

**Sewage Advisory Committee  
Minutes of the Meeting  
October 26, 2022**

**VOTING SEWAGE ADVISORY COMMITTEE (SAC) MEMBERS PRESENT**

Andrew Bockis, Pennsylvania Bar Association  
John Brady, United States Department of Agriculture Rural Development Mission  
Brian Chalfant, Governor's Policy Office, Alternate  
Samuel D'Alessandro, Pennsylvania Vacation Land Developers Association  
Robert Decker, American Council of Engineering Companies of Pennsylvania  
Patrick Drohan, Pennsylvania State University  
Paul Golrick, Pennsylvania Onsite Wastewater Recycling Association (POWRA), Alternate  
Christopher Graf, National Association of Water Companies  
Keith Heigel, Pennsylvania Society of Land Surveyors  
Keith Klingler, Pennsylvania Landowners' Association, Inc.  
Genevie Kostick, County Departments of Health and Health Agencies, Alternate  
Bette McTamney, Pennsylvania Association of Realtors, Alternate  
Duane Mowery, Chair, Pennsylvania Water Environment Association (PWEA)  
Laurel Mueller, Pennsylvania Builders Association  
Paul Racette, Pennsylvania Environmental Council, Alternate  
William Rehkop III, Pennsylvania Municipal Authorities Association  
Scott Russell, American Water Works Association (PA Section)  
Esten Rusten, American Institute of Architects, Pennsylvania (AIA)  
Joseph Valentine, Pennsylvania Septage Management Association (PSMA)  
Keith Valentine, Pennsylvania Association of Professional Soil Scientists (PAPSS)  
John Wagman, American Society of Civil Engineers  
James Wheeler, Pennsylvania State Association of Township Supervisors (PSATS)  
Chris Wood, Vice-chair, Pennsylvania Association of Sewage Enforcement Officers (PASEO)

**MEMBERS OF THE PUBLIC PRESENT**

Members of the public were present but not identified.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) STAFF PRESENT  
(CENTRAL OFFICE)**

Annamaria Ether De Sanctis, Environmental Engineering Specialist, Planning Section, Division of  
Municipal Facilities (DMF), Bureau of Clean Water (BCW)  
Adam Duh, Legal  
Charles Klinger, Water Program Specialist, Planning Section, DMF, BCW  
Jay Patel, DMF, BCW  
Brian Schlauderaff, Environmental Group Manager, Planning Section, DMF, BCW  
Janice Vollero, Water Program Specialist, Planning Section, DMF, BCW  
Tim Wagner (SCRO), Environmental Group Manager, BCW

## **CALL TO ORDER AND APPROVAL OF MINUTES**

The meeting was called to order by Chair Duane Mowery at 10:04 AM. The meeting was conducted both in-person and on-line. Chair Mowery reminded everyone to identify themselves and to vote only in the negative or if abstaining. If a vote is affirmative, there is no need to vote.

Janice Vollero took a roll call by SAC member organization. Voting members identified themselves when their organization was called. A quorum was present.

Keith Klingler requested a change to the November 4, 2021, meeting minutes. On page 6, Mr. Klingler stated there was more in depth conversation with Brian Schlauderaff about how on-lot systems affect water aquifers and asked for the addition of “There was further discussion about contamination of water wells from on-lot sewage treatment systems”.

Chair Mowery stated there was further clarification from Brian Chalfant on the regulation update agenda item that occurred outside the meeting. Mr. Chalfant stated that SAC should provide written comments to the Department on the regulations for the rulemaking package that will be presented to the Environmental Quality Board (EQB).

**Motion:** Chair Mowery called for a motion to approve the November 4, 2021, meeting minutes with these two (2) changes.

Bette McTamney made a motion to approve the November 4, 2021, meeting minutes as changed. Andrew Bockis seconded the motion, which was unanimously approved by the Committee.

## **ACTION ITEMS**

### 1. SAC nomination to the SEO Certification Board (Samuel D’Alessandro position)

One of the two SAC representatives on the SEO Certification Board is Samuel D’Alessandro. His position expired March 11, 2022. He would like to continue serving on the SEO Board. Chair Mowery asked if anyone else was interested in serving; no one came forth.

**Motion:** Chair Mowery called for a motion to renominate Samuel D’Alessandro for another term on the SEO Certification Board.

Vice-Chair Chris Wood made a motion to renominate Samuel D’Alessandro for another term on the SEO Certification Board. John Wagman seconded the motion, which was unanimously approved by the Committee.

Mr. D’Alessandro thanked the Committee. Ms. Vollero requested Chair Mowery send a renomination letter to the Secretary of the SEO Certification Board to include in the executive approval package.

### 2. 2023 SAC potential meeting dates

Four (4) meeting dates were proposed for 2023: March 8 or 29 and September 13 or 20, all Wednesdays, all starting at 10:00 a.m. in Room 105 of the Rachel Carson State Office Building (RCSOB). Chair Mowery stated he preferred the Southcentral Regional Office Building as a meeting place, but the IT accommodations are not as good as at Central Office. He called for Committee input on the dates; there was none. Chair Mowery made an executive decision to hold the 2023 meetings on March 29 and September 13 at 10:00 a.m. in Room 105 of the RCSOB.

## **DISCUSSION/INFORMATION ITEMS**

Chair Mowery switched the agenda items #1 and #2.

### 1. New electronic Application for An On-lot Sewage System Permit (#3850-FM-BCW0290)

Annamaria DeSanctis discussed the recent digitization of the *Application for An On-lot Sewage System Permit* (#3850-FM-BCW0290) and highlighted the following changes to the form:

- a. The form is no longer provided as a paper copy. There is an option to fill it out electronically and distribute it electronically or there is an option to print it out and distribute it as a paper copy.
- b. The form is located on eLibrary at [Home Page - DEP eLibrary \(state.pa.us\)](#) .
- c. The application number will be directly assigned by the local agency SEO; form instructions provide directions on creating this number. Municipalities are responsible for keeping a list of all the application numbers for permits issued in their jurisdiction and the list will be submitted to the DEP with the annual report.
- d. Instructions were bolstered to aid in the completion of the application.
- e. Item #8 – A checkbox was added for “Well Isolation Distance Exemption”.
- f. Item #10 – A checkbox was added for “No Planning Required” and one also for “Limitations in Effect” along with a field for the type of limitation.
- g. Item #12 – A checkbox was added for “Soil Morphological Evaluation” and one also for “Additional Hydrologic Testing”.
- h. Item #13 – A checkbox was added for “Revoked Permit” and a field for the date and reason.
- i. Item #15 – A checkbox was added for “Equalization Tank” and a field for its capacity in gallons.
- j. Item #16 – A checkbox was added for “Free Access” filters for Individual Residential Spray Irrigation System (IRSIS) only.
- k. Item #21 – A requirement was added to attach an “On-lot Sewage System Design Report”.
- l. Item #24 – An SEO signature block was added attesting to the results of the final inspection.

SEOs can still use any leftover paper forms. As of now, there is no cutoff date when DEP will no longer accept the old forms. This electronic version allows DEP to make changes to the form quicker and easier. If future changes to the form cause too much deviation from the old forms, DEP will inform the SEO community to begin using the electronic form exclusively. DEP will notify the SEOs and provide a link to the form through the *SEO News Update* in the Clean Water academy (CWA). A link will also be placed on the SEO Webpage. The *SEO News*

*Update* is an email blast and this email, along with all the sent emails, is kept in the CWA Archives for reference.

The equivalent of the green sheets should be sent to DEP Central Office with the annual report and the equivalent of the pink sheets should be sent with all attachments to the DEP Regional Office.

Comments on the form were invited:

- Vice-chair Wood –
  - #12, form – Remove field prior to %; it will give more space for ‘Land Use’ at the bottom.
  - #12, instructions – Show all soil test pits done on the property. Assume that refers to the present time and not 20 years in past. The municipality may not have those old tests. Mr. Schlauderaff confirmed that if there is no information on previous testing, you do not have to provide it.
  - #12, NRCS Soil Series instructions – If the soil series is incorrect on the soil survey, can the SEO adjust for that or does he have to put down the incorrect information? Charlie Klinger replied that the Websoil Survey is the most updated soil mapping information which is why the DEP asks that it is used. Many times, the scale that soils are mapped on is not representative by independent polygons, so many times the soil type will be incorrect. Unless you are a professional soil scientist or classifier, list what the survey says. If you describe the soil to the extent the DEP wants, it will be evident that what you described is one type and what is listed is another. In the soil survey, if you click on that mapped soil series name, it will bring up a table unique to that soil series in that county. It will give the % of that soil in those polygons that are in that mapping unit. We base our decision not on what is mapped in the soil survey but rather the description on the 290A form.
  - #12, Type of Limiting Zone instructions – It mentions “depth to unsuitable rock formation”. You might just want to note rock with open voids and define that in the instructions.
  - #13, Complete Application instructions – When talking about the amount of time the local agency has to react to a complete application, is this the date that starts that clock? Mr. Schlauderaff answered yes and that should be the date when the local agency determines it has everything.
  - #15, Treatment/Tankage instructions – Aerobic tanks are rated on treatment ability. Can we fill in the treatment equivalent instead of the tank capacity in gallons? Mr. Schlauderaff responded that the DEP could change that to rated treatment.
  - #21, 3.g. Locations of Easements, instructions – Some utilities, like power lines, require an entire property easement that allow them to go wherever they need to go on the property. Can we remove full easements from this section because keeping it creates a problem as to where to site the system? Jay Patel responded that we are not asking for additional setbacks but just to map the easement and further, if the easement has no impact on where the system goes, you don’t need to list it. The DEP could add “applicable” to easement or something similar.

- #21, #8 Isolation Distances, instructions – Can you leave off isolation distances that are too far away to make a difference, such as a stream 200-300 yards away? Mr. Schlauderaff stated that would be fine.
- #4 Lot Size, instructions – Asking for the lot size to 1/100<sup>th</sup> of an acre seems exacting. Can the DEP change that to 1/10<sup>th</sup> of an acre? Mr. Schlauderaff agreed to the change.
- Mr. D’Alessandro –
  - There is a lot of new information being asked for on the revised application, so what is the justification to continue to use the old forms instead of providing a cutoff date for their use? Mr. Schlauderaff stated that the old and new applications were not that different to require the old forms not to be used.
  - The suggestion on how to number the applications seems fine. Mr. Schlauderaff explained that if a municipality already had a database in place for permitting, with their own way of numbering the applications, we could work with them as in the case of Chester County Health Department (CCHD). They have their own database for 70 some municipalities and we are not going to require CCHD to change their whole system.
- Mr. Wagman - Add a block for ‘flout’ in #18 as more of them are being used. Mr. Schlauderaff agreed to add ‘flout’. Chair Mowery suggested adding a block for ‘other’ instead.
- Laurel Mueller –
  - Expand the category for ‘date lot created’ in #10 to date ‘lot created, or land development approved’ because sometimes land development is approved but a lot never gets created. Mr. Patel said the language can be changed.
  - Would this form be used for experimental systems also? Mr. Schlauderaff stated it would.
  - Add a box under effluent distribution for ‘time dosing’ and a box in #15 for an ‘effluent filter’. Mr. Schlauderaff agreed to these additions.
- Genevieve Kostick - Asked if the DEP was requesting paper or digital copies of the application. Mr. Schlauderaff stated it is up to the regional offices and he suggested to contact the planning chief from the region and ask them how they would like to receive them. Tim Wagner, Planning Chief from Southcentral Regional Office, stated that 100% of the copies they get are paper copies. Mr. Patel offered to coordinate this issue on the DEP end.
- Vice-chair Wood - How do you sign digital copies? Mr. Schlauderaff replied that the DEP will include this in the instructions or use an instructional video clip once we legally know how to proceed. Generally speaking, pdfs give the ability to sign documents. The system plans can be scanned or mailed in. Paper copies of the plans are best for measuring isolation distances as the planning section does not have AutoCAD for measuring. Annual reports will hopefully be electronic for the 2024 submissions but if you want to send in paper copies of anything, the DEP will always accept a paper copy.

- Ms. Kostick - Put a note on the second page of the application indicating it is the second page. Fifty percent of the applications come in without the second page. Mr. Schlauderaff agreed to do so.
- Mr. Klingler –
  - Why is the DEP moving to electronic forms if the paper copies were still fine? Mr. Schlauderaff explained that the carbonless copy tablets were very expensive to print and we have no funding for them.
  - It is hard to find the module forms on the DEP website. Mr. Patel stated the DEP could put a link on the Clean Water Academy to take you directly to the forms. Ms. Mueller added it would be useful to list all relevant DEP forms and most current dates. Mr. Schlauderaff stated we could possibly do that.
- Mr. Schlauderaff concluded the discussion that the permit application is for the SEOs and to let us know if something needs to be changed in the future. It is electronic and so changes will be easy to make.

2. Discussion - Draft Technical Guidance Document *Technical Decision Making (TDM) Guidance for On-lot Sewage System Repair Situations* (#385-2208-004)

This document was first presented to SAC in May 2021. Minor updates were made to the draft since that time. Ms. Vollero presented a PowerPoint with the updates which include:

- a. A shorter title.
- b. New definitions, such as: malfunctioning on-lot sewage system and best technical guidance (BTG).
- c. A list of acronyms.
- d. A scope for the document.
- e. A clarification of the step-by-step TDM process.
- f. A requirement to document BTG.
- g. A clarification of the steps necessary to encroach upon a water supply; and
- h. A clarification on site specific experimental systems.

This is a pre-draft document and DEP is seeking SAC's informal input on the document now. The DEP will update the document based on SAC's informal comments and publish as draft in the PA Bulletin soliciting public comments. The DEP will then develop a comment and response document and eventually publish the document as final. Once it goes draft in the PA Bulletin, SAC can formally comment, or individuals of SAC can comment also.

- Chair Mowery observed that this document limits SEOs to violations of horizontal isolation distances in relation to BTG which conflicts with § 73.3(b) and asked for clarification.

Mr. Patel stated we have to consider the impact of pollution or causing a nuisance if we don't correct a malfunction appropriately. We have to consider other statutes like the PA Clean Streams Law. We have to consider the regulation in context. If you read that

regulation by itself, it pretty much says you can do whatever you want with the one caveat. But that is not our interpretation.

- Mr. Patel asked if there was a problem with the scope of the document.
  - Chair Mowery – Yes. There are so many varieties of situations where systems need to be replaced. If the only ticket into the door of BTG is horizontal isolation distance, then there will be a lot of frustration with the local agency SEO when they want to do something to make it better. With all due respect, involving the DEP in this process will drag it out and make it a miserable experience for a lot of folks. I have seen letters from regional Sewage Planning Specialists who clearly did not have a grasp as to the technologies that were being proposed. The SEOs are constrained to at least considering the DEP comments and it would be an unwise SEO who wouldn't implement those comments. It is a real challenge in real life situations to only have the ability to violate horizontal isolation distances when trying to affect some sort of improvement to a malfunction in a timely fashion. That is not an indictment of what the goal of the DEP should be – to protect the environment; just hoping to get some relief to allow more timely improvements to systems. For example, if there is an 18" limiting zone (LZ) and a malfunction, for years we were allowed to add two (2) more inches of sand to affect a repair because that is the only site available on the property. To my knowledge, there has not been a gross number of failures of systems like this with the extra sand. And from what I am seeing here, we are moving away from doing something like that unless we involve the DEP. Another example is where we are being thrown into the experimental category if we don't have the length to width ratio, and I see the 5% variation in here, but quite frankly, there are an enormous number of systems out there that 5% is not going to help at all. There are situations where we have off contour systems going in, I have been involved in a number of them. I wouldn't use them with a 180 min/in perc rate but if I had a 15 min/in perc rate I would. And once we get on the experimental train, how do we get off? There are a whole host of other issues that come along with that.

Mr. Schlauderaff - The vertical isolation distance example you mentioned, we do have alternate technologies that could be put in for that situation that would not be in violation of the established design criteria if you had sufficient length. We do allow split systems, especially during a repair if you size it appropriately. The situation where you are going to be adjusting the length and width of it, these are established designs that have been tested for many decades, and they have been shown to work. There is some conservatism built in there, but we also know that soil conditions and perc rates vary across the absorption area. When you start adjusting the design of a system, you are not sure it is going to work. That is why we have experimental systems and the experimental process. It becomes more important with shallow systems. We are not saying no, we are saying we need some additional steps to make sure it is going to work. We don't want to fix a problem and then have to come back and re-fix it. We have no data that says these work.

- Mr. Patel asked Chair Mowery what his definition of work was? If there is no ponding or no malfunction, is it working?

Chair Mowery - That is a dangerous question to ask because elevated sand mounds don't necessarily work, but the water goes away. You can get sand that eventually becomes concrete. The old quote that 'perfectionism is the enemy of progress' is what I am struggling with here. We are trying so hard to be perfect and exact and know exactly what is going on, that we are preventing people who may legitimately want to make an improvement in their system from doing so because we are trying to be perfect. That's the perspective from where I am coming from, and I am sorry to drag us into this morass if it doesn't work. If you would ask my opinion, I would take Vice-chair Wood's opinion, who has seen 1000s of systems and 100s of repairs go in, versus a newly hired Sewage Planning Specialist in a regional office making a decision if something was going to work at a particular site. There are SEOs out there that can do it the right way and I fear that we are penalizing the entire state over what may be a situation of some rogue SEOs. Maybe the DEP should be going after those individuals and give more flexibility to the folks who have been doing things the right way for a number of years.

Mr. Schlauderaff - If you shave off 2", then you shave off 4", then add 6" of sand, how do we know it is working? Not just working in that it is not surfacing, in that it is treating the effluent. We don't have data, but we have to have policy – we can't just trust good SEOs. We have to have rules that apply to everyone.

Vice-chair Wood - In the 70s and 80s, the DEP promoted the sand mound stating that by the time the sewage goes through the sand, it was clean enough to drink. It wasn't. But we had SEOs who shaved off 2", then 4", etc. in repair situations, because it was part of the perception if it was clean enough to drink, what difference did it make. One of the aspects not covered here, is the cost to the property owner while the DEP is reviewing a project and then sending it back. Before the pandemic, the average cost of 1000 gallons of sewage to be pumped in our area was \$250. Now because of the cost of fuel and everything else, this cost has gone up. What is the maximum you can get from PennVest, maybe \$25,000? That amount could be used up by the pumping. Then you have the cost of your loan. We have to make sure that everyone is on board if something has to go to the DEP, and that the project is given priority to get out right away. One time we were going to put in a coco filter with an at-grade. Ratio was only 3 to 1 but the property was almost perfectly flat. It was shut down and there was nowhere else to go on the property. It's not like there would be hydraulic pressure pushing it out anywhere. I am not going to say it would be as clean as if you had it on a wider bed with more oxidation, but the people were held up a month, before the letter even came back. That is a long time to be pumping your tank. So just something that should be considered when you develop these policies.

Mr. D'Alesandro – Since I have been practicing in 1974, that part of the regulations was always interpreted that you could use technologies or solutions other than violating horizontal isolation distances when there was no other choice. This was also applied to systems that predated the regulations since they were legal systems when the regulations were written. An example would be replacing a cesspool on a small lot. We might have

to put the new system under a parking lot or fill an area but not wait the four (4) years to test it. It appears these types of solutions won't be allowed any more. Mr. Schlauderaff agreed they wouldn't be allowed without an experimental permit.

- Chair Mowery went through the document page by page:

Page i:

Vice-chair Wood – Can you explain why the document states it is not a regulation, but it reads like a de facto regulation? Adam Duh clarified that the document does not alter the regulatory landscape as it stands. A technical guidance document is an explanation of how the DEP looks at and interprets the regulations and statute.

Page 1:

Vice-chair Wood – What are you considering to be “indirect contact”? Mr. Schlauderaff – Groundwater; we can reword this.

Joseph Valentine – In relation to the limiting zone definition, place ‘depletions’ in ‘redox features. SEOs are being trained to look for depletions. Under # iv. in the limiting zone definition, how is that determined? It really takes you back to i. If we are talking about eyeballing a condition without morphological support, we will need some direction on how you quantify a situation that is so slowly permeable that it effectively limits the downward passage of effluent. Mr. Schlauderaff - It is when it is so slowly permeable that it causes water to hang up and create mottles, therefore we then have i. Mr. J. Valentine – Agreed, but he only seen that in one (1) instance. Also, who determines the ‘best available technology’? Mr. Schlauderaff - In relation to an experimental system design, the DEP will determine that.

Ms. Mueller – For consistency, the definition for alternate sewage system should be under ‘o’ for ‘on-lot alternate technology’. Under best technology guidance limits, in addition to site limitations, attention must be paid to the life or condition of components preventing compliance. For example, a crushed d-box or laterals that need cleaning out might indicate broken or unmaintained components. Ms. Mueller commended the DEP for expanding the definition of failure to allow for potential or direct exposure.

Page 2:

Mr. J. Valentine – Are we saying that a malfunctioning on-lot sewage system is a violation of the act and therefore actionable by the SEO or are we making a distinction between a “malfunctioning system” that could use BTG and those systems that are actually violations of the act? Mr. Patel asked if the concern was that an SEO would have to take action if there was a violation of the act while an SEO would have discretion in taking action with a failure, because it is not a violation of the act? Mr. J. Valentine - we need to think about the difference between a violation and a malfunction. Mr. Schlauderaff - the only time you can use BTG is with a malfunction, that's why we had to make a distinction. Mr. J. Valentine –

all the types of on-lot sewage system permit definitions are confusing as they are all installation permits; the installation permit should have a different name as it is for new construction. Mr. Schlauderaff noted that. Mr. J. Valentine - the definition of sewage includes the discharge from bodies of animals which includes manure on farms. We can't change the definition now but would like to flag this for future discussion for the regulation changes.

Ms. Mueller – on O&M, i. alteration permit, the word ‘affect’ is the wrong word.

Page 3:

Mr. J. Valentine –what is an experimental system and are we still using non-critical isolation distances as not experimental? Mr. Schlauderaff - we are still using non-critical isolation distances for systems not tagged as experimental and a site specific experimental system is a system that can't meet Chapter 73 and can't meet the listings, including using BTG.

Paul Golrick - the reading of the regulations seem straight forward for BTG in that a local agency may not be constrained by Chapter 73 and therefore this policy seems over complicated.

Ms. Mueller - an SEO needs 1 or 2 more tools for BTG besides just horizontal isolation distances, such as altering the slope or berm so as not to go over the property line.

Chair Mowery - § 72.2(b), 2<sup>nd</sup> line, ‘affect the permitted design’...if someone mowed off an endcap, it doesn't affect the design; it is a replacement in kind, you don't need a permit? Same with replacing an identical size septic tank, no permit needed? Mr. Schlauderaff - replacing an endcap is obviously a replacement; replacing a septic tank is questionable. Mr. Patel - we didn't mean to redefine anything, so we have to go back and make sure this is clear.

Page 4:

Mr. J. Valentine - Step 1, it says only a local agency SEO can verify a malfunction. Is the document saying a local agency SEO or the DEP can determine if a sewage system is ponded? Mr. Schlauderaff - only a local agency SEO or the DEP can determine if that ponding is a malfunction. Chair Mowery - and if they do determine that the ponding is a malfunction, then it can be dealt with as a malfunction? Mr. Schlauderaff - that is correct.

Page 5:

Vice-chair Wood - Last bullet – “cesspools” structurally unsound, change to “cesspools and seepage pits”.

Ms. Mueller - Step 2, Item 1 – pumping of tanks “are” necessary; change to “is” necessary. Item 2 reads funny – should be ‘whether servicing’ not ‘that servicing’ and add “cleaning

effluent filter” as an example. Also don’t understand “component telemetry”; that is an abnormal way to monitor a component. Item 3 “misuses”; that is not how it is spelled.

Mr. J. Valentine - If seepage pits are considered a malfunction when redox is present, why isn’t any other system considered a malfunction when redox is present? Also does the SEO or the DEP have the discretion to call a system a malfunction that doesn’t meet Chapter 73? Chair Mowery - There are a lot of systems out there that don’t meet Chapter 73. Mr. Schlauderaff - There are many SEOs that are investigating systems that don’t meet Chapter 73 standards, but they are not malfunctions. If it is not malfunctioning, you can’t make them bring it up to current standards. Chair Mowery – that is not what it says. Mr. Patel agreed, stating this will have to be revisited.

Ms. Kostick – When allowing a local agency SEO to determine a malfunction, some SEOs will accept a PSMA certification and some won’t. Mr. Schlauderaff - If PSMA had a nonsatisfactory report, would an SEO call that a malfunction? Ms. Kostick – Yes, and we have questioned that. Mr. Schlauderaff - that is not right. The SEO must investigate it themselves, not rely on the PSMA report.

James Wheeler – Maybe we should have a list of what is a malfunction. Mr. Patel - we were hoping that is what this technical guidance document is about. Are you saying we need training on this? Mr. Wheeler – that would help. Mr. Patel –it is on the to do list.

Vice-chair Wood – Dye testing, #5 - Most SEOs don’t have equipment to conduct a dye test. Are you saying that if they visually can’t see it, there is no malfunction? Mr. Schlauderaff - Hopefully they have another way to determine a malfunction. Use every tool in the toolbox.

Mr. Patel – We labored over the amount of time to observe the saturated conditions or ponding. What do you think about that? Mr. J. Valentine – If the system is ponded, its ponded; trying to determine how long is an academic question. Where is the data to say that 6 days is ok, but 7 isn’t? Use ‘if ponded at time of inspection’. Mr. Patel – At what point is it ponded too long? We agree with Mr. Valentine. Chair Mowery – Peak design flow into a bed would probably not go away in 5 minutes, so hard to say and I see the DEP’s point. Mr. J. Valentine – Systems are designed to drain between doses. Evaluate when last dose was. It may mean coming back after 24 hours to see if it drained. Mr. Schlauderaff – Shall we use 24 hours or use between dosing. Ms. Mueller – No quantity of days. If the saturation is not tied to a precipitation event, then it is ponding. Tim Wagner – How does one observe ponding in the absorption area? Mr. J. Valentine – The protocol for PSMA is to probe the drainfield with an iron bar in several areas of the absorption area and then, taking a smaller probe and pushing through the aggregate making a determination of three (3) things: how much cover was on the aggregate, how thick was the aggregate, and how much water was in the aggregate. Kind of like a dip stick. You do that in numerous locations and record that information. Mr. Wagner – That takes an extraordinary effort by a PSMA inspector to determine that. An SEO won’t see the ponding in the absorption area nor will a homeowner just walking around the absorption area. So how is that a malfunction? The only thing it is, is a PSMA inspection being unsatisfactory and that is not a malfunction. Vice-chair Wood – PSMA inspections are for home sales so you have a different standard for that then versus a

legal standard if you are going to repair it. That is one of the problems we have when people come out and say they failed a PSMA inspection. Mr. Schlauderaff – that is why we chose seven (7) days. We felt there is something seriously wrong after seven (7) days. Vice-chair Wood – in seven (7) days, the system is either slowly allowing the effluent to perc through the soil or it is coming back up, which is a problem. Patrick Drohan – if you go back to your definition of absorption area, you have to think of this as a special entity in three (3) dimensions from the surface downwards. If you have ponding, by default, a homeowner is typically thinking of that as the surface. From the discussion here, it could be anywhere in the profile. So, do you need the word ponding; can you just say saturation? Mr. Schlauderaff – guess they mean the same thing. Dr. Drohan – you could have a frozen soil condition where you get rain on the frozen soil and you could have ponding, but if you have a true saturation in a failed system, you are going to have a matrix that is saturated from the point up from where it is plugged up. Mr. J. Valentine – My definition of a ponded absorption area is that when you probe it, there is no dry aggregate. Now why that system is ponded with water can be a number of reasons...usually a biomat. What we are circling the wagons around here is the definition of malfunction. The PSMA Association considers a fully ponded system an unsatisfactory condition. We do not use the term failed or malfunctioning. But the purgatory we are placed into under the current technical guidance is that we cannot use any BTG to rectify the situation. It is not a “regulatory malfunction”. I am assuming Mr. Patel and his group are trying to address that aspect which PSMA has been pushing for, for the past 10 years. Ms. Mueller – what about if you change the word “in” to “on”? Ponding “on” an absorption area? Keith Valentine – I think changing the word from “in” to “on” is getting away from the DEP’s objective. Mr. Schlauderaff – I just changed it to “saturated conditions and ponding on”. Joe Valentine – I disagree with that change. We are not talking about ponding on, just in. Mr. Patel – I understand the concept; we need to massage this language more.

Page 6:

Vice-Chair Wood – “All on-lot systems before alternate or experimental” – If we have an alternate system that meets all the requirements, why can’t we consider that first? Mr. Schlauderaff – The next sentence states that this does not mean that one must use a conventional system. Vice-chair Wood - #4, “SEOs using BTG should be able to defend their position technically and scientifically ruling out all options before proceeding” – that is quite a big burden on the SEO. It gives the property owner a means to sue the local agency if the correction does not work. That line is concerning. Mr. Schlauderaff – You have to meet regulatory requirements when you can. If you use BTG when you are not supposed to, you are in violation of that and that is what that line means. Vice-chair Wood – Maybe drop “technically and scientifically” and change “ruling out” to “consider all options”? Mr. Patel – Yes, I think those are descriptors. Mr. J. Valentine – Step #4, second paragraph – “...further, BTG does not allow...interact with DEP when appropriate...”. This will cause an onslaught of site specific experimental systems that are required to have a DEP review before the SEO can take action. Is the DEP prepared for that work and is there a timeline for that review? Mr. Schlauderaff – The DEP is required by regulation to turn around an experimental review in 60 days, classifying it as experimental or not. Ms. Mueller – If you gave the SEO a few more tools to implement BTG, you would reduce the number of trips to

the DEP. You need another option besides experimental, because experimental requires monitoring and reporting. Steepening of berms to fit next to a building or property line would be experimental but this would not need monitoring. There should be a site specific BTG.

Page 7:

Mr. J. Valentine – “...encroach on all wells that have not been properly sealed or abandoned...” – I take that to mean there are no horizontal isolation distances to properly sealed and abandoned wells. There is also no mention of geothermal wells in the document. Who is making the determination that a well is properly sealed? A PG, a well driller? It certainly is not the SEO. Just something for the DEP to think about.

Page 8:

Mr. J. Valentine – Step #5, Initiating planning for a small flow treatment system (SFTF) – In many cases you could have a discharge to a ditch or dry swale which requires a hydrostudy to determine groundwater impact before it reaches perennial conditions. Someone could spend a lot of money prior to the decision that it is not an option. Just something for the DEP to consider. Ms. Mueller – We have had a lot of SFTFs discharging to the soil and not a stream. Mr. J. Valentine – So at what point is this not a viable option? If it takes me two (2) years to pursue a micromound on a site that is missing some component and we deem it a DEP issued permit, we then have to go through planning to get that approved. Do we want to deal with a potential malfunction for two (2) years while we are addressing the planning and the approval for a DEP issued permit when effectively it could have been an SEO issued permit if we were just violating the length to width ratio, for example. Ms. Mueller – I fully agree. Mr. Schlauderaff – I understand. The thought process here is that SFTFs are proven technology and we rather that than something that isn't. Maybe we could give an SEO more flexibility to make a change before it becomes an experimental permit.

Page 9:

Mr. Valentine – 1<sup>st</sup> paragraph states that the design needs to be submitted to the local agency and DEP. Most local agencies work for a fee and they won't review anything unless a fee is submitted. It is my experience that the DEP looks for comments from SEOs first before they do their review on these proposals. Mr. Schlauderaff – Designs come to Central Office first and we don't need comments from SEOs. Mr. J. Valentine – You need to clarify that in the document. What does 'adjusting the dimensions of the absorption area beyond 5%' mean? Mr. Schlauderaff – That gives wiggle room for the length to width ratio, allowing a 5% change either way. Vice-chair Wood – Does this mean you can reduce the size by 5%? Mr. Schlauderaff – No, you must keep the square footage. Mr. J. Valentine – At the bottom, 'qualified soil scientist' means they are also an SEO but some of the listings allow a full member of PAPSS, which does not mean they are an SEO. Just a statement to make sure that is what you mean to say. You also have 'under the direction of a DEP soil scientist' which again is a manpower issue as the DEP only has six (6) soil scientists. I offer that

again for you to consider that language. It sounds to me that if I am doing testing for an experimental system, I must do the testing with a qualified soil scientist under the direction of a DEP soil scientist and verified by the local agency SEO. Mr. Schlauderaff – Our concern is that the testing would get done without us getting notified and then when we get the submittal, we see they didn't even follow the guidance, such as testing every 100'. Getting us involved right away prevents problems that may come up. Mr. J. Valentine – I understand the problem. Just note it.

Page 10:

Vice-chair Wood – Nothing in here addresses zero discharge systems except holding tanks. You might want to mention that holding tanks are the only zero discharge system as Sundrive is not mentioned. How is the DEP going to get this out to the SEOs and will there be training like for the original TDM policy? If you didn't take the course for that original policy, the DEP prohibited you using the policy. A lot of SEOs didn't take the course. There has to be some sort of way to make this a mandatory course, so the information gets out and everyone is on the same page. Mr. Patel – There will be training on the policy. Mr. Schlauderaff – This is a policy of the DEP's and once it goes final, everyone must follow it.

Ms. Mueller – Top of page, the sentence with 'deed restriction' is not needed. You need to say, 'a qualified service provider'. Unless a local agency is similarly qualified and insured, they don't want to be there. Just a comment. Also, not all experimental systems need to be sampled. It is tough to sample after the soil treatment, especially when it is experimental only due to the slope of the berm. Mr. Schlauderaff – It states, 'only when required'. If it is a mound technology, we would require sampling with a pan lysimeter.

Ms. Mueller – One last philosophical statement. I would rather rely on gravity and soil than a box with a stream discharge. When agencies and people aren't paying attention, gravity and soil is more forgiving than a box and pipe to the stream.

Mr. J. Valentine – Some final comments and I will also send you a note with these comments Brian. When and who is making the determination that a hydro report is necessary? Mr. Schlauderaff – The DEP.

Mr. J. Valentine – An O&M manual developed, signed and sealed by a PE is fine and good, but many municipalities may want to be part of this O&M and may have their own O&M agreements that were not prepared by an engineer. Also, it states that the deed restriction with the O&M manual must be maintained, and the service provider must be named. If the service provider changes, do we have to rerecord the document? What is a 5-year renewal cycle condition? Are you talking about sampling, or an operating permit? Please clarify this. Sampling of effluent for parameters by a qualified service provider...how? I think you answered that with the pan lysimeter. The requirement for annual reporting of the inspection and sampling results to the DEP, is that Central Office, regional office or both? Who is reviewing all of the data you will be getting? Holding tanks...planning is often required for holding tanks, except in the case of a malfunction. Those are my comments.

Chair Mowery – The DEP has historically repelled against operational permits, so the fact that that language is in the policy is leading me to believe that perhaps the perspective of the DEP has changed. If it has, that will give us some more options with O&M. My next comment is when does an experiment end? I would like to see the DEP come up with a time when someone gets off the experimental train. Experiments usually come to an end.

Page 11: No comments.

Mr. Schlauderaff offered to accept any additional comments. Please send them directly to Mr. Schlauderaff.

### **NEW BUSINESS**

Vice-chair Wood asked for an update on the regulation changes. Mr. Patel stated we were actively working on them, but they are not ready for presentation to the SAC. The SAC should decide if the entire committee or work groups will review them when it comes time.

Ms. Mueller stated that using a separate form for each soil profile, as required by the latest *SEO News Update*, will increase the module or permit package significantly. Sometimes there are 100 pits, which will equate to 100 extra pages. That can be a violation of the Paperwork Reduction Act. Mr. Schlauderaff agreed it is a lot of paperwork but § 73.14(a)(3) requires it.

### **PUBLIC COMMENT**

Sara Miller stated that there is lots of external pressure on her organization because the DEP is delaying construction due to Act 34. There is also pressure to update any regulations that are older than three (3) years old. Mr. Patel reiterated that it is a priority for the section, and we are actively working on it. Mr. Chalfant added that the rulemaking is on the regulatory agenda, which the Governor's office signs off on, and the DEP knows it is a priority with the public.

### **NEXT MEETING**

Wednesday, March 29, 2023, 10:00 a.m., to be held virtually and in person.

### **ADJOURNMENT**

**Motion:** Chair Mowery thanked everyone for their attendance and called for a motion to adjourn the meeting.

Mr. Klingler made a motion to adjourn the meeting. Vice-Chair Wood seconded the motion, which was unanimously approved by the Committee. The October 26, 2022, SAC meeting was adjourned at 1:36 PM.