



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES
Post Office Box 2063
Harrisburg, Pennsylvania 17105-2063

Bureau of Water Quality Management

717-787-8184

To The Attention of:
Sewage Enforcement Officers

Re: DER File No. 8-5.1

The Department of Environmental Resources (Department) notified you in August 1989 of a number of changes to the Pennsylvania Sewage Facilities Act (Act 537) resulting from the provisions of Act 26 which became law on July 1, 1989. That letter did not include a description of the addition of Section 9(b) to Act 537, Powers and Duties of the Environmental Quality Board, which requires that "Within one (1) year of the effective date of this amendatory act, the Board shall promulgate proposed rules and regulations that govern the ability of local agencies to issue permits for the construction of individual residential sewage systems where soil mottling is present." The description of changes included in the August, 1989 letter were only those provisions which were effective as of July 1, 1989 and had an immediate impact on the local administration of the Sewage Facilities Act program. The provisions of Section 9(b) contained in the Act 26 amendments to Act 537 relating to the issuance of on-lot permits where soil mottling is present cannot become effective until the Environmental Quality Board approves final regulations to implement these changes.

In the interim, a number of options are now available to assist individual lot owners who have had an application for an on-lot sewage disposal system denied because of the presence of soil mottling at the site of the proposed system. The following is a list of these options:

1. Soil profiles should be evaluated on other areas of the lot to determine if the depth to mottling or other limiting zones at these other areas may be suitable for an on-lot sewage disposal system.
2. Where a permit for an on-lot sewage disposal system has been denied because of mottling, the applicant may employ a qualified soils scientist to evaluate the possibility that the mottling is not an indication of saturated soil conditions caused by perched or regional seasonal high water table. The Sewage Enforcement Officer must observe any soils profile evaluations conducted by the soils scientist and form ER-BWQ 290, Appendix A must be properly completed for each profile examined. If a written statement by the soils scientist and the soil profiles evaluated by the soil scientist document that the mottling is not an indication of perched or regional seasonal high water table, a permit for an appropriate on-lot system may be processed. Permit processing includes an evaluation of all other site conditions such as percolation testing, slope restraints, isolation distances, etc, as specified in Chapter 73. Sites where mottling is not an indication of perched or regional seasonal high water table are normally restricted to soils with significant textural discontinuities.

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