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Commonwealth of Pennsylvania Sewage Advisory Committee Minutes of the Meeting March 11, 2009

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 twelve (12) organizations with voting members/alternates recorded as present. Seventeen (17) organization's members/alternates were Not Present. There are four (4) member organizations having no current appointed member or alternate, including one Inactive statutory member organization. Minimum quorum is one third of 29 appointed members/alternates able to cast votes; for this meeting, quorum was 10.

Organizations and members and/or alternates present are indicated by mark (▶).

	MEMBER ALTERNATE	REPRESENTING
▶	▶ Joseph A. Valentine, CPSSc [chairperson]. ▶ Charles R. Waddy	Pennsylvania Onsite Wastewater Recycling Association, Inc.
	James C. Elliott Andrew J. Hilt	American Council of Engineering Companies of Pennsylvania
	Arthur Hall Adams Caroline E. Boyce	American Institute of Architects-- Pennsylvania
▶	▶ John F. Wagman David L. Sheridan	American Society of Civil Engineers
	Mourice G. Waltz (no alternate)	American Planning Association
	Brian S. Funkhouser Scott E. Russell	American Water Works Association
	Harold Hurst Kristen Goshorn	County Commissioners Association of Pennsylvania

D R A F T

▶	▶ Ralph DeFazio Doug Range	County Departments of Health, Local Health Agencies
	Nomination pending Dr. Sean Sanderson	Department of Community & Economic Development
	Patricia Grim Joanne R. Denworth	Governor's Policy Office
	(No member) (No alternate)	League of Cities and Municipalities
	Gabriel D. Alessi (no alternate)	Mortgage Bankers Association
	(No member) (No alternate)	National Association of Water Companies
	Walt Krzyzanowski Al Ruscito	Pennsylvania Association of Plumbing, Heating & Cooling Contractors
▶	▶ Bruce P. Willman, CPSS William F. Beers	Pennsylvania Association of Professional Soil Scientists
▶	▶ Robert T. Wood Linda A. Peters	Pennsylvania Association of Realtors
▶	Barbara L. Brown ▶ Ralph M. Houck	Pennsylvania Association of Sewage Enforcement Officers
	Eugene E. Dice Kevin J. Garber	Pennsylvania Bar Association
▶	Carl D'Amico ▶ John Gigliotti	Pennsylvania Builders Association
	Eric R. Conrad, P.G. John Walliser	Pennsylvania Environmental Council, Inc.
	Keith Klingler (no alternate)	Pennsylvania Land Owners Association, Inc.
	Anita Stabile Peter Slack	Pennsylvania Municipal Authorities Association
	Bruce E. Fox Rusty Luzell	Pennsylvania Septage Management Association

D R A F T

	Brian L. Book, P.E. Shannon G. Williams, P.E.	Pennsylvania Society of Professional Engineers
▶	▶ Dan O'Connell Thomas Klaum	Pennsylvania State Association of Boroughs
▶	▶ Ginnie Anderson Kane Frank Linn	Pennsylvania Association of Township Commissioners
▶	▶ Lester O. Houck ▶ James Wheeler	Pennsylvania State Association of Township Supervisors (PSATS)
	Sam D'Alessandro, P.E., P.L.S. Charles B. Zwally, Esquire	Pennsylvania Vacation Land Developers Association
▶	▶ Duane E. Mowery Alison J. Shuler	Pennsylvania Water Environment Association
	Dr. Henry Lin Dr. Richard Stehouwer	The Pennsylvania State University
▶	▶ John R. Williams Gary A. Rothrock	USDA Rural Economic and Community Development Service
	Organization internal policy no longer allows participation	US Department of Housing and Urban Development
	Organization currently no longer functioning	Pennsylvania Environmental Health Association
	OTHER ATTENDEES	
	Tom Ashton	American Manufacturing Company, Inc.
	Lori Books	Lebanon County Planning Department
	Grant Goulibon	Pennsylvania Builders Association
	Brad Hengst	Sewage Enforcement Officer
	Elizabeth Hensil	Pennsylvania Association of Realtors
	Steve Hoffman	Independent Regulatory Review Commission
	Scott Houser	PSATS
	Mark S. Mills	Soil Scientist

DRAFT

	Ed Schloss	Jet, Inc.
	Gordon Sheetz	Lebanon County Planning Department
	Sue Wilson	Citizens Advisory Council to DEP
	DEP REPRESENTATIVES	
	Duke D. Adams	Executive Policy Specialist 2, Office of Policy and Communications
	Dana Aunkst	Director, Bureau of Water Standards and Facility Regulation (BWSFR)
	John Borland	Water Program Specialist, BWSFR
	John Diehl	Environmental Group Manager, BWSFR
	Karen Fenchak	Water Program Specialist, BWSFR
	Ron Furlan	Environmental Program Manager, Office of Water Management
	Nick Hong	Environmental Engineering Specialist, BWSFR
	Jim Novinger	Water Program Specialist, BWSFR

Meeting Opening

Joseph Valentine, Chairperson, called the meeting to order at 10:33 a.m. in the auditorium of the Rachel Carson State Office Building. Meeting sign-in sheets were circulated, and quorum was present.

Old Business

Approval of the Meeting Minutes of September 17, 2008

The minutes of the meeting of September 17, 2008 were approved by the Committee with corrections.

D R A F T

John Diehl, Environmental Group Manager, Act 537 Management Section, BWSFR, reminded the Committee of the standing obligation for member organizations to submit nominations for SAC representatives. Mr. Diehl stated that the deadline for those nominations had passed, and he called upon those organizations with nominations still pending to submit them quickly.

New Business

Bureau Director's Update

Dana Aunkst, Director, BWSFR, briefly addressed the SAC concerning the workgroups working on regulatory revisions to Chapters 71, 72, and 73, stating that the DEP is very serious in its desire for good input from the SAC. He also explained that the deadline for all three chapters to be brought to the Environmental Quality Board (EQB) is by the summer of 2009 and that this deadline came from the highest levels of the Commonwealth. Mr. Aunkst encouraged the SAC members to do their best to provide their input within that timeline. In light of this, the Committee requested that DEP staff assist during Chapter 71a workgroup sessions relating to interpret the draft so that workgroups can generate accurate comments. The Committee also requested such assistance with Chapters 72a and 73a.

Responding to SAC member questions about the status of draft guidance documents, Mr. Diehl stated that their progress had been delayed, because DEP staff are now focusing on regulation revisions. Staff are seeking through the revisions to incorporate much of the specifications currently in the guidance documents into the regulations themselves.

Mr. Aunkst also informed the SAC about the facts regarding the shortfall in 2007's Act 537 reimbursement program and requested suggestions from SAC members on how to prevent such shortfalls through efforts to gain accurate appropriations.

Status of Chapters 71a and 72a

Jim Novinger, Water Program Specialist, BWSFR, provided a presentation on the proposed revisions to Chapter 71 (to create Chapter 71a). In general, the revisions include major changes in the organizational structure to create a more user-friendly document, new and revised definitions of terms included in the chapter, and clearer and more precise requirements for sewage facilities planning to ensure consistent interpretation and, therefore, more effective enforcement of the requirements.

Further, Mr. Novinger presented on newly proposed changes to Chapter 72a. These include new and revised definitions as well as some new or clarified requirements. Also included are permitting for onlot system abandonment to ensure public safety, establishment of an SEO training fee, the ability of a local agency or an SEO to request an evaluation by the DEP upon the termination of an SEO, and clarification of the eligibility for reimbursement of sewage management program costs.

--5--

D R A F T

5/15/2009

D R A F T

Other Business

DEP Response on the Technical Decision Making Guidance Document

Duke Adams, Executive Policy Specialist, Office of Policy and Communications, responded to questions posed by SAC members during the committee's November 2008 meeting concerning the Department's Technical Decision Making (TDM) guidance and with regard to the report by The Center for Rural Pennsylvania, "An Examination of Failing Private Septic Systems in Pennsylvania." With regard to the TDM guidance, Mr. Adams indicated that the majority of decision-making remains in the hands of local agencies and that the Department only plays a role in the decision-making process when one of the following occurs:

1. Use of a system that is not listed as an alternate technology
2. Review and approval of small flow treatment facilities
3. Approval to violate critical criteria , such as vertical isolation distance to a limiting zone OR the downsizing of an absorption area beyond the regulatory requirements
4. Use of experimental technology to violate the criteria listed in #3 above

The guidelines within the TDM for Department determination of system designation are considered appropriate. Another concern raised was that the regulations do not contain a definition for Best Technical Guidance. It was noted that this is being addressed through the revisions to Chapter 72.

Regarding the report by The Center for Rural Pennsylvania, Mr. Adams noted that the report contained many concerns that the Department's revisions to Chapters 71-73 are attempting to address. Some findings of the report include the fact that many 537 plans are over 20 years old, Joint Local Agencies (JLAs) tend to have better planning and better recordkeeping, and the majority of septic system failures in the state have been due to mechanical failures rather than site suitability issues. The criteria in the report regarding preliminary hydrogeologic studies were improperly reported as needed when a system will be located within 2500 feet of a well with groundwater nitrate concentrations recorded at 10 parts per million nitrate or above. The Department's criteria for requiring preliminary hydrogeologic studies are when a system is proposed to be located within 1320 feet of a well with groundwater nitrate concentrations recorded at 5 parts per million nitrate or above. The Department believes the criteria are still appropriate. Sewage management programs (SMPs) are also being encouraged by the Department in the revisions to Chapters 71-73 which should work towards helping prevent onlot system malfunctions and failures. Historically, the Department has seen the repair rates for onlot systems increase initially as a function of SMP implementation.

Chairman Valentine informed the SAC members that the committee must have its suggestions and comments on Chapters 71, 72, and 73 by the committee's June 10, 2009 meeting, and he said that they must set up workgroups to meet with DEP staff within the next 30 days.

The meeting was adjourned at 2:32 p.m.

--6--

D R A F T

5/15/2009