

**Commonwealth of Pennsylvania  
Sewage Advisory Committee  
Minutes of the Meeting  
October 17, 2007**

Membership and function of this committee is established by 35 P.S 750.4. Successors to the entities listed in the statute retain the right to representation of the original organization named in the statute, but are not entitled to more than one member, if they have merged.

For purposes of quorum, there were thirteen (13) organizations with voting members/alternates recorded as Present: fifteen (15) organization's members/alternates were Not Present. There are five (5) member organizations having no current appointed member or alternate, including one Inactive statutory member organization. Minimum quorum is one third of 28 appointed members/alternates able to cast votes; for this meeting quorum was 10. Organizations and members and/or alternates present are indicated as marked (▶)

	<b>Member Alternate</b>	<b>Representing</b>
	James C. Elliott Andrew J. Hilt	American Council Of Engineering Companies Of Pennsylvania
	Muscoe Martin Caroline E. Boyce	American Institute Of Architects-- Pennsylvania
▶	▶ John F. Wagman David Sheridan	American Society Of Civil Engineers
	Brian S. Funkhouser Scott E. Russell	American Water Works Association, Pennsylvania Section
	Harold Hurst Kristen Goshorn	County Commissioners Association Of Pennsylvania
	Ralph DeFazio Doug Range	County Departments Of Health, Local Health Agencies
	Patricia M. Grim Joanne R. Denworth	Governor's Policy Office
	Gabriel D. Alexi (No alternate)	Mortgage Bankers Assoc. Of Pennsylvania

		Walt Krzyzanowski Al Ruscito	Pennsylvania Assoc. Of Plumbing, Heating & Cooling Contractors, Inc.
▶	▶	Bruce P. Willman William F. Beers	Pennsylvania Assoc. Of Professional Soil Scientists
▶	▶	Robert T. Wood Linda A. Peters	Pennsylvania Association Of Realtors
▶	▶	Barbara Brown [chairperson] Ralph M. Houck	Pennsylvania Assoc. Of Sewage Enforcement Officers
		Eugene E. Dice Kevin J. Garber	Pennsylvania Bar Association
▶	▶	Carl D'Amico Keith Ashley	Pennsylvania Builders Association
		Eric R. Conrad John J. Walliser	Pennsylvania Environmental Council, Inc.
▶	▶	Anita Stabile Peter Slack	Pennsylvania Municipal Authorities Association
▶	▶	Bruce Fox Rusty Luzell	Pennsylvania Septage Management Association
		Brian L. Book Shannon G. Williams	Pennsylvania Society Of Professional Engineers
▶	▶	Dan O'Connell Thomas A. Klaum	Pennsylvania State Association Of Boroughs
▶	▶	Ginnie Anderson Kane Frank Linn	Pennsylvania Association Of Township Commissioners
▶	▶	Keith Klingler (No alternate)	Pennsylvania Landowners Association, Inc.
▶	▶	Lester O. Houck James Wheeler	Pennsylvania State Association Of Township Supervisors
		Samuel M. D'Alessandro Charles B. Zwally	Pennsylvania Vacation Land Developers Association
▶	▶	Duane E. Mowery Allison J. Shuler	Pennsylvania Water Environment Association
		Dr. Henry Lin Dr. Richard Stehouwer	The Pennsylvania State University
		John Williams Gary A. Rothrock	U.S. Department Of Agriculture Rural Development Mission Area

▶	▶	Charles R. Waddy Joe Valentine	Pennsylvania Onsite Wastewater Recycling Association, Inc.
		Primary representative unnamed Sean Anderson	Department Of Community And Economic Development
		No nomination	League Of Cities And Municipalities
		No nomination	National Assoc. Of Water Companies, Pennsylvania Chapter
		Organization disbanded	Pennsylvania Environmental Health Association
		No nomination	Pennsylvania Planning Association
		Organization's own policy prevents further participation	U.S. Department Of Housing And Urban Development
<b>Other Attendees:</b>			
		Lori Books	Lebanon County Planning Department
		Grant Gulbion	Pennsylvania Builders Association
		Elizabeth Hensil	Pennsylvania Realtors
		Tom Ashton	American Manufacturing
		David Lentz Brian Parker	Infiltration Systems, Inc.
		Sarah Miller	Independent Regulatory Review Commission
		Mark E. Brown	Pennsylvania House Environmental Resources And Energy Committee
		Sue Wilson	Executive Director, Citizen's Advisory Council
<b>DEP Representatives</b>			
		Kevin McLeary	Acting Chief, Act 537 Management Section, Division Of Planning And Permits
		John Borland	Water Quality Specialist, Act 537 Management Section, Division Of Planning And Permits
		Jim Novinger	Water Quality Specialist, Act 537 Management, Division Of Planning And Permits
		John J. McHale, Jr.	Water Quality Specialist, Act 537 Management, Division Of Planning And Permits

	Darryl Scott	Administrative Assistant 1, Program & 537 Grant Administration
	Randal Adams	Executive Policy Specialist 2, Office Of Policy And Communications
	Ronald Furlan	Environment Program Manager, Division Of Planning And Permits
	Marcus Kohl	Executive Assistant, Office Of Water Management

### Meeting Opening

Barbara Brown, Chairperson called the meeting to order at 10:37 a.m. in Room 105 of the Rachel Carson State Office Building. Meeting sign-in sheets were circulated and quorum confirmed.

### Old Business

The corrections were made to the Minutes of the Meeting of August 15, 2007 to reflect that a letter received by local agency Sewage Enforcement Officers was submitted to the SAC Committee. See corrected minutes of that meeting.

Motion made was made to have the minutes approved from the August 15, 2007 meeting after the correction; the Committee unanimously approved the motion.

**Infiltrator Systems, Inc. representatives, David Lentz and Brian Parker**, were present to clarify the letter that was sent out to the Sewage Enforcement Offices. They also discussed their Design and Installation Manual for Infiltrator Systems' Quick4Chambers in Pennsylvania and made reference of some changes that needed to be made to the manual

The impression gained from this Infiltrator manual that DEP has approved the material was not true to fact. Similarly, the similar impression gained from a recent circular of GeoFlow was not true to fact. No Departmental approval had been made concerning either. No Departmental notice had been given to SEOs concerning the subject products or techniques of installation.

The SAC Committee, after additional consideration, as a consensus agreed that any similar future manufacturing design manual must have an approval letter from DEP attached within it so that Sewage Enforcement Officers are enabled to both (1) easily document their basis for allowing use of technology that was not included in familiar existing guidance of the Department and (2) easily verify the regulatory use status of technology with which they may not be thoroughly familiar.

**Kevin McLeary** stated that the Alternate System Guidance, the Site Suitability and Alternatives Analysis Guidance and The Sewage Management Guidance documents are in the process of being published by DEP. They will not be delayed for reasons other than for that time needed to complete administrative and regulatory actions required prior to final publication. The DEP staff is still working on the proposal of a new Chapter 71 regulation that the SAC Committee can expect in the future for their comment.

**Robert Wood** moved to send a revised letter to the Secretary again to reinforce the SAC Committee position on delaying the publishing of the three guidance documents, with copies of the previous original letter going to interested third parties, i.e., Governor, Citizen Advisory Committee, the PA House and Senate Environmental Resources and Energy and Local Government committees. This motion seconded by James Wheeler. Adoption was unanimous. Within the letter include the following bulleted points concerning:

- Manpower may not be available in the local regulatory community
- Education of public and municipal officials should be first prior to initiation of sewage management programs.
- Real estate transfer has been successful in identifying and correcting malfunctioning systems; we should allow this process to proceed.
- Lack of manpower to do inspections (private or public)
- Encourage 537 Updates and support with funding (will identify need for sewage management)

### **Nominating Committee**

**Dwayne Mowery** made a report concerning nominations for election of Officers in the absence of Ralph DeFazio head of the Nominating Committee. There is currently no slate of nominees. There would be a slate available by mail prior to the March meeting. The decision was made to vote on the new Chair and Vice-Chair at the next usually regularly scheduled SAC Committee meeting.

### **New Business**

**Kevin McLeary** answered questions from the Committee concerning the status of the documents in the approval process.

**The Committee members** discussed the concern of issuing the guidance documents for approval when neither DEP nor the local governments have the physical and financial resources to implement the requirements for sewage management as proposed in them. There is also great concern about the financial impact on the residents of the Commonwealth. Carl D'Amico moved to send a letter to the Secretary to reinforce the Committee's concerns with

the documents with copies to Environmental Resources and Energy Committees, CAC, and the Governor, second by James Wheeler, vote unanimous.

**Marcus Kohl**, Executive Assistant to Deputy Secretary Myers, addressed the SAC Committee reassuring them their comments and will be taken into consideration by the Secretary of DEP on the Guidance documents that had been commented on by the Committee. While there is currently no target date for their publication in the Pennsylvania Bulletin, it is the intent of the Department to move forward toward the process of approval and ultimate final publication through the public participation process.

**The Committee** discussed how if DEP would work with stakeholders early in the development process to develop guidance and regulations it would give the Department more insight into how to implement their goals. Members discussed how this process had been used in the past and gave all parties the perspective from their positions and resulted in documents that both the parties could work with.

### **Schedule of Meetings for Calendar year 2008**

Motion made by **Carl D'Amico**, second by Chuck Waddy and approved by Committee to have March 19<sup>th</sup> (alternate date March 12th), June 18<sup>th</sup> (June 11th), September 17<sup>th</sup> (September 10<sup>th</sup>) and November 19<sup>th</sup> (November 12<sup>th</sup>) as the scheduled meeting dates for SAC Meetings for calendar year 2008. [Due to scheduling conflicts with events previously scheduled in Room 105, Rachel Carson State Office Building, the dates scheduled for these meetings of the Committee in 2008 are: March 12<sup>th</sup>, June 11<sup>th</sup>, September 17<sup>th</sup>, and November 12<sup>th</sup>.]

### **SAC Meeting Added For 2007**

The Committee scheduled another meeting on December 12, 2007 to enable it to adopt comments to DEP concerning the DRAFT regulation Chapter 73A before the end of the year.

### **Work Group Meetings**

Work-Group meetings were scheduled to meet on November 14th, 15th and 20<sup>th</sup> to discuss DRAFT regulation Chapter 73A and be able to get recommendations back to the full SAC Committee meeting that was added on December 12, 2007

### **Group Presentations of Member Organizations**

**John Wagman** presented **American Society of Civil Engineers presentation** to the Committee. Ginnie Anderson Kane presented Pennsylvania State Association of Township Commissioners presentation to the Committee.

**Robert Wood** presented **Pennsylvania Association of Realtors presentation** to the Committee.

Organizations presenting during the March 2008 Committee meeting will be:  
Pennsylvania Bar Association  
Pennsylvania Landowners Association, Inc  
Pennsylvania Onsite Wastewater Recycling Association, Inc.

### **Work Group Reports**

**Allison Schuler**, Pennsylvania Water Environment Association, gave a report on the recommendations of the work group concerning Draft Title 25 Pennsylvania Code 72a.

#### **Motion Made**

**Duane Mowery**, Pennsylvania Water Environment Association made a motion to accept recommendations from the work group regarding proposed Chapter 72a and to be forwarded to Secretary of Department of Environment Protection. Seconded by Chuck Waddy, the motion was adopted unanimously.

#### **Public Comments Concerning Committee Business**

Tom Ashton from American Manufacturing addressed the SAC Committee with questions about the data and the results of the Del-Val II Study.

#### **Motion Made**

**Keith Klingler** made a motion to send letter/memo to the Secretary asking for data on DelVal II. The concern is that the knowledge gained thus far not be left idle. The Committee offers to assist the Department in the evaluation of that data.

#### **Requested future agenda item**

Keith Klinger asked that the NW Regional Round Table activities be placed on the next meeting of the full SAC.

#### **Adjournment**

The meeting adjourned at 2:46 p.m.