



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
HOUSE AND SENATE ENVIRONMENTAL RESOURCES COMMITTEES**

ON

ACT 26 OF 2017 AND Act 34 OF 2020

PRESENTED BY

**JOE GERDES
DIRECTOR OF GOVERNMENT RELATIONS**

**APRIL 27, 2021
HARRISBURG, PA**

Chairman Metcalfe, Chairman Yaw and members of the House and Senate Environmental Resources and Energy Committees:

My name is Joe Gerdes and I am the director of government relations for the Pennsylvania State Association of Township Supervisors. Thank you for the opportunity to provide comments on behalf of our member townships.

The Association represents Pennsylvania's 1,454 townships of the second class and is committed to preserving and strengthening township government and securing greater visibility and involvement for townships in the state and federal political arenas. Townships of the second class cover 95% of Pennsylvania's land mass and represent more residents — 5.5 million Pennsylvanians — than any other type of political subdivision in the commonwealth.

PSATS supported Act 34 of 2020 and Act 26 of 2017 and understood both acts to provide for a wider, more cost-effective use of alternate on-lot sewage treatment systems. These acts were intended to simplify the municipal sewage planning process and reduce the financial burden on homeowners who are unable to use conventional on-lot sewage systems to meet their land development needs. However, both acts have been interpreted by the Department of Environmental Protection to make the use of these systems more difficult, if not impossible. We take exception to these interpretations.

Alternate on-lot sewage systems are called "alternate" in that they are a different option from conventional on-lot sewage systems, such as elevated sand mounds. Alternate on-lot systems are technologies that provide competent wastewater treatment for residences and commercial establishments wanting to develop their land but for which a conventional sewage system would not work. These alternate systems are safe and reliable and have been in use for over 20 years.

As originally drafted, Act 26 of 2017 amended the Sewage Facilities Act (*Act 537 of 1965*) to allow the use of alternate on-lot systems to satisfy general site suitability requirements when proposing a plan supplement or revision for a new land development. Under prior law, as well as current department interpretation, only conventional sewage disposal systems may be used in the planning process. As such, the intent of Act 26 was to simplify the municipal sewage planning process and reduce the financial burden on homeowners who could not use conventional, on-lot sewage systems to meet their land development needs, while ensuring that critical environmental protections remained in place.

During the legislative process, Act 26 was amended to include a requirement that the department develop a technology verification policy to evaluate the effectiveness of any alternate on-lot system for approved use in Pennsylvania and pave the way for some alternate systems to be reclassified as conventional systems. While this is a concept that we support and was intended to simplify the planning process, the technology verification process developed by the Department (*Alternate On-lot Sewage Pretreatment Technology Verification Policy, #385-2208-003, effective May 9, 2020*), unfortunately, is a costly process which may impede the wider use of alternate on-lot systems. This was an outcome contrary to the clear intent of Act 26 of 2017.

Act 34 of 2020 was promptly adopted last year by the General Assembly to correct the issue with the Department's technology verification policy and restore the clear intent of Act 26, to simplify the municipal sewage process for alternate on-lot systems.

However, once again, we find these efforts to implement clear language stymied by Department interpretations that are making the planning process for alternate on-lot systems more complex, if not impossible. The Department's March 2, 2021 implementation letter to sewage enforcement officers appears to contradict the clear language and intent of both Act 26 and Act 34 and comes nine months after the adoption of the legislation.

The Department should follow both acts as plainly written and clearly intended, which is to simplify, not complicate, the use of alternate technologies during the planning process. These technologies are not new and are approved for use by the Department on its On-lot Alternative Technology Systems listing. If the Department believes that there are additional statutory barriers to the simplification of the planning process for alternate systems, the Department should provide these specific citations to these committees so that action can be taken to evaluate them.

Thank you for the opportunity to comment today. I will now attempt to answer any questions that you may have.