

# DRAFT

October 12, 2006

## Commonwealth of Pennsylvania Sewage Advisory Committee Minutes of the Meeting August 16, 2006

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 eighteen (18) organizations with voting members/alternates recorded as Present. Fourteen (14) organization's members/alternates were Not Present. There are three (3) member organizations having no current appointed member or alternate, including one Inactive statutory member organization. Minimum quorum is one third of 32 appointed members/alternates able to cast votes; for this meeting quorum was 11. Organizations and members and/or alternates present are indicated as marked (▶)

	Member Alternate	Representing
▶	▶ Barbara L. Brown [chairperson] ▶ Ralph M. Houck	Pennsylvania Association of Sewage Enforcement Officers
▶	▶ Mourice G. Waltz (no alternate)	American Planning Association
▶	▶ John F. Wagman David L. Sheridan	American Society of Civil Engineers
▶	Brian S. Funkhouser ▶ Scott E. Russell	American Water Works Association
▶	▶ James Elliott Andrew Hilt	American Council of Engineering Companies of Pennsylvania

Minutes of the Meeting of August 16, 2006

▶	▶ Ralph DeFazio Doug Range	Local Health Agencies
	Organization internal policy no longer allows participation	US Department of Housing and Urban Development
▶	▶ John R. Williams Peter Fleszer	USDA Rural Economic and Community Development Service
	James Adair John D. Wanner	General Contractors Association of Pennsylvania
	Patricia Grimm Joanne R. Denworth	Governor's Policy Office
	John J. Amrhein (no alternate)	Mortgage Bankers Association
	Richard Svindland David Kaufman	National Association of Water Companies
	Al Ruscito (no alternate)	Pennsylvania Assoc. of Plumbing, Heating & Cooling Contractors
▶	▶ Robert T. Wood Linda A. Peters	Pennsylvania Association of Realtors
	Eugene E. Dice (No alternate)	Pennsylvania Bar Association
▶	▶ Carl D'Amico ▶ Keith Ashley	Pennsylvania Builders Association
	[Donald Berman resigned 12/7/05, successor unnamed as of this meeting.] John Walliser	Pennsylvania Environmental Council, Inc.
	Organization currently no longer functioning	Pennsylvania Environmental Health Association
	Keith Klingler (no alternate)	Pennsylvania Land Owners Association, Inc.
	(No member) (No alternate)	Pennsylvania League of Cities and Municipalities
▶	▶ Anita Stabile ▶ Peter Slack	Pennsylvania Municipal Authorities Association

Minutes of the Meeting of August 16, 2006

	Muscoe Martin Caroline E. Boyce	American Institute of Architects--Pennsylvania
	Brian L. Book, P.E. Ernest U. Gingrich, P.E., P.L.S.	Pennsylvania Society of Professional Engineers
▶	▶ Dan O'Connell Thomas Klaum	Pennsylvania State Association of Boroughs
	Tom Ceraso Douglas Hill	Pennsylvania State Association of County Commissioners
	Frank Linn Lloyd Bucher	Pennsylvania Association of Township Commissioners
▶	Lester O. Houck ▶ James Wheeler	Pennsylvania State Association of Township Supervisors
	Dr. Henry Lin Dr. Gary Petersen	The Pennsylvania State University
▶	▶ Duane E. Mowery ▶ Alison J. Shuler	Pennsylvania Water Environment Association
	Randall R. Myers, P.L.S. Allison M. Bradbury, P.L.S.	Pennsylvania Society of Land Surveyors
▶	▶ Philip E. Robbins (no alternate)	Pennsylvania Department of Community & Economic Development
▶	▶ Sam D'Alessandro, P.E., P.L.S. Charles B. Zwally, Esquire	Pennsylvania Vacation Land Developers Association
▶	▶ Bruce P. Willman, CPSSc. Joseph A. Valentine. CPSSc.	Pennsylvania Association of Professional Soil Scientists
▶	Bruce E. Fox ▶ Rusty Luzell	Pennsylvania Septage Management Association
▶	▶ Charles R. Waddy David V. Linahan	Pennsylvania Onsite Wastewater Recycling Association, Inc.

Minutes of the Meeting of August 16, 2006

	Other attendees:	
	Kyle Landis	Infiltrator Systems
	Kim Kaufman Sarah Miller	Independent Regulatory Review Commission
	David Hapchuk Gary Conkle	PA Septage Management Association
	Karen Atkinson	Pennsylvania State Association of Township Supervisors
	DEP Representatives	
	Jay C. Africa	Chief, Act 537 Management Section, Div of Planning and Permits, Bureau of Water Standards and Facilities Regulation, DEP (Act 537 Management)
	John Murtha	Chief, PCS Section, Div of Planning and Permits, Bureau of Water Standards and Facilities Regulation, DEP
	Jim Novinger	SPS, Act 537 Management
	John Borland	SPS, Act 537 Management
	John J. McHale, Jr.	SPS, Act 537 Management
	Darryl Scott	AA1, Program and Act 537 Grant Administration Section, Div. Of Bureau Business Management, Bureau of Water Standards and Facilities Regulation, DEP
	Marjorie Hughes	Regulatory Coordinator, Office of Policy, DEP

**1. Meeting Opening**

- a. Barbara Brown, chairperson, called the meeting to order at 10:34 a.m. in Room 105 of the Rachel Carson State Office Building, Harrisburg, Pennsylvania. Meeting sign-in sheets were circulated.

## Minutes of the Meeting of August 16, 2006

- b. Ms. Brown, chairperson, introduced John McHale, to talk about committee administrative matters. Mr. McHale reminded the committee members that their terms of office expire March 31, 2007, and indicated correspondence would be sent in mid-September to ask their organizations to make nominations by January 1, 2007, approximately. Mr. McHale introduced Darryl Scott, AA1, DEP, as his replacement for taking the Sewage Advisory Committee meeting minutes. Mr. McHale recommended that the Committee discuss the scheduling of the 2007 calendar year meeting dates.

## **2. Old Business**

A motion was made by Mr. Williams to make corrections to the March 15, 2006 minutes.

## **3. New Business:**

- a. Members from three member organizations gave a verbal orientation on their organizations and the organization's history and goals. They were Keith Ashley of the Pennsylvania Builders Association, James Elliott and Andrew Hilt of the American Council of Engineering Companies of Pennsylvania and James Wheeler of the Pennsylvania State Association of Township Supervisors.
- b. Alison J. Shuler addressed the committee on developing a new format for new organizations to be introduced to the existing members. Four existing organizations volunteered to make presentations consistent with the new format: American Water Works Association, Pennsylvania Municipal Authorities Association, and Pennsylvania Septage Management Association, and Pennsylvania Department of Community and Economic Development.

## **4. Omitted Item of Business**

Introduction of Patricia M. Grim as member replacing Ms. Denworth was omitted because Ms. Grim was not in attendance.

## **5. Overview of the Regulatory Revision Process**

Marjorie Hughes, Regulatory Coordinator, DEP Policy Office introduced Sarah Miller, Regulatory Services Analyst, of the Independent Regulatory Review Commission. Ms. Miller gave a PowerPoint presentation overview of regulatory revision process. Ms. Hughes provided additional information concerning DEP's practices prior to the process outlined by Ms. Miller.

**6. Photo ID Requirement For SEO Training Course Registration**

This discussion of the objections raised by SEO students to the recording of document identification numbers on photo i.d. type documents (such as driver's licenses) concluded that while it was necessary to check government issued documents, it was not necessary to maintain record either at the training site or in the training records of these numbers. These numbers are not to be recorded at the training sites in the future.

**7. Soil Fracturing Update**

Mr. Africa discussed Secretary McGinty's most recent letter concerning this subject. The previous letters of DEP on this subject are rescinded. The use of soil fracturing, as maintenance, is no longer permitted.

**8. Update On Nutrient Trading And Potential Impacts On Act 537 Program**

Mr. John Murtha, DEP, spoke in place of Dana Aunkst, Chief, Division of Planning and Permits, DEP, concerning the current status of the nutrient trading program affecting the Potomac and Susquehanna River basins. The handout provided for this meeting is now out-of-date due to the programs continuing process of development. The direct impact on the conduct of the Act 537 program itself is slight Other possible impacts of the nutrient trading program and the related Chesapeake Bay strategy could, however. These are foreseen as potentially serious. The Committee discussed these at some length.

**9. Progress Report On Revisions To Chapters 71, 72 And 73**

Mr. Africa, DEP, discussed the factors currently influencing progress on the proposed revisions to 25 Pa. Code 71, 72, and 73. The process of revision appear slowed from previous expectations. MR. Bruce Williams asked about scheduling SAC subcommittee meetings to correspond with DEP's schedule. Mr. Africa suggested that there be workgroups for each chapter and that these report to the full Committee. Mr. Africa must consult with the DEP Policy Office concerning current Department policies affecting the use of the more flexibly scheduled workgroups. It is possible that the subject matter may be cause for the Department to require the more formal subcommittee procedures be used.

**10. Public comments concerning Committee business**

Dave Hapchuk, of Hapchuk Inc., Washington, PA and PSMA spoke in opposition to the ban on soil fracturing [item number 7]. He asked pointedly concerning the basis of the ban on the use of soil fracturing as a maintenance procedure for onlot systems, claiming to have used it successfully and safely for some years. There was response from some of the committee members. Mr. Hapchuk agreed to supply information to the Department regarding the successful use of the process in Fayette, Allegheny, Washington and Green Counties.

**11. Additional items not on the pre-published agenda**

Minutes of the Meeting of August 16, 2006

- a. Research related item: Mr. Keith Ashley moved to have the Department supply the Committee with an accounting of receipts and expenditures of the planning module fees (as these relate to educational programs and Act 537 related research and development). The motion passed unanimously. Concerning current research activity, Mr. Africa explained that the Department is reviewing the information from the last Delaware Valley College research before deciding what actions should be taken next concerning additional research. Mr. Carl D'Amico asked if the Pennsylvania builders association could assist the Department in this review.
- b. Speaking engagement item: Chairperson Barbara Brown reported that she had testified before the Republican Environmental Caucus in Pittsburgh. The focus of the hearing was a lack of continuity in application and permit processes within the various bureaus of DEP across the state.
- c. Don Berman's service has not yet been acknowledged by letter. The Chair will write this on behalf of the Committee as soon as she is able.

12. **Adjournment**

The meeting adjourned at 2:50 p.m.