

January 13, 2026

Citizen Advisory Council

**RE: Written Public Comment on PADEP Regulations
25 Pa. Code Chapters 71, 72, and 73**

Thank you for the opportunity to provide written public comment regarding Pennsylvania Department of Environmental Protection (PADEP) regulations under 25 Pa. Code Chapters 71, 72, and 73, which govern the administration of sewage facilities, sewage permitting, and standards for on-lot sewage treatment systems.

Background

The matter I bring before the Citizen Advisory Council today involves personal, environmental, and conservation-related concerns. By way of background, I serve as the District Executive for the Berks County Conservation District and am a strong advocate for environmental protection and water quality throughout the Commonwealth.

I also own a small fishing cabin located along Penns Creek in Hartley Township, Union County. The cabin is served by an outdated cesspool system that is more than 70 years old. In recent years, this system has begun to fail. In an effort to prevent environmental degradation and protect water quality, I initiated the process to repair or upgrade the existing sewage system.

I have consulted with representatives from PADEP's North Central Regional Office as well as the Hartley Township Sewage Enforcement Officer. Both have been helpful and professional in explaining the regulatory requirements applicable to my situation.

Regulatory Concerns

Through these discussions, several concerns regarding Chapters 71, 72, and 73 have become apparent:

1. One-size-fits-all regulatory framework

The regulations are broadly written and offer little discretion or flexibility for unique or site-specific circumstances.

2. Residential classification limitations

PADEP personnel reference residential structures or communities with the regulations. By legal definition, seasonal dwellings such as vacation homes, hunting camps, or fishing cabins do not meet the definition of a permanent residential structure.

3. Lack of variance or exemption mechanisms

Unlike other PADEP regulations—such as 25 Pa. Code Chapter 105—Chapters 71, 72, and 73 provide no clear process for variances, waivers, or exemptions to address special circumstances.

4. Absence of practical solutions for low-use systems

The regulations do not adequately account for sewage facilities that serve low-use dwellings (e.g., occupied fewer than 90 days per year), despite their significantly reduced wastewater generation. Current regulations require a full, “On Lot Septic System” with sand mound or septic drainage field.

Closing Comments

There are thousands of hunting camps, fishing cabins, and seasonal vacation dwellings across Pennsylvania that rely on aging cesspools or similar legacy sewage systems. Under the current regulatory framework, it is often financially and practically prohibitive to repair, upgrade, or improve these low-use systems.

As a result, the existing regulations may unintentionally discourage environmental improvements. This presents a missed opportunity for PADEP to facilitate upgrades that would ultimately enhance water quality and environmental protection across the Commonwealth.

I respectfully request that the Citizens Advisory Council consider evaluating Chapters 71, 72, and 73 to explore the inclusion of limited exemptions or variance provisions that would allow owners of seasonal, low-use dwellings to responsibly upgrade their sewage facilities.

Any such exemption would necessarily require appropriate safeguards. By way of example, potential criteria could include, but not be limited to:

1. The dwelling is not a permanent residence and is occupied no more than 90 days per calendar year.
2. The sewage system repair does not exceed replacement of a tank or structure greater than 1,000 gallons.
3. The system is pumped at least on a biannual basis.
4. The system is equipped with a method to measure tank capacity or includes electronic level detection.
5. If tank capacity exceeds 85 percent, the system must be pumped and all contents transported to a permitted sewage treatment facility.

Thank you again for the opportunity to provide written testimony on PADEP regulations under 25 Pa. Code Chapters 71, 72, and 73. I appreciate your consideration of these concerns and your continued commitment to protecting Pennsylvania's environment and water resources.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Dean Druckenmiller". The signature is written in a cursive, flowing style.

Dean Druckenmiller