s Rules of Order shall be the final authority.