

Updates to Draft Proposed Rulemaking Chapters 71, 72, and 73

Sewage Advisory Committee Meeting
September 30, 2026





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SAC Background

- 3 Workgroup meetings
 - Ch 71 and 72
 - June and July 2025
- 7 Ad hoc committee meetings
 - Oct and Nov 2025
- 11 public meetings
 - July through Dec 2025
- SAC official comment letter
 - Received January 29, 2026



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Stakeholder Background

- Comments received from
 - Premier Tech
 - Infiltrator
 - Eljen
 - Norweco
 - Sludgehammer
 - Monarch
 - American Manufacturing Company
 - Pennsylvania Aggregates and Concrete Assoc



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January 2026 – Ongoing

- Reviewing all comments
- Researching
- Considering and making revisions
- Developing all the pieces of the proposed rulemaking package



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Have any revisions been made?

- Revisions have been made to all 3 chapters
- Revisions made per SAC and other stakeholder comments
- Continue to revise as necessary

DEP's Mission

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).

We will work as partners with individuals, organizations, governments, and businesses to conserve and restore our natural resources and to address all current and future environmental challenges including climate change and environmental justice.



Goals of these regulation revisions



- Proactive municipal planning
- Provide options for on-lot sewage disposal for long-term use
- Update standards for on-lot systems
- Protect public health, the environment, and property values
- Simplifying sewage planning
- Providing permitting flexibility to SEOs and local agencies to address malfunctioning systems and on existing lot that have site challenges



Chapter 71 - Administration of Sewage Facilities Planning

SAC Comment	Proposed Change
Interagency coordination between health departments, application of 10-year plan review	Updates to multiple sections on coordination
Lot line revisions, lot consolidations, “side-lot” ambiguity	Amendments to clarify planning requirements and remove ambiguity
Use of portable restroom trailers/chemical toilets	Temporary use of portable restroom trailers and chemical toilets - Need long-term sewage disposal for proposed flows



Chapter 71 - Administration of Sewage Facilities Planning Sewage Management Programs

SAC Comment	Proposed Change
SMPs and permits for holding tanks for abating a malfunction	SMP is not required for holding tanks abating malfunctions
General confusion	Revisited Subchapter E entirely to ensure clarity
Roles and responsibilities	Agreements required
Inspections every 3 years, how to fund	Retained, fee schedules



Chapter 72 – Administration of Sewage Facilities Permitting

SAC Comment	Proposed Change
Definition of malfunctioning on-lot sewage system	Propose to identify failing conditions and define partially treated sewage. Removed language about cesspools and pre-regulatory systems. Revised seven or more consecutive days of saturated conditions to saturated conditions in aggregate bed of absorption area above distribution pipe for at least two consecutive days.
Adding duties to SEOs	Removed requirement to stake out all systems
Remove decommissioning permit requirement	Decommission permit removed
Missing timelines for applicants to submit missing information	Added 30 days to submit information
Need for standard final inspection form, remove photos/videos as option	Form will be included in package, removed photos/videos as option



Chapter 72 - Administration of Sewage Facilities Permitting Permit Variance

SAC Comment	Proposed Change
Did not provide adequate flexibility	Increased flexibility while maintaining standards
Should be required to be recorded with the deed	Variances to be recorded with the deed of the affected property
Define qualified professionals	Additional flexibility with additional design professionals



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Permit Variances

- SEO and Local Agency
 - Horizontal isolation distances for absorption areas with limiting zones greater than 20"
 - Well isolation distance on the development lot only with groundwater study
- SEO and Local Agency requiring additional professionals
 - Limiting zones greater than 20" adjusting length-to-width ratio with qualified soil scientist report
 - Limiting zones less than 20" adjusting the length-to-width ratio by up to 10% with qualified soil scientist report
 - Deviation of distribution system design or construction with registered professional engineer report
- Requires DEP review
 - Variances proposed beyond those described by the chapter



Chapter 73 – Standards for On-lot Sewage Facilities

SAC Comment	Proposed Change
Definitions – Mottling, redoximorphic features, limiting zone, sand, hydraulic linear loading rate	Soil mottling is in the act, redoximorphic features tied back to mottling, silica based removed for sand
Isolation distances for all systems	All isolation distances tables revisited
Disinfection treatment standards	Horizontal isolation distances decreased, disinfection requirements retained
Fill or reclaimed lands	Revised to not require DEP to observe all testing
Anti-buoyancy measures	Revised per SAC and manufacturer comment
Aerobic treatment units and seasonal use	No changes to aerobic treatment units and seasonal use
Time dosing	Clarified language, any pressurized system using a pump



Chapter 73 – Standards for On-lot Sewage Facilities

SAC Comment	Proposed Change
Requiring additional percolation holes dependent on square footage	Amended requirements for percolation holes to be less proscriptive and provide additional flexibility
Expand the Tyler table	Expanded Tyler table
<i>Vacuum testing</i>	<i>TBD</i>
<i>Secondary treatment units</i>	<i>TBD</i>
<i>Performance verification, Field testing</i>	<i>TBD</i>
<i>Long-term performance monitoring</i>	<i>TBD</i>
<i>High-strength waste</i>	<i>TBD</i>

Where are we now?

- We are continuing to consider comments for potential changes
- We are working to formulate the entire regulatory package
 - RAF (Regulatory Analysis Form)
 - Preamble
 - Annex
 - Required forms

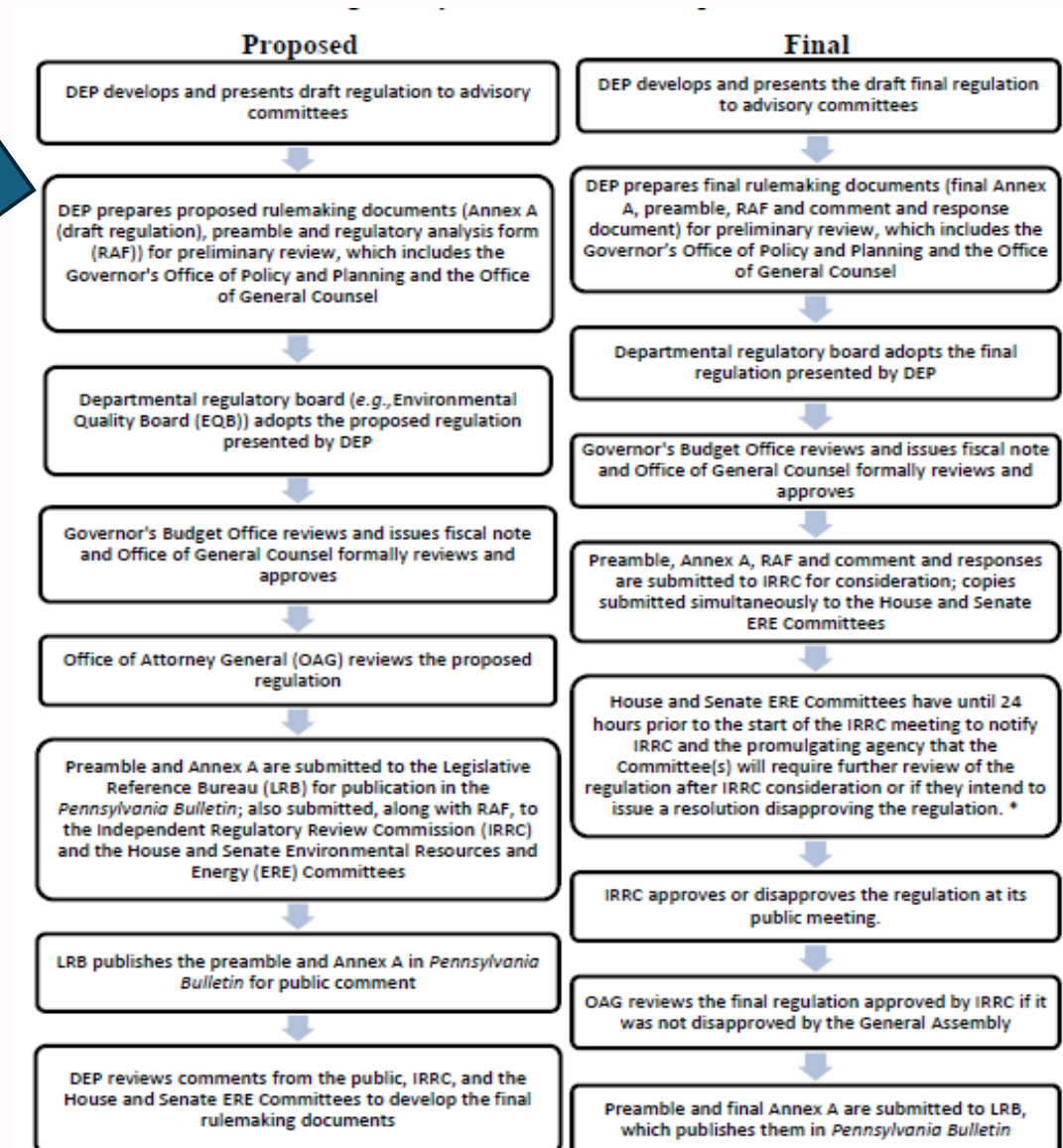
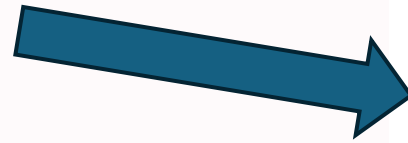


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Where Do We Go Next?

2 stages of development –
Proposed and Final Rulemakings

This is a general outline of the
regulatory update process, who
reviews the proposal and when





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What can you do?

- Stay informed – eNotice, Governor's Reg Agenda, EQB website, SAC website, Citizens Advisory Council website



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Get In Touch

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