



Bureau of Clean Water

Amendment of the Sewage Facilities Act – Act 34 of 2020

Sewage Advisory Committee Meeting
February 23, 2021

Tom Wolf, Governor

Patrick McDonnell, Secretary

Agenda for Act 34 Discussion

- Act 34 of 2020
- Sewage Planning Implications
- New and Existing Alternate On-lot System Classification
- Timeline for Moving Forward

Act 34 of 2020

- Sewage Facilities Act Planning Requirements
 - Section 5 of the SFA

- Act 34 of 2020 amended Section 5(c.1) and Section 5(c.2) of the SFA
 - Both sections were added to the SFA by Act 26 of 2017

Act 34 of 2020

Section 5. Official Plans.--* * *

(c.1) When proposing [a plan supplement or plan revision for] a new land development, the applicant may submit and the department shall accept, for the purpose of satisfying general site suitability requirements, any conventional **sewage system** or alternate [on-lot] **sewage** system [permittable by a sewage enforcement officer] **that meets site conditions present at the proposed new land development.**

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[(c.2) (1) Within one hundred eighty days of the effective date of this subsection, the department shall, in consultation with the advisory committee, develop scientific, technical and field testing standards upon which an evaluation of each on-lot sewage system that has been classified as an alternate system in accordance with 25 Pa. Code § 73.72 (relating to alternate sewage systems) shall be based.

(2) The department shall, in consultation with the advisory committee, review the scientific, technical and field testing data for each individual on-lot sewage system and each community on-lot sewage system that is classified as an alternate on-lot sewage system.

(3) If, based on the review specified in paragraph (2), the department determines that there is sufficient scientific, technical and field testing data to reclassify an alternate system as a conventional system, the department shall reclassify the alternate system as a conventional system.

(4) If, based on the review specified in paragraph (2), the department determines that there is insufficient or inadequate scientific, technical or field testing data to continue classifying the on-lot sewage system as an alternate system, the department may undertake a rulemaking to remove the system's classification as an alternate system.]

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- **Governor's signing statement** (SB 1030 of 2020)
 - three key goals identified in Section 3 of the SFA:
 - (1) Protecting public health, safety, and welfare through the development and implementation of plans for the sanitary disposal of sewage;
 - (2) Preventing and eliminating pollution of waters of the Commonwealth by coordinating planning for the sanitary disposal of sewage wastes with a comprehensive program of water quality management.
 - (3) Encouraging the use of the best available technology for on-site sewage disposal systems.

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- **Governor's signing statement** (SB 1030 of 2020)
 - Enactment of SB 1030 removed provisions related to scientific, technical, and field-testing standards for the evaluation of alternate on-lot sewage systems, but does not remove obligations DEP maintains under the SFA and the Clean Streams Law to ensure that sewage facilities plans, and sewage treatment technologies protect public health and the waters of the Commonwealth.

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- **Governor's signing statement** (SB 1030 of 2020)
 - As amended, Section 5(c.1) of the SFA allows for the use of conventional and alternate on-lot systems on sites that meet general site suitability, which is currently set forth in 25 Pa. Code § 71.62.
 - Proposals for new land development must establish that site conditions allow for safe and effective treatment and disposal of sewage on the proposed lots.

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- Amendments to Section 5(c.1) seek to provide for the use of alternate systems in planning for new land development
- Other provisions of the SFA and the Clean Streams Law require DEP to ensure that sewage plans and treatment technologies protect public health and the environment
- Site suitability is defined in the regulations, but the current definition only contemplated conventional systems
- To implement the goals of Act 34 of 2020, a rulemaking will be needed to add site suitability provisions for alternate systems

Act 34 of 2020 – Planning

- Plan Revision Exemptions
- Exceptions to the Requirement to Revise
- On-lot sewage planning guidance
- FAQ

Act 34 – OATs

- On-lot Alternate Technologies (OATs)
- Alternate Systems Classification
- Existing Alternates will maintain classification
- Importance of Alternate Classifications
- Shallow limiting zone systems only for repair
- TVP – What's Next for the TVP?

Act 34 – Summary

- GSS met = Conventional or Alternates in planning
- No SLZ systems during planning
- Exemptions and Exceptions require GSS
- Existing classified alternates remain classified
- TVP
- Effective date is today

Act 34 – Moving Forward

- Update Sewage Planning TGD
- Develop FAQ
- Update Regulations



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