



Pennsylvania  
Association of  
Realtors®

*The Voice for Real Estate  
in Pennsylvania*

500 North 12<sup>th</sup> Street  
Lemoyne, PA 17043-1213  
800.555.3390 toll-free  
717.561.1303 phone  
717.561.8796 fax  
[www.PARealtor.org](http://www.PARealtor.org)

## **Pennsylvania Association of Realtors® (PAR)**

### **Testimony on Act 537**

#### **Presented by Robert T. Wood**

Good Morning Chairman Yaw and members of the Senate Environmental Resources and Energy Committee. My name is Robert T. Wood and I'm from Tioga County. I have been in the real estate profession since 1973, following my graduation from Penn State. My family owned multiple dairy farms throughout the region, so I've had a long standing love of the land. As a Realtor®, I've learned about all types of soils and about how and where we dispose of sewage. I have served on the Sewage Advisory Committee (SAC) as the appointee of the Pennsylvania Association of Realtors® for nearly 20 years, representing the association's 30,000 members. All of the stakeholders serving on SAC bring true expertise to the table. We work to enhance our communities, counties and the Commonwealth.

The Pennsylvania Association of Realtors® has a long-standing reputation of representing the needs of consumers, both residential, commercial and agricultural. The association believes that consumers' needs, particularly in rural areas, have been dramatically impacted by the lack of reasonable sewage system options. In our role on the SAC, we've worked tirelessly to provide balanced alternatives for consumers who want to develop rural land, while continuing to be environmentally conscientious.

For the last four years, SAC has been working on issues as they relate to Act 537 and Chapters 71, 72 and 73. The majority of SAC members would like the state to allow "Alternative Systems" to be used for planning purposes throughout the Commonwealth. These systems were developed with proper scientific oversight provided by Delaware Valley College through an agreement with Department of Environmental Protection. They were originally considered experimental and eventually moved to a list of "Alternative Systems" which were not yet considered "Conventional Systems" for planning and permitting purposes. Enormous amounts of empirical data were obtained through the stringent testing and monitoring of these systems over several years.

SAC has gone through extensive efforts to simply move these systems from the "Alternate" designation to the approved list for planning purposes to create new lots and/or to be used on existing lots of record or for repairs. As requested, we have conducted a thorough and

comprehensive review of Act 537 focusing on Chapters 71, 72 & 73 over the past four years and provided comments on changes twice during that time period.

By not allowing the use of “Alternate Sewage Systems” for planning purposes, current and future homeowners are being hindered from building a new home. It’s become increasingly more difficult for developers to plan new neighborhoods. Most people assume locating suitable sites for building is easy. In my area, 90 percent of properties would require Pressure Dose Sand Mounds. This type of system requires 20 inches of suitable soil on 12 percent slope or less with an area meeting those requirements large enough to achieve the leach field necessary for the home you intend to build. It would also need a backup site.

For example, we tested a 100-acre site that did not qualify for one of these systems. Primarily it was due to clay-based soils which are prominent in this area and normally have depths to limiting zones of rock or high water table in the 10-inch to 14-inch range. The remainder was eliminated by slope, stream or wetlands conditions. Many times the suitable site located for a Pressure Dose Sand Mound is so far away from existing roads or utilities that it is economically impossible for consumers to afford to build a house there. We also have many examples of high quality farmland being used to provide a suitable site for a Pressure Dose Sand Mound and thereby eliminating that quality farmland for future agricultural use. By allowing a system in some clay soils with 10-inch to 14-inch limiting zones, we would save high quality farm land for agricultural purposes and use less attractive soil that has less agricultural potential. Unfortunately, some assume that these systems would proliferate if approved by the Department, however the reality is the cost to build them is dramatically higher and often prohibitive. In my area, the cost of a Pressure Dose Sand Mound is normally \$8,000 to \$12,000 versus \$15,000 to \$25,000 for Alternate Systems. That alone will dictate how many of these are actually built due to a specific need at that time in each location.

We expected to give a final review of our work in order to move forward to public comment period at our last SAC meeting, which was canceled. And we’ve heard that the department does not plan to make a decision on Alternative Systems. Quite frankly, this is not in the best interest of your constituents. Extensive research on this topic has been completed and we believe it’s prudent to either require or legislate regulatory change at this time.

Recently, the legislature passed a bill that allowed Currently Approved Sewage Systems in Pennsylvania, which already met the “Anti-Degradation Standards for High Quality Water Sheds” when permitted, designed and installed properly. This was an important issue at the time and the department delayed allowing this change until legislation required the department to accept that interpretation. Perhaps this issue could be considered in a similar manner. SAC has completed its job as requested and will continue to work cooperatively with the department to ensure we protect our resources while allowing continued development of homes and businesses.

The Pennsylvania Association of Realtors® asks for your help as it relates to the “Alternate Sewage Systems” issue and your support addressing this issue in a timely manner.

These systems WORK! If you don’t believe a legislative solution is feasible, we suggest you ask immediately DEP once again to allow the “Surgical” correction which SAC previously requested as it relates to the use of “Alternate Sewage Systems” for planning purposes.



In the meantime SAC and department staff can and will work diligently on the more comprehensive review of and permanent change and improvements as they relate to Chapters 71, 72 & 73. Addressing the “Alternate Systems” change expediently will not impede the other improvements needed which may take most of 2016 to complete. Thank you for your time and consideration.

Sincerely,

Robert T. Wood  
Sewage Advisory Committee Member  
Pennsylvania Association of Realtors® Appointee