



Pennsylvania Department of Environmental Protection

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**Bureau of Water Standards
and Facility Regulation**

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To All Sewage Enforcement Officers:

As many of you know, Milt Lauch, Division Chief and Act 537 authority, retired in March. We all will miss his considerable program knowledge and his no nonsense approach to the job. To complicate matters further, the Department of Environmental Protection (DEP) recently underwent reorganization. As you see above, our new Bureau name is Water Standards and Facility Regulation. As a result of the reorganization, the Sewage Facilities Program is now located in a new Division of Planning and Permits under a new section called Act 537 Management. Jay Africa is the Section Chief for the program. The reorganization should improve communications and work efficiency since all aspects of the Act 537 program have been consolidated into one working group. In keeping with Mr. Lauch's tradition, we intend to continue the letters to Sewage Enforcement Officers (SEOs) on a regular basis. The subject of this letter is a new training course and some important information related to this course.

New Malfunctions Repair Course: A new DEP sponsored SEO continuing education course titled "TDM for Malfunction Resolution" is now being offered through the Pennsylvania State Association of Township Supervisors (PSATS) at various locations around the state. The course schedule is available on the PSATS website, www.psats.org, under Sewage Enforcement Officers Training. The course is a one-day (6 hour) session covering in detail the technical decision making (TDM) process associated with repairs to malfunctioning onlot sewage systems. The objective of the course is to provide a logical step-by-step procedure for considering all feasible options available for correcting a malfunction, and to explain "Best Technical Guidance" and its place in the process. Some SEOs have urged us to make this course mandatory because of its relevance and importance. Without considerable additional resources, that step is not possible at this time. Instead, since the number of participants in each session and the number of courses scheduled this year are limited, we have summarized the most critical points stressed in the course below. Until you can get into one of the courses, this information should give you advanced notice of the most important material.

Permitting Activities: DEP has revised the onlot system permit application form to include an additional category of permit activity. In addition to current categories of "new" and "repair," a third category "modification" has been added. "New" means installation of a system where there has never been any type of sewage system. "Repair" is to be used when something broken is fixed or replaced. A "Modification" is a structural change to an existing system that would not constitute a repair. An example of a modification would be adding a riser to an existing septic tank to facilitate access. All three of these activity types require a permit. Recognized maintenance, such as septic tank pumping or checking and adjusting float controls, does not require a permit.

Best Technical Guidance: Over the years, the proper use of "Best Technical Guidance" or BTG as explained in Chapter 73, Section 73.3(b) has been often misunderstood and misapplied. Moreover, new advanced treatment technologies producing onlot systems with smaller absorption areas and on shallower soils have greatly increased the availability of options for malfunction repair and, consequently, limited the role of BTG. First, and most important, BTG may be used only in choosing a repair solution to a malfunctioning onlot system. Citing BTG is not and never has been authorized for new or modification permit activities, or for repairs to systems that are not producing a regulatory malfunction. Second, the application of BTG is limited to allowing a variance of



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horizontal isolation distance standards set forth in Chapter 73, Section 73.13. BTG may be applied to any of the three types of onlot system classifications: conventional, alternate or experimental. For example, a malfunction repair involving an elevated sand mound absorption area that needs to be placed less than 10 feet from a property line would be a conventional system repair using BTG (the variance of the property line isolation distance). Third, the violation of a required well isolation distance can only be approved by the local agency. SEOs cannot issue permits for repairs that violate this isolation distance without first obtaining that approval in writing. An example would be the use of an at-grade bed to repair a malfunction that must be located less than 100 feet from a well. This would be designated on the permit application form as an alternate system repair using BTG. But, before the SEO could issue the permit, the local agency would have to approve the variance for the isolation distance.

Application of alternate and experimental systems: The SEO may permit any conventional system and most alternate systems. Conventional systems are those that employ treatment tanks, distribution systems and absorption areas specified in Chapter 73. Alternate systems are those that employ demonstrated technologies not described in Chapter 73. Systems that have been pre-classified as "alternate" are listed in DEP's Alternate Systems Guidance (ASG). Most of these can be permitted by the SEO if that person has been determined by DEP to be qualified to permit that technology. Experimental technologies are unproven new technologies or substantial variations of conventional or alternate systems that are undergoing testing and observation. Experimental systems undergoing formal evaluation must follow DEP's Technology Verification Program or TVP. These technologies are required to be field tested across the state. At times, DEP may request assistance from SEOs in finding appropriate site locations for experiments in their area. In malfunction repair situations, slight variations of conventional or ASG-listed systems may be permitted as "site-specific" alternate or experimental systems. These proposals must be submitted by the SEO to DEP for classification (i.e. alternate or experimental) prior to the formal permit application process. All systems proposing to violate depths to limiting zone or shrink absorption area size beyond what is allowed under Chapter 73 or the ASG will be classified as experimental systems. The enclosed flow chart shows the process for SEOs to submit proposals for alternate/experimental classification. The SEO will need to submit two (2) copies of the complete system design to DEP (one to the DEP regional office and one to this office) for review and classification. DEP will provide a written response to the SEO that will include system classification, comments on system design, and designation of who is authorized to issue the permit, because some must be issued by DEP. DEP has established a target response time of 40 days or less for complete and thorough submittals. Following classification, the applicant may submit an onlot system permit application. To be complete, the application must include a letter addressing the comments provided by the SEO and DEP and a description of any design changes that were made as a result of the comments.

If you have not already done so, you should begin to implement this procedure for technical decision making immediately. In addition, we encourage you to complete this training course at your earliest convenience. Until next time...

Sincerely,



Dana K. Aunkst

Chief

Division of Planning and Permits

Enclosure