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Testimony on Behalf of the Pennsylvania Association of Sewage Enforcement Officers

by Paul Golrick, P.G., SEO

before the Joint Environmental Resources and Energy Committee

April 27, 2021

The Pennsylvania Sewage Facilities Act (Act 537) requires that all municipalities develop, revise and implement Official Sewage Facility Plans (“Act 537 Plan” or simply “Official Plan”). A fundamental part of an Act 537 is to help address existing sewage disposal needs, and to help prevent future problems through the proper planning, permitting, and design of all types of sewage facilities.

The onlot sewage facility program is largely administered on the local government level by individual municipalities or groups of municipalities working together (including County Health Departments), which are known as local agencies and joint local agencies, respectively. Local agencies receive technical oversight and financial assistance from DEP. **Sewage Enforcement Officers** are the certified agents that implement the Act 537 program established in Act 537 Chapter 72.21.

The identification and documentation of sewage-associated problems involves the collection and tabulation of information in the form of reports, surveys and administrative actions and then verifying the data with actual field work. There are two general needs categories relating to sewage disposal that must be considered:

- Public Health Needs
- Water Pollution Needs

Information obtained in these categories must be subjected to field surveys in order to verify specific needs. Field surveys are instrumental to obtain documentation for inclusion in an Act537 Plan.

Public health needs are considered to be those health hazards and water pollution problems that involve discharging untreated or inadequately treated sewage to the surface of the ground or to the waters of the Commonwealth (including groundwater).

The Pennsylvania Association of Sewage Enforcement Officers (PASEO) is the commonwealth’s only professional organization dedicated solely to the needs of certified Sewage Enforcement Officers. PASEO was established as a 501(c)(6) professional association in 1986 by Sewage Enforcement Officers (SEOs) from across the Commonwealth of Pennsylvania. PASEO’s founders recognized a need for interaction and cooperation among the many Sewage Enforcement Officers and between the organization and the Pennsylvania Department of Environmental Protection.

PASEO’s goals are to:

- Encourage and maintain the highest standards of professional ethics and practices;
- Sponsor and promote educational programs for members and the public;
- Provide a forum for the exchange of information and ideas;
- Act on behalf of its members in connection with legislative and regulatory proposals concerning the SEO community.



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Over the years, PASEO has grown from an idea shared by a handful of SEOs to a vibrant and growing organization. Our membership is organized into six regional chapters corresponding, roughly, to the areas served by the Department of Environmental Protection's six regional offices. This has enabled and fostered a communications link between PASEO and DEP on both the state and regional level.

Having been appointed by the Secretary of the Department of Environmental Protection, PASEO is an active member in the state's Sewage Advisory Committee and has attempted to help craft numerous pieces of legislation and regulation.

Background

The Pennsylvania Sewage Facilities Act (Act 537) PA Code Title 25 authorizes and empowers Sewage Enforcement Officers to execute the Sewage Facilities Program. The regulations regarding testing, permitting and construction of on-lot sewage disposal systems are established in Chapter 71, 72, and 73 of the Pennsylvania Code 25 and include planning for current and future building in addition to addressing the immediate short-term goals of property developers –residential, commercial, and institutional.

From time to time, as technological advances are proposed, DEP is expected to review and modify which sewage disposal systems and component are acceptable and appropriate for use according to the provisions provided in Chapter 73.71 (Experimental System) and 73.72 (Alternate Systems) Appendix 1

Since enactment of the regulations on January 24, 1966, DEP has utilized these subchapters multiple times. A List of Alternate Technologies approved by DEP is attached as Appendix 2 and is also available on DEP's website at:

<https://www.dep.pa.gov/Business/Water/CleanWater/WastewaterMgmt/Act537/OnlotDisposal/Pages/OnlotAlternateTechnologyListings.aspx>). As additions are made to the Alternate listing, the DEP notifies Sewage Enforcement Officers utilizing an "All SEO Letter" and the general public by publication in the Pennsylvania Bulletin. A list of their memos to SEOs is also attached (Appendix 3).

The Problem

The implementation of Act 34 has been curtailed by PADEP. While DEP directs the regulatory community with respect to enforcement of on-lot sewage disposal regulations, the difficulty with not following the clear letter of the law (or regulation) is that it leads to misinterpretation and confusion in the regulatory community. SEOs (the regulatory community) don't know how to enforce the regulations if the rules are ever-changing.

While DEP clearly has the authority and obligation to promote rules that will protect the Commonwealth's water, that right is not unabridged. They are required to follow laws passed by the legislature and signed by the Governor (such as Act 34).

They are required to follow their own published *Policy for Development, Approval, and Distribution of Regulations* (Appendix 4).

The problem is that DEP appears to believe it is autonomous when dealing with regulatory issues associated with sewage disposal. This is not a new problem, unfortunately.



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History

The Alternate System Guidance has been a part of the Act 537 program since the early 1990s. In 1993, the then DER “*Technical Manual for Sewage Enforcement Officers*” (attached Appendix 5) stated that...

“Alternate systems, because they employ proven technology, are not required to have replacement systems and are adequate for sewage facilities planning (Chapter XIII-1.) This means they are acceptable for use in subdivision planning and on vacant lots.

And later ...

“Once a type of system is found generally reliable, the Department places this system and any conditions for its use or review on a list of alternate systems. This allows applicants, designers, SEOs and Department staff to consider these systems when evaluating a potential building site.” (Chapter XIII-2).

In 2003, DEP issued an Alternate System Guidance document (summary of systems is attached in Appendix 6). In 2005, SEOs received a memo from Dana Aunkst (then DEP Deputy Secretary for Field Operations) referring to Alternate systems (labelled “IMPORTANT NOTE”):

This is a restatement of the existing policy. It is not new policy or guidance” that “...current regulations prohibit us from basing planning decisions on suitability for shallow (less than 20 in LZ depths absorption area systems classified as alternate technology ...”

The memo went on to say that... “Only after planning approval (i.e. when lots exist) may these systems be considered.” (see Appendix 7)

No interim guidance had been issued by the Department rescinding the approved status of these systems. No data has been introduced to demonstrate that these systems no longer protect the Commonwealth’s water. DEP’s own memos routinely include the “Disclaimer:” stating:

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of the DEP to give the rules in these policies that weight or deference.

As time went by, shallow limiting zone sewage disposal systems were again allowed, in certain cases, to be utilized. They have functioned well. Very few failures (“malfunctions”) have been reported/recorded of alternate systems. Since 2018, The Bucks County Dept. of Health has issued 351 (of those 122 were for new construction).. Since 2005 Montgomery County Health Department issued 1506 alternate system design permits which constitutes nearly 33% of permits issued in the county.

In 2017, the legislature passed and the Governor signed Act 26 that required DEP to evaluate alternate systems and reclassify them as “conventional” if they were found to function properly and protect the Commonwealth’s water. If a system were found to be inadequate, that system could be removed from the Alternate list. This allow more types of technology to be used more expediently.

No systems have been added or removed from the listing since that time.



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On June 5, 2020, Act 34 was signed into law as an amendment to the Pennsylvania Sewage Facilities Act (35 P.S. §750). Act 34 states:

c.1) When proposing a new land development, the applicant may submit and the department shall accept, for the purpose of satisfying general site suitability requirements, any conventional sewage system or alternate sewage system that meets site conditions present at the proposed new land development.

From DEP's website :

Act 34 of 2020 amended sections of the Sewage Facilities Act that were previously amended by Act 26 of 2017; specifically, sections 5(c.1) and 5(c.2). On March 2, 2021, an "All SEO Letter" was sent to clarify the Department's expectation of what municipalities should do with proposals for new land development that they have already received and that were submitted based on the draft *Pennsylvania Sewage Facilities Act Program Guidance; Site Suitability and Alternatives Analysis Guidelines for New Land Development Proposing On lot Sewage Disposal* (385-2207-001) (Planning Guidance) that was developed in response to Act 26 of 2017.

The letter contains important deadlines for sewage planning proposals and can be found under the All SEO Letters heading on this webpage. The Department is working on additional guidance to address specific items associated with the implementation of the SFA as amended by Act 34 of 2020.

They followed up with an ALL SEO letter on March 2, 2021 (Appendix 4)

The Department understands that the intent of recent amendments to the SFA (Sewage Facilities Act) is to expand the use of alternate systems to allow for development of lots that are currently unavailable for new land development. However, other provisions of the SFA and the Clean Streams Law also require DEP to ensure that sewage plans and treatment technologies protect public health and the environment.

- If a municipality has received or receives a sewage planning proposal for a subdivision that proposes lots that rely on on-lot sewage disposal and that sewage planning proposal is consistent with the draft Planning Guidance, the municipality may base their decision for action based on whether the proposal is consistent with the sewage planning requirements in the draft Planning Guidance **if the site investigation was completed and attested to by the local agency SEO between September 18, 2017 (effective date of Act 26 of 2017) and February 23, 2021 (Sewage Advisory Committee meeting)**.
- Any sewage planning proposal with site investigation completed and attested to by the local agency SEO after February 23, 2021, should be consistent with the SFA as amended by Act 34 of 2020

The deadline established is arbitrary and appears to have no scientific basis.



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The Solution

PASEO's position is that:

1. Act 34 of 2020 should be interpreted as plainly written;
2. DEP should follow the original legislative intent behind Act 34 of 2020 in that the use of all currently listed alternate systems on the Onlot Alternate Technology Systems ("OATS") listing can be used in all levels of land planning and permitting;
3. Current technologies were placed on the OATS listing based upon valid scientific evidence and therefore should only be removed through valid scientific evidence; and,
4. All rules and policies should be published and readily available to the general public.

SEOs are certified professionals who are required to take continuing education credits to maintain our certification. Most SEOs across the Commonwealth have many years/decades of experience in the field evaluating sites, reviewing engineered plans, and overseeing construction of sewage disposal systems.

But SEOs shouldn't be expected to manage a program that changes based on closed-door discussions and/or decisions made without scientific basis or input from professionals intimately familiar with the industry. We have much to offer and there is a mechanism established to utilize that knowledge and experience (the Sewage Advisory Committee).

The DEP has told the SEO community that they have been planning to modify the sewage regulations for years now. We hope that they will utilize the vast knowledge and experience of our organization and other professional organization to craft rules which will make use of science and technology to continue to protect the Commonwealth's water.

Appendix 1

Chapter 73.71 (Experimental System)

Chapter and 73.72 (Alternate Systems)

EXPERIMENTAL AND ALTERNATE SYSTEMS

§ 73.71. Experimental sewage systems.

- (a) Experimental systems may be considered for individual or community systems in any of the following cases:
- (1) To solve an existing pollution or public health problem.
 - (2) To overcome specific site suitability deficiencies, or as a substitute for systems described in this chapter on suitable lots.
 - (3) To overcome specific engineering problems related to the site or its proposed uses.
 - (4) To evaluate new concepts or technologies applicable to onlot disposal.
 - (5) To evaluate the applicability to onlot disposal of established concepts or technologies having successful use in comparable applications in the field of engineering.
 - (6) To demonstrate a design having successful use in other jurisdictions under environmental conditions similar to or more restrictive than those in this Commonwealth.
 - (7) To utilize under varying site conditions an experimental design, either in whole or in part, which has been deemed successful by the Department.
- (b) A person desiring to install an experimental sewage system or alter a component of an existing system using a method, technology or design determined to be experimental by the Department shall submit complete preliminary design plans and specifications to the sewage enforcement officer and the Department for review and comment prior to submitting an application for a permit. The Department will determine if classification as an experimental system, method, technology or design is appropriate for the submission and provide review comments to the sewage enforcement officer.
- (c) The following criteria shall be considered in the design of experimental systems:
- (1) The volume and rate of sewage flow, including reductions attributed to water conservation devices and recycling devices.
 - (2) The chemical and bacteriological characteristics of the flow, including the varying nature, if any, of the contributing sources.
 - (3) The treatment of the sewage flow, including, if appropriate:
 - (i) The type of treatment, that is aerobic, anaerobic, chemical, or other.
 - (ii) The degree and extent of treatment afforded, including the chemical and biological characteristics of the effluent.
 - (iii) The hydraulic design, including flow rates, retention time, settling rates, and sludge and scum storage.
 - (4) The materials of construction including durability and chemical resistance of all system components.
 - (5) The characteristics and limitations of the disposal site, including, if appropriate:
 - (i) The depth, composition and projected effects of any limiting zone identified through extensive onsite evaluation of the soils present.
 - (ii) The determination of the soil permeability through percolation tests, hydraulic conductivity tests or other acceptable testing procedures conducted on the site.
 - (iii) The chemical and bacteriological characteristics of the subsurface or other waters.
 - (iv) The natural and modified slope of the disposal site and contiguous areas, with particular attention to downslope areas.
 - (v) The relationship of the disposal site to existing and proposed drainage patterns, including surface and subsurface flows.
 - (vi) The stability and renovative abilities of controlled fill areas.
 - (6) The design of the absorption area, including:
 - (i) Dimensions.
 - (ii) Method of distribution and hydraulic design considerations of the distribution system.
 - (iii) Rate of application.
 - (iv) Relationship to other sewage disposal systems or features, water supply sources, surface waters, recharge areas, rock outcrops and other site improvements.
 - (v) Determination of hydraulic loading limitations—that is, interface acceptance rate of hydraulic conductivity of receiving soils—in accordance with accepted principles of hydraulic flow.
 - (7) The effect upon the groundwater, including:

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- (i) Fecal coliform.
- (ii) Chlorides.
- (iii) Nitrates.
- (iv) Nutrients.
- (v) Other degrading material.

(8) Other considerations as may be appropriate to comply with the act.

(d) Except as provided in subsection (f), experimental designs will be approved for use only when it has been determined that an individual or community sewage disposal system meeting the requirements of this chapter or another successful experimental design, or that sewage services meeting the requirements of the Clean Streams Law and Article II (relating to water resources), may be installed if the experiment is deemed a failure.

(e) Except as provided in subsection (f), monitoring, observation, testing or other requirements which are deemed necessary to verify the success of the experiment shall be required.

(f) A replacement area, as specified in subsection (d), and monitoring as specified in subsection (e), may not be required where the experimental design is an attempt to solve an existing pollution or public health problem.

(g) An application for an experimental system shall include the following:

(1) Detailed plans and specifications sufficient to comply with this section.

(2) A description of the system, device or process; its capabilities; and scheduled maintenance, if any, which are necessary for continued function.

(3) The identity of the person responsible for the design of the system; performance of scheduled maintenance, if required; and responsibility for repair or replacement in event of failure of the system.

(h) Each application for an experimental system shall be accompanied by a statement acknowledging the requirement that the sewage enforcement officer be notified of any malfunction or modification of the original system design.

(i) Prior to issuing a permit for an experimental sewage system, the sewage enforcement officer shall consider the comments of the Department.

Authority

The provisions of this § 73.71 amended under section 9 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.9); The Clean Streams Law (35 P. S. § § 691.1—691.1001); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 73.71 adopted August 2, 1971, effective August 14, 1971, 1 Pa.B. 1649; amended April 26, 1974, effective May 13, 1974, 4 Pa.B. 817; amended August 30, 1974, effective September 16, 1974, 4 Pa.B. 1805; amended January 21, 1983, effective January 22, 1983, 13 Pa.B. 508; amended November 7, 1997, effective November 8, 1997, 27 Pa.B. 5877. Immediately preceding text appears at serial pages (217339) to (217341).

Notes of Decisions

For the construction of a sewage disposal system, the provisions of 25 Pa. Code § 73.11(c) (relating to overall requirements) and 25 Pa. Code § 73.71(b)(5) (relating to standard trenches) require at least six feet between the soil surface and the seasonal high water table. *Department of Environmental Resources v. Flynn*, 344 A.2d 720 (Pa. Cmwlth. 1975).

Cross References

This section cited in 25 Pa. Code § 73.3 (relating to policy).

§ 73.72. Alternate sewage systems.

(a) Alternate systems shall be considered for individual onlot or community onlot systems in any of the following cases:

(1) To solve an existing pollution or public health problem.

(2) To overcome specific site suitability deficiencies, or as a substitute for systems described in this chapter on suitable lots.

(3) To overcome specific engineering problems related to the site or its proposed use.

(4) To utilize under varying site conditions an experimental design, either in whole or in part, which has been deemed successful by the Department.

(b) A person desiring to install an alternate sewage system shall submit complete preliminary design plans and specifications to the sewage enforcement officer and the Department for review and comment prior to submitting an application for a permit. The Department will determine if classification as an alternate system is appropriate and provide review comments to the sewage enforcement officer.

(c) The following criteria shall be considered in the design of alternate systems:

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- (1) The volume and rate of sewage flow, including reductions attributed to water conservation devices and recycling devices.
 - (2) The chemical and bacteriological characteristics of the flow, including the varying nature, if any, of the contributing sources.
 - (3) The treatment of the sewage flow, including, if appropriate:
 - (i) The type of treatment—that is, aerobic, anaerobic, chemical or other.
 - (ii) The degree and extent of treatment afforded, including the chemical and biological characteristics of the effluent.
 - (iii) The hydraulic design, including flow rates, retention time, settling rates and sludge and scum storage.
 - (4) Materials of construction, including durability and chemical resistance of all system components.
 - (5) The characteristics and limitations of the disposal site, including, if appropriate:
 - (i) The depth, composition and projected effects of any limiting zone identified through extensive onsite evaluation of the soils present.
 - (ii) Determination of the soil permeability through percolation tests, hydraulic conductivity tests or other acceptable testing procedures conducted on the site.
 - (iii) The chemical and bacteriological characteristics of the subsurface or other waters.
 - (iv) The natural and modified slope of the disposal site and contiguous areas, with particular attention to downslope areas.
 - (v) The relationship of the disposal site to existing and proposed drainage patterns, including surface and subsurface flows.
 - (vi) The stability and renovative abilities of controlled fill areas.
 - (6) The design of the absorption area including:
 - (i) Dimensions.
 - (ii) Method of distribution and hydraulic design considerations of the distribution system.
 - (iii) Rate of application.
 - (iv) Relationship to other sewage disposal systems or features, water supply sources, surface waters, recharge areas, rock outcrops and other site improvements.
 - (v) Determination of hydraulic loading limitations—that is, interface acceptance rate or hydraulic conductivity of receiving soils in accordance with accepted principles of hydraulic flow.
 - (7) The effect upon the groundwater, including the following:
 - (i) Fecal coliform.
 - (ii) Chlorides.
 - (iii) Nitrates.
 - (iv) Nutrients.
 - (v) Other degrading material.
 - (8) Other considerations as may be appropriate to comply with the act.
- (d) An application for an alternative system shall include the following:
- (1) Detailed plans and specifications sufficient to comply with this section.
 - (2) A description of the system, device or process; its capabilities; and scheduled maintenance, if any, which is necessary for continued function.
 - (3) The identity of the person responsible for the design of the system and performance of scheduled maintenance, if required.
- (e) Each application for an alternative system shall be accompanied by a statement acknowledging the requirement that the sewage enforcement officer be notified of any malfunction or modification of the original system design.
- (f) Prior to issuing a permit for an alternative sewage system, the sewage enforcement officer shall consider the comments of the Department.

Authority

The provisions of this § 73.72 amended under section 9 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.9); The Clean Streams Law (35 P. S. § § 691.1—691.1001); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

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The provisions of this § 73.72 adopted August 2, 1971, effective August 14, 1971, 1 Pa.B. 1649; amended April 26, 1974, effective May 13, 1974, 4 Pa.B. 817; amended August 30, 1974, effective September 16, 1974, 4 Pa.B. 1805; amended January 21, 1983, effective January 22, 1983, 13 Pa.B. 508; amended November 7, 1997, effective November 8, 1997, 27 Pa.B. 5877. Immediately preceding text appears at serial pages (217341) to (217342) and (221917).

Cross References

This section cited in 25 Pa. Code § 73.3 (relating to policy).

Appendix 2

Alternate Technologies approved by DEP

As of 2-2-2021

Onlot Alternate Technology Listings

System Name	Manufacturer
<u>AdvanTex Treatment System</u> (PDF) (12/12)	<u>Orenco System, Inc.</u>
<u>Alternate Aggregates</u> (PDF) (02/14)	<u>Soil Air Treatment & Rejuvenation System</u> (01/10)
<u>At-Grade Absorption Area</u> (PDF) (03/16)	
<u>Composting Toilet</u> (PDF) (02/14)	Bio-Sun Systems, Inc.
<u>Drip Distribution PERC-RITE micromound</u> (PDF) (03/12)	<u>American Manufacturing Co. Inc.</u>
<u>Drip Distribution PERC-RITE primary effluent</u> (PDF) (03/12)	<u>American Manufacturing Co. Inc.</u>
<u>Drip Distribution PERC-RITE secondary effluent</u> (PDF) (02/14)	<u>American Manufacturing Co. Inc.</u>
<u>Drip Distribution (SAS primary effluent)</u> (PDF) (03/12)	<u>JNM Technologies, Inc.</u>
<u>Drip Distribution (SAS secondary effluent)</u> (PDF) (02/15)	<u>JNM Technologies, Inc.</u>
<u>Drip Distribution (SAS mound drip)</u> (PDF) (03/12)	<u>JNM Technologies, Inc.</u>
<u>Ecoflo Biofilter</u> (PDF) (11/14)	<u>Premier Tech Aqua</u>
<u>Ecoflo EC7 Biofilter</u> (PDF) (02/17)	<u>Premier Tech Aqua</u>
<u>Eljen Geotextile Sand Filters</u> (PDF) (06/15)	<u>Eljen Corporation</u>
<u>Floating Outlet (Flout) Siphon</u> (PDF) (09/09)	<u>Rissy Plastics, Inc.</u>
<u>Flow Equalization</u> (PDF) (02/14)	<u>Steep Slope Elevated Sand Mound</u> (PDF) (02/14)
<u>Greywater</u> (PDF) (02/14)	<u>Sundrive Biovaporator</u> (PDF) (02/14)
<u>Leaching Chambers</u> (PDF) (02/14)	<u>Infiltrator Systems, Inc.</u>
<u>Modified Subsurface Sand Filter</u> (PDF) (02/14)	<u>UV Disinfection Unit</u> (PDF) (02/14)
<u>Puraflo Peat Biofilter</u> (PDF) (02/14)	<u>Anua</u>
<u>Shallow Limiting Zone At-Grade Absorption Area</u> (PDF) (03/16)	<u>Soil Air Systems/Geomatrix, LLC</u>
<u>Shallow Placement Pressure Dosed System</u> (PDF) (02/14)	Sundrive, Inc.
<u>Singular-Hydro-Kinetic Combo</u> (PDF) (12/15)	<u>Norweco, Inc.</u>

Appendix 3

DEP “All SEO Letter”

DATE	SUBJECT
5/11/1983	Pressurized distribution woes, corrections & recommendations to minimize problems ATTACHMENT MISSING
8/1/1989	Act 26 (7/1/1989) changes to Act 537 MISSING
1/5/1990	Act 26 amendment 9(b) to Act 537 - options for permits denied due to mottling
1995ish?	Sent regulatory Q & A indexes to SEOs INDEXES MISSING
1995ish?	Clarification of "repair" vs. "new" permits
	Heirarchy of steps to take in repair situations
8/5/1996	SEO conflict of interest clarification in proposed regulations
12/10/1997	Act 149 (1994) regulatory package ATTACHMENT MISSING
	Summary of Act 149 changes to Act 537
3/?/1998	Alternate & Experimental Systems Guidance interim supplement for peat filters (limit use of these)
5/11/1998	Alternate & Experimental Systems Guidance supplement for peat filters
7/1/1998	Announcing PSATS taking over the SEO training
8/10/1998	Alternate & Experimental Systems Guidance supplement for Infiltrator leaching chambers
4/9/1999	Alternate & Experimental Systems Guidance supplement for drip systems ATTACHMENT MISSING
6/7/2000	New PMC-1 form ATTACHMENT MISSING
6/7/2000	Notification that some PennDOT stockpiles do not meet the sand specifications for Type B sand
6/28/2002	Guidance on horizontal isolation distances to existing and planning mine subsidence areas
2/28/2003	SEO training courses will no longer have fees
10/10/2003	Announce new 2003 ASG
	Explain new interim ASG design review authority delegation
	Announce new Technical Decision Making technical guidance (TDM)
11/3/2003	Announce field testing of new AdvanTex AX20 technology & request site proposals
1/16/2004	AX20 update
	ESG date clarification
	Watch out for misleading advertising
	Glass aggregate update
2/4/2004	SEO CE credits for 2003 PASEO conference & legal situation
4/19/2004	Significant changes to the ASG
6/4/2004	New TDM technical guidance is final
	Anticipated onlot permit applications form changes
8/2/2004	Lapsing certifications
	Retaking CE courses
	PASEO conference reimbursement
	3 strikes (no show policy)
	Planning your training
8/23/2004	Inspection fees for complaint investigations
	Soil testing notification
	Experimental Onlot Technology guidance (381-2208-001) (TVP) finalized & ESG (362-0300-008) rescinded
	Update on field testing of the AdvanTex AX20
7/11/2005	Intro to new organization structure & farewell to Milt

	Intro to new TDM course
	Intro to permit "activities" of "New", "Modification" & "Repair"
	Discuss BTG
	New "site-specific" alternate & experimental classification & permitting procedures
12/29/2005	PNDI search changes & revised PMC-1 forms ATTACHMENT MISSING
4/10/06 TO LA	All planning forms updated in regards to new PNDI requirements ATTACHMENT MISSING
	Sent new PMC-1
	Deadline to quit accepting old PMC-1 forms by DEP is 7/31/06
5/5/2006	Change to deadline for accepting old PMC-1 form
	ORI Numbers
	Permitting fees & costs
	Lapsing certifications
7/21/2006	Terralift prohibition
10/13/2006	SoilAir alternate classification
	Experimental drip micromound curtailment
8/6/2007	Personnel changes (Aunkst, McLeary, Parikh, Wetherell)
	Unpermitted technology (Bioinoculators)
	Draft regulation update
	Experimental program update (AdvanTex AX-20, micromound)
7/14/2008	Personnel changes (Diehl, Siy)
	Revised PMC-3s
	Draft reeregulation & guidance update
	Addition of ACT WFS drip system to ASG
	Experimental program update (AdvanTex AX-20, micromound)
8/25/2009	Orenco AdvanTex alternate classification
8/1/2011	UV required on shallow limiting zone installations but not required on soils >20"
9/6 & 8/2011	Announcing SEO training will now be done by third party vendors
10/7/2011	Retraction of 8/1/11 memo; UV not required anywhere (affected Perc Rite from American Manufacturing & GSF System from Eljen Corp.)
3/23/2012	Waiver of 15 credits for 2010-2012 SEO training cycle
	Attachment with other training changes (no mandatory Advanced Soils course #109, excess credits not carried over in 2014-2016 cycle; no training reports except at beginning of cycle)
	New information posted in "SEO News Items" on website
	Alternate system classifications are located in ASG and Onlot Alternate Technology Listings, both on website
	Personnel change (Sansoni)
	SEOs can submit questions to resource account RA-SEOTrng@pa.gov
11/21/2014 EM	New guidance document "SEO Certification & Training Program" on eLibrary
	Check "SEO News Items" for pertinent information updates
1/14/2016 EM	End of certification cycle 6/30/16; credits for each SEO on website; applications for renewal
	Bureau name change to Bureau of Clean Water
	DEP website upgraded; link to Alternate Systems listing
	SEO "seals" should not be used
	DEP/DCNR fact sheet "Act 537 - Understanding Onlot Sewage Disposal at Leased Campsites" coming out around June 2016
	Winery, brewery and distillery wastewater is industrial wastewater & may not be disposed of in an olds; contact regional offices for assistance

2/16/2017 EM	Alternate system classification for Premier Tech Aqua Ecoflo Coco Biofilter
8/25/2017 EM	Act 26 of 2017
	Inspection fees for complaint investigations
	SEO webpage & "News Items"
3/9/2018 EM	Draft <i>Act 537 Program Guidance; Site Suitability and Alternatives Analysis Guidelines for New Land Development Proposing Onlot Sewage Disposal</i> (385-2207-001) on eComment
	Draft <i>Onlot Wastewater Technology Verification Protocol (TVP)</i> (385-2208-003) on eComment
3/19/2019 EM (sent to select SEOs)	<i>Precertification Soils Course</i> available with \$250 subsidy (for those SEOs that never took the Advanced Soils Course #109; did not include DEP staff)
4/9/2019 EM (sent to select SEOs)	<i>Precertification Soils Course</i> available with \$250 subsidy (for those SEOs & candidates in DEP 537 Program that never took the Advanced Soils Course #109)
4/11/2019 EM (sent to select SEOs)	<i>Precertification Soils Course</i> available (for those DEP SEOs not in the 537 Program that never took the Advanced Soils Course #109)
4/11/2019 EM (sent to select SEOs)	Pennsylvania Clean Water Academy learning management system
	<i>Precertification Soils Course</i> available (for SEOs that took the Advanced Soils Course #109)
4/30/2019 EM	REMINDER em - attached 3/19/19 em for SEOs that never took the #109 course (same recipients as 3/19/19 em)
5/23/2019 EM	Draft TGD <i>Sewage Enforcement Officer Certification and Training Program Guidance</i> (385-2314-002) posted for public comment
9/3/2019 EM	Draft TGD <i>Site Suitability and Alternatives Guidelines for New Land Development Proposing On-Lot Sewage Disposal</i> (385-2207-001) posted for public comment
	Water Program Specialist position in C.O. open
10/7/2019 EM (sent to select SEOs)	REMINDER em - Offering of the <i>Precertification Soils Course</i>
5/6/2020 EM (with attachment)	Extension of 2018-2020 certification cycle from 6/30/2020 to 9/30/2020
	COVID-19 pandemic information in attachment
2/3/2021 EM (with attachment)	Act 34; an amendment to Act 537
	SEO Certification and Training Program Guidance updates
	Removal of UV units
	Infiltrator endcaps
	Leaching chambers in at-grade beds
	Permitting drip system designs
	PercRite Drip system installation
	Seals on plot plans
	Bed and breakfast flows

	Current forms
	All SEO letters
	Soils testing notification to the DEP
	Well isolation distance exemptions
2/4/2021 (with attachment)	Revised 2/3/21 letter due to 2 incorrect dates: header date and SAC meeting date.
3/2/2021 EM (with attachment)	Planning submittal time deadlines under Act 26 Draft Planning Guidance and Act 34 guidance

Appendix 4

Policy for Development, Approval, and Distribution of Regulations

November 8, 1999

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF POLICY AND COMMUNICATIONS
POLICY OFFICE**

DOCUMENT

NUMBER: 012-0820-001

TITLE: POLICY FOR DEVELOPMENT, APPROVAL AND DISTRIBUTION OF REGULATIONS

AUTHORITY: Administrative Code, Regulatory Review Act, Commonwealth Documents Law, and Commonwealth Attorneys Act

POLICY: The Department of Environmental Protection (DEP) will follow a departmentwide, standard process for developing, approving and distributing regulations.

PURPOSE: To establish standards for the content of regulations and create a uniform process for developing, approving, and distributing these documents, consistent with Executive Order 1996-1.

APPLICABILITY:

This policy applies to development, approval and dissemination of proposed and final regulations.

DISCLAIMER:

The policies and procedures outlined in this guidance document are intended to supplement existing requirements. The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies that weight or deference. The policies and procedures merely announce the policy that DEP intends to apply in the future development and approval of its regulations. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

PAGE LENGTH:

58 pages, including attachments

LOCATION: Volume 1, Tab 2

CONTACT PERSON:

Sharon K. Freeman
freeman.sharon@dep.state.pa.us
(717)783-1303

I. PROCEDURES FOR DEVELOPMENT, APPROVAL AND DISTRIBUTION OF REGULATIONS

The procedures for developing, approving, and distributing regulations are categorized as follows:

- 1) Development and Approval of Proposed Rulemakings - This step begins with requesting the Secretary's approval to initiate development of a regulation. It also includes preparing a proposed rulemaking package, obtaining necessary reviews and approvals within established timeframes, publication and public review of the proposed rulemaking.
- 2) Advance Notice of Proposed Rulemaking (ANPR) Procedure - This is an optional procedure established for DEP to solicit comments on draft regulations prior to presenting a proposed rulemaking to the Environmental Quality Board (EQB). Secretary's approval to use this procedure may be sought when input from a specific regulated community is needed to provide direction in drafting new regulatory requirements, providing that a relevant advisory committee does not exist or does not have that specific representation. Comments DEP receives on draft regulations as a result of publishing an ANPR are summarized in the preamble and submitted to the EQB as part of the proposed rulemaking.
- 3) Development and Approval of Final Rulemakings - This step begins with scheduling a final rulemaking for EQB consideration. It includes preparing a final rulemaking package, obtaining necessary reviews and approvals within established timeframes, and publication of the final rulemaking.
- 4) Advance Notice of Final Rulemaking (ANFR) Procedure - This optional procedure was established to solicit comments on draft final regulations prior to presenting a final rulemaking to the EQB. Secretary's approval to use this procedure is recommended when significant changes are made to a proposed rulemaking. Comments DEP receives on draft final regulations as a result of publishing an ANFR are summarized in the preamble and submitted to the EQB as part of the final rulemaking.
- 5) Procedure for Distribution of Regulations - This section includes timeframes for mailing regulations to the EQB. It also summarizes the content of regulatory packages and explains the regulatory documents that are available for distribution to the public.

Appendix A provides detailed instructions on the above procedures.

II. CONTENT OF REGULATIONS

Governor Tom Ridge signed Executive Order 1996-1 (Regulatory Review and Promulgation) on February 6, 1996, establishing new procedures for the development and public review of agency regulations and policies. The Executive Order requires agencies to evaluate all newly proposed and existing regulations to assure that they are consistent with the following principles:

- Regulations shall address a compelling public interest.
- Costs of regulations shall not outweigh their benefits.
- Regulations shall be written in clear, concise and, when possible, nontechnical language.
- Regulations shall address definable public health, safety, or environmental risks.
- Where federal regulations exist, Pennsylvania's regulations shall not exceed federal standards unless justified by a compelling and articulable Pennsylvania interest or required by state law.
- Compliance shall be the goal of all regulations.
- Where viable nonregulatory alternatives exist, they shall be preferred over regulations.
- Regulations shall be drafted and promulgated with early and meaningful input from the regulated community.
- Regulations shall not hamper Pennsylvania's ability to compete effectively with other states.
- All agency heads shall be held directly accountable for regulations promulgated by their respective agencies.

Accordingly, regulations shall be developed to comply with Executive Order 1996-1 with the following key principles in mind:

1) Conformance with State Statutes

Regulations should explain but not enlarge the scope of statutory provisions. Program counsel should be involved in the development of regulations to ensure conformity.

2) No More Stringent than Federal Requirements

- a) As a general rule, DEP will not promulgate regulations which contain standards, procedures, or other requirements more stringent than imposed by federal law unless authorized by state law and determined to be needed to address a problem of state concern.
- b) If DEP proposes to adopt or amend any rules or regulations containing standards or requirements more stringent than imposed by federal law, DEP shall, in addition to all requirements imposed by existing law and regulation, make available and include as part of the preamble to the proposed and final rulemaking the following:
 - i) a statement describing the standards or requirements which exceed the requirements imposed by federal law and the basis for those requirements in state law;
 - ii) the appropriate citations to the federal law or regulations;
 - iii) an analysis comparing the state requirements to the federal requirements;
 - iv) a discussion of the policy or technical reasons for imposing a regulation which exceeds the federal requirements;
 - v) an economic analysis of DEP's decision to impose the stricter requirements and a determination that the state standard or requirement to be imposed is achievable under current or reasonably available technology expected to be available, notwithstanding the federal government's determination that lesser requirements are appropriate; and
 - vi) a statement of how DEP will involve and inform the public of the purpose, requirements, costs, and consequences of adoption of the regulation.

3) Economic Impacts

- a) Regulations should be proposed only when the need for and economic consequences of any proposal are evaluated. Regulatory strategies should be designed to achieve the desired goal at the lowest possible cost. The costs of the regulation shall not outweigh the benefits.
- b) Regulations should be drafted in a manner which does not diminish Pennsylvania's competitive economic advantage while still achieving their objectives. Furthermore, performance standards are generally to be preferred to engineering or design standards because performance standards provide the regulated parties the flexibility to achieve the regulatory objective in a more cost-effective way.
- c) Regulations should be drafted in a manner which minimizes the impact on individuals, businesses, and local government. In instances where there are important or significant distributional consequences, careful consideration will be given to alternatives such as tax and transfer policies with substantial opportunity given for public input. Generally, where viable nonregulatory alternatives exist, they shall be preferred over regulation.

- d) Regulations should be generally adopted to maximize monetary benefits. However, benefits that cannot be monetized, such as an increase in the rate of introducing more productive new technology or a decrease in the risk of extinction of endangered species, should also be presented and explained. Care should be taken to assure that quantitative factors do not dominate important qualitative factors in decisionmaking.
- e) Regulations should be drafted so as to reduce paperwork, minimize administrative burdens, and save time for both the regulated community and agency staff.

4) Compliance Assistance

- a) Compliance shall be the goal of all regulations.
- b) DEP shall identify regulations early in the development process which affect small businesses, local governments and individuals directly. Because they present a greater need for compliance assistance, DEP shall develop compliance assistance programs to help them.
- c) Each preamble shall contain a summary of the compliance assistance plan addressing possible types of financial assistance, as well as technical and educational assistance. Educational and informational materials on the new regulation should clearly identify new regulatory requirements.

5) Pollution Prevention

Regulations should help promote the use of pollution prevention (P2) technologies and procedures. P2 regulatory provisions should be incentives; P2 regulatory requirements that mandate the use of P2 practices should be avoided.

6) Performance or Outcome Oriented

To the extent possible, regulations should focus on achieving the desired level of environmental performance. Maximum flexibility to achieve the desired outcome should be encouraged rather than prescribing specific technologies or equipment.

7) Necessity

Regulations shall address definable public health, safety or environmental risks. Regulations should be current and needed to implement current laws. Regulatory preambles should describe in nontechnical terms the compelling public need the regulation is designed to address. Each proposal shall contain a provision which clearly describes how the agency will identify the environmental objective to be achieved and measure whether the rule is achieving the desired result.

8) Clarity of Regulations

- a) Regulations should be drafted in clear, concise and, when possible, nontechnical language.
- b) Each proposed and final rulemaking preamble should explain in nontechnical terms the purpose of the regulation, what is required, and who it affects.
- c) DEP should avoid promulgating regulations that are inconsistent and incompatible with its other regulations or those of the federal government.
- d) DEP should draft its regulations with the goal of minimizing the potential for uncertainty and misinterpretation.

e) Regulations should not be duplicative of other regulations.

9) Green Technologies

Regulations should promote the utilization of new, less costly methods and technologies that will maintain or improve environmental quality. Regulations should provide the flexibility for expedited reviews to provide incentives for using these technologies.

10) Public Participation

a) Regulations should be drafted in accordance with DEP's public participation policy.

b) Regulations should be drafted with early and meaningful input from affected interests, through use of DEP advisory committees, or use of regulatory negotiation or other participatory techniques to develop regulations. Draft regulations should be submitted to advisory committees in advance of EQB consideration. Public comments submitted on proposed regulations and the Department's response should be reviewed with the advisory committee prior to EQB consideration of the final rulemaking. Regulations which are submitted to the EQB should include the advisory committee's report or recommendations.

c) DEP shall publish a regulatory agenda every six months which describes the regulations being developed, when advisory committee review is anticipated, the proposed date for EQB consideration, the need and legal basis for the action being taken, and the status of regulations previously listed on the agenda.

11) Sunset Review

The Department will publish an annual sunset schedule in the *Pennsylvania Bulletin*. This schedule will contain the *Pennsylvania Code* chapters which will undergo a sunset review to determine whether the regulation effectively fulfills the goals for which it was intended. Bureau Directors shall provide a list of the chapters proposed for amendment in the coming year to the Secretary, through the Deputy Secretary, Regulatory Coordinator, and Executive Deputy Secretary for Policy and Communications, by December 1 of each year. Following approval by the Secretary, this list will be published in the *Pennsylvania Bulletin* the first Saturday in January.

III. ELECTRONIC ACCESSIBILITY

To facilitate public access and review of proposed and final rulemakings, all regulations should be prepared electronically. Microsoft (MS) Word is the only acceptable format for facilitating revisions, transmitting to the Legislative Reference Bureau for *Pennsylvania Bulletin* publication, and posting to the Web site. Documents prepared in other electronic formats must be converted to MS Word and "cleaned up" before being submitted to the Policy Office. Regulations can be prepared on a personal computer in the program area or in Document Processing as long as an MS Word electronic copy exists as a template for potential changes. The electronic copy should be retained in a place where the program area personnel can access it easily, and saved until the regulation appears in the *Pennsylvania Code*.

Paper copies of regulations submitted to the Policy Office must be accompanied by an electronic version of the preamble, annex and regulatory analysis form as well as the comment and response document for final regulations. The following conventions are to apply:

- The preamble, annex, regulatory analysis form and comment and response document must be saved separately;
- The documents are to be saved to 3 1/2" diskettes and clearly labeled;

- The documents on diskette are to be identical to the text of the paper copy of the regulation;
- When changes are made to the regulation, an updated diskette is to be generated for the Policy Office;
- A specific font is not required; however, no less than 11 pitch should be used (12 pitch is preferred);
- Use numbering for ordered lists and bullets for unordered lists. Do not use a combination of tabs and numbers/special characters to mimic a list;
- Use tables instead of tabs or indentations;
- Do not use hard returns to start a new line. Let the words wrap to a new line. The exception to this rule is if a new line is necessary (i.e., for a new paragraph);
- If superscripts or subscripts are part of the text, indicate on the diskette label those documents containing these attributes so they will be maintained when posted to the Web site.

Appendix 5

“Technical Manual for Sewage Enforcement Officers”

PA DER ~ 1993

TECHNICAL MANUAL FOR SEWAGE ENFORCEMENT OFFICERS



Prepared by

Commonwealth of Pennsylvania
Department of Environmental Resources
Bureau of Water Quality Management
Division of Municipal Planning and Finance
Harrisburg, Pennsylvania 17105-8466

DER #182 - Revised 12/93

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CHAPTER XIII
EXPERIMENTAL AND ALTERNATE SYSTEMS
General

The Department of Environmental Resources is committed to on-going research in the area of on-lot sewage disposal systems. A major part of the Department's research program, which provides much of the information used to develop new systems for Pennsylvania's soil and site conditions, is the evaluation of alternate and experimental systems. Experimental and alternate system permits allow the use and testing of new and adapted technology which is not included in the current on-lot system standards (Chapter 73, Standard for Sewage Disposal Facilities). Although alternate and experimental systems and permit requirements for them are similar in some ways, there are several major differences which require emphasis.

Some people believe that experimental systems can be used to avoid the requirement of the regulatory standards which are designed to protect the public health. This is not the case. Experimental permits are used to test and evaluate new technology or a new use of existing on-lot sewage disposal technology. Although the Department works to ensure that any proposal which receives an experimental classification stands a reasonable chance of succeeding, there is the potential that a proposed system will not perform properly. If this happens, the home or facility owner no longer has an adequate method of providing sewage services. To prevent anybody from finding themselves in this position, experimental systems must have a replacement facility which can be used in case the experiment fails. For this same reason, experimental systems are not considered adequate sewage facilities for new land development sewage planning purposes. Any sewage facility planning module submitted for a new land development which includes an experimental sewage system as the method or part of the method of addressing the sewage needs of the development is not acceptable. On the other hand, alternate systems use technologies which are not recognized in Chapter 73 but have been proven successful to the Department's satisfaction for the proposed use. A system which performs satisfactory while tested as an experimental system will often become an alternate system under specific conditions. Alternate systems, because they employ proven technology, are not required to have replacement systems and are adequate sewage facilities for new land developments. Figure XIII-1 compares the concepts of the experimental and alternate systems.

FIGURE XIII-1

Alternate System

Purpose: To apply a Proven Technology under General Conditions.

Status: Technology has been deemed successful for general or specific applications

Replacement System Required: No

Adequate Sewage Facilities For New Land Development Planning: Yes

Experimental System

Purpose: To Test and Observe a New Technology

Status: Technology has not been proven to the Department's satisfaction either generally or under site-specific conditions

Replacement System Required: Yes

Adequate Sewage Facilities For New Land Development Planning: No

Processing

Any proposal for an on-lot system which differs from the standards in Chapter 73 must be submitted to the Department for classification as an alternate or experimental system. This is the applicant's (sponsor's) responsibility. The procedure for obtaining experimental and alternate system permits takes longer than obtaining a permit for a regular on-lot system. The Department recognizes that delays can be frustrating and costly to both the Sewage Enforcement Officer and the applicant. In order to facilitate the processing of applications for experimental and alternate systems, the Department acts as a central clearinghouse and classification agency. By keeping on-going records of all proposals and their performance, the Department is able to judge when a system has reached a level of reliability to be classified as an alternate system. Once a type of system is found generally reliable, the Department places this system and any conditions for its use or review on a list of alternate systems. This allows applicants, designers, SEOs, and Department staff to consider these systems when evaluating a potential building site. It also provides preliminary design criteria which shortens both the design and review portions of the application process. This list and processing procedure only reduces the time necessary for review of proposals when channels of communication between the Department and the Sewage Enforcement Officer remain open in both directions. The list of alternate systems is found in Appendix H of this manual. Because the list of alternate systems changes continuously, it is best to check with the DER district or regional office for the most recent version. The Department may classify a

Appendix 6

Alternate System Guidance chart

2004

APPENDIX 1

System Summary Alternate Systems*

SYSTEM	SITING CRITERIA	
Peat Based Systems		
Peat Based System Limiting Zone ≥ 20 Inches Option 1	Depth to Rock	≥ 20 inches
	Depth to Water Table	≥ 20 inches
	Slope	0 - 12 percent
	Percolation Rates	3 - 180 min/in.
	Other	May reduce size of absorption area by up to 40 percent with perc rate up to 60 min/in.
Peat Based System Limiting Zone < 20 Inches Option 1	Depth to Rock	≥ 16 inches
	Depth to Water Table	≥ 10 inches
	Slope	0 - 12 percent
	Percolation Rates	None - Soil morphological testing.
	Other	Need soil scientist to evaluate soils and provide design criteria.
	Disinfection	UV Disinfection Required.
Peat Based System Option 2 (IRSIS)	Depth to Rock	≥ 16 inches
	Depth to Water Table	≥ 10 inches
	Slope	0 - 25 percent
	Percolation Rates	None
	Other	Use in place of sand filter in IRSIS.
Peat Based System Limiting Zone ≥ 72 Inches Option 3	Depth to Rock	≥ 72 inches
	Depth to Water Table	≥ 72 inches
	Slope	0 - 12 percent
	Percolation Rates	> 90 min/in. @ 12 - 36 inches 3 - 90 min/in. @ 36 - 60 inches
	Other	For use in place of 12 inches of sand in a subsurface sand filter.
Free Access Gravity Sand Filter (with options other than IRSIS)	Depth to Rock	≥ 20 inches
	Depth to Water Table	≥ 20 inches
	Slope	0 - 25 percent
	Percolation Rates	3 - 180 min/in.
Free Access Gravity Sand filter (with IRSIS)	Depth to Rock	≥ 16 inches
	Depth to Water Table	≥ 10 inches
	Slope	0 - 25 percent
	Percolation Rates	none
CO-OP RFS III Limiting Zone ≥ 20 Inches	Depth to Rock	≥ 20 inches
	Depth to Water Table	≥ 20 inches
	Slope	0 - 25 percent
	Percolation Rates	3 - 180 min/in.
	Disinfection	UV Disinfection required.

*Refer to complete listing for specific conditions related to each system.

Appendix 7

Memo from Dana Aunkst
(then DEP Deputy Secretary for Field Operations)

June 9, 2005

> -----Original Message-----

> From: Cleaver, Clinton [mailto:fcleaver@state.pa.us]
> Sent: Tuesday, June 14, 2005 12:13 PM
> To: aapucci@co.bucks.pa.us; aaschafer@co.bucks.pa.us;
> kschmeck@mail.montcopa.org; Newbold, James; rdefazio@chesco.org;
> sacressman@co.bucks.pa.us; jpeffer@mail.montcopa.org;
> kjula@mail.montcopa.org; dtown@chesco.org
> Subject: FW: PMCs and Alternate Systems
> Importance: High

>
> I'm forwarding this message in its entirety to all of you. Please pass
> on to your staff and to the regulated community. Keith and I talked to
> Dana yesterday. The intent is not to stop any projects that are
> currently in the pipeline, that is, where testing has been completed.

>
> Please advise applicants that all subdivisions proposed for testing
> after June 14, 2005, (Flag Day) must meet the regulatory testing
> requirements--both test pits and percs, unless they are proposing IRSIS
> systems.

>
> This will significantly curtail the use of A/B systems for planning
> purposes. Also, no drip systems can be proposed at planning, unless
> percolation tests have been performed consistent with requirements for
> ESMs.

>
> While not new policy, we are aware, and so is Central Office, that this
> is a change in procedure.

> I'll try to answer any questions you have at the regional level.

> Clint

> > -----Original Message-----

> > From: Aunkst, Dana
> > Sent: Thursday, June 09, 2005 8:14 AM
> > To: 537 Planning Chiefs; Crowley, Kate
> > Cc: Africa, Jay; Aunkst, Dana; Bair, Keith A.; Borland, John;
> > Ferchak, Karen; Franklin, Thomas; Mchale, John; Musselman, Roger;
> > Novinger, James; Uzupis, Denise
> > Subject: PMCs and Alternate Systems

> > IMPORTANT NOTE: This is a restatement of the existing regulations. It
> > is not new policy or guidance.

> >
> > We recently received questions from the regions regarding the
> > consideration of alternate and experimental technologies for new land
> > development planning proposals. The purpose of this message is to
> > restate that current regulations prohibit us from basing planning
> > decisions on suitability for shallow (less than 20 inch L2 depth)
> > absorption area systems classified as alternate technology or for any
> > experimental system.

> >
> > Chapter 71, Section 71.62 of the regulations is the governing
> > regulation to follow. This Section requires that the general site
> > suitability criteria, described in Sections 73.14 and 73.15, be applied

> in planning. Thus making it highly likely that a "conventional sewage
> system1,> "> as defined in Sections 71.1 and 73.1, is available to
> serve the sewage disposal needs of the new lot to be created. Neither
> shallow absorption area alternate systems, nor any experimental system
> or technology may be considered in the process that establishes new or
> changed lots. If the requirements of Section 71.62 cannot be met, and
> the site is not > "> generally suitable,> "> there is no current
> authority in our regulations to approve the planned subdivision. Any
> such approval is specifically contrary to the requirements of current
> regulations.

> >
> > With the exception of IRSIS, system designs do not come into play at
> all in the planning stage. IRSIS does so only because of its status as
> the only conventional system suitable for use on shallow LZ soils (10"
> to SHWT, 16" to rock) and because of its inherent size. If testing on a
> proposed PMC site does not exhibit general site suitability for any of
> the conventional systems as described in the current regulations, the
> only possible option is to attempt to adequately characterize the
> proposed lots as suitable for IRSIS, including sizing the lots to
> accommodate the proposed IRSIS systems.

> >
> > Shallow soil absorption area alternate and experimental2 technologies
> and systems are available to resolve situations on established lots
> only. These may be existing lots, which by today's standards are
> inadequately sized or otherwise non-conforming to current regulatory
> requirements. Existing lots have site-specific solutions available.
> Proposed lots in new land development are required, by current
> regulation, to be able to have sewage treatment and disposal needs met
> without planned dependence on the use of either shallow absorption area
> alternate, or experimental systems or technologies. Only after planning
> approval is granted may these systems be considered, i.e. > at the
> permitting stage, on the newly created lots.

> >
> > In cases where marginal conditions, as defined in the planning module
> components3, are encountered, sufficient soils evaluations to establish
> the general suitability of the site must be performed, and one of the
> available options described in the components for addressing the
> marginal conditions must be presented and documented in the planning
> module submission for it to be considered complete. This could include
> testing and identification of both primary and replacement absorption
> area sites on each of the proposed lots if that is the option chosen.
> Shallow soil alternate sites may be considered for replacement areas
> provided the requisite O & M requirements are also addressed in the
> planning module package.

> >
> > Any questions on this message can be directed to Karen Fenchak, Jim
> Novinger, Jay Africa or me.

> >
> >
> > Note that Alternate Systems can be considered when the site
> evaluation documents that a site meets the general suitability criteria.
> > 2 Subject to the policy outlined in the TVP.
> > 3 Sites with LZs between 10 and 20 inches throughout, with no areas of
> general suitability, do not meet the definition of marginal conditions.
> These sites are unsuitable for creating new lots.

>

Paul A. Golrick, P.G.

Soil Scientist/Professional Geologist

EDUCATION

M.S. – May 1987, University of Kentucky - College of Agriculture
Thesis: Soil Formation and Weathering Products of the Kyrock Sandstone.

B.A. – May 1983, State University of New York at Potsdam; Major: **Geology**.

PROFESSIONAL POSITIONS

2008- Present *Penn's Trail Environmental, LLC., Hatfield, PA*

As partner, soil scientist, and professional geologist responsible for project development, management, and oversight of soil and geologic investigations for land development uses including technical reports and expert testimony.

1999-2007 *Piedmont Environmental Group, Inc., Skippack, PA.*

As a geologist and soil scientist, conducted site and soil evaluations for a variety of land use applications. Additional duties included oversight of junior level field staff and coordination of internal training programs as required. Company President 2005-2007.

1989-2005 *Delaware Valley College of Science & Agriculture, Doylestown, PA Adjunct Faculty.* Instructor for required undergraduate course *Environmental Geology*. Class content focused on geomorphologic processes and how they relate to environmental uses and concerns.

1989-1999 *DelVal Soil & Environmental Consultants, Inc., Doylestown, PA.*

Staff soil scientist/geologist; conducted field investigations for sewage, solid waste, stormwater disposal, construction suitability, and geology concerns especially in carbonate areas.

1986-1989 *Bucks County Department of Health, Doylestown, PA.*

As department soil scientist, conducted soil evaluations for on-site sewage disposal and provided necessary training and field support for staff within this county regulatory agency.

1983-1986 *University of Kentucky, Lexington, KY. Graduate Research Assistant.* Academic training in classification of soil characteristics and generation of thesis.

PROFESSIONAL AFFILIATIONS

Pennsylvania Association of Sewage Enforcement Officers (PASEO)
Pennsylvania Association of Professional Soil Scientists (PAPSS)
Pennsylvania On-Site Wastewater Recycling Association (POWRA)
Pennsylvania Sewage Management Association (PSMA)
PA Sewage Advisory Committee - Alternate Member (SAC)
SBN Sustainable Business Network of Philadelphia (SBN)

LICENSING & CERTIFICATIONS

Pennsylvania Registered Professional Geologist #PG-001758-G
Pennsylvania Sewage Enforcement Officer (SEO) #01895
PAPSS Professional Soil Scientist