

TESTIMONY
Senate Environmental Resources & Energy Committee Hearing
Act 537
Pennsylvania Sewage Facilities Act
Harrisburg, PA
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Chairman Yaw, Chairman Yudichak and members of the Senate Environmental Resources & Energy Committee, thank you for accepting this written testimony as part of the hearing on Act 537, the Pennsylvania Sewage Facilities Act. The Pennsylvania Septage Management Association (PSMA) represents those firms that are engaged in the business of installing and maintaining septic systems utilized by over 40 percent of Pennsylvanians. In addition, PSMA members work with farmers in the application of biosolids.

PSMA strongly believes that onlot septic systems represent a responsible approach to preserving the environment. Not only do those systems treat waste, they divert waste that would otherwise become an additional burden on already overworked waste treatment plants.

As such, members of PSMA have a keen interest in legislative review of Act 537 since the law directly affects them and their customers.

We hope that this hearing is the first on this important topic. Earlier this year, the PA Chamber of Business & Industry convened a working group to analyze the law and recommend revisions. Although there is no final document, please understand that a good number of hours went into this preliminary assessment – not only by the PA Septage Management Association but by other stakeholders as well such as the PA Farm Bureau, the PA Association of Professional Soil Scientists who are testifying today, the builders, municipal associations and others.

Should the Committee convene another hearing, PSMA would be delighted to submit detailed suggestions to update this important law.

For today, please note these observations.

The Role of Innovation

Act 537 is a 1966 snapshot in time when it comes to validating certain septic technologies. Since the Pennsylvania Sewage Facilities Act, technology has evolved. So-called ‘Alternate Technology’ in onlot septic planning means that there are tested and proven newer technologies that help consumers. Unfortunately, there is a blind spot in the implementation of this law. DEP requires that plans which propose use of individual and community onlot systems must evaluate the “general site suitability” and that the plans utilize conventional systems – standard absorption field or sand mound type systems. PSMA believes that validated ‘Alternative Technology’ should be considered ‘conventional’. Given DEP’s budget limitations, perhaps Act 537 could also allow reciprocity so that PA might take advantage of the research done in other states to verify the value of these alternative technologies.

As you may know, the DEP Citizens Advisory Committee (CAC) and the DEP Sewage Advisory Committee have both recommended greater flexibility so that DEP can classify proven newer technologies as conventional.

Inconsistencies in Local Rules

PSMA members report that there appears to be significant variance between municipalities as to how they interpret onlot system repair permitting. While there is always room for discretion, having uniform standards would certainly help to ensure consistency. An example is whether a baffle repair suffices or whether total replacement is in order. A revision to Act 537 should require review of a local decision requiring replacement. Replacement is no small issue given costs to the property owner as well as possible environmental damage.

Another inconsistency is the definition of what constitutes professional soil science. A number of PSMA members also provide professional soil services to municipalities. They report that while “professional soil science” may be required, there is considerable latitude as to what that term needs. A revision of Act 537 should include a definition of what professional soil science means as it applies to the areas governed by the Pennsylvania Sewage Facilities Act.

Inspection Standards

PSMA advocates stringent requirements for those performing onlot septic inspections. Not everyone is qualified or technically knowledgeable and consumers need to have certainty that the inspection is done adequately. This is especially important when someone purchases a home. He/she needs the assurance that the inspection was thorough. Purchasers should not have to endure major costs if the system ‘crashes’ shortly after purchase. Although no one can predict with absolute certainty as to the life span of an existing system, a proper inspection before the sale can certainly shift the odds in favor the purchasing consumer. Please keep in mind that PSMA is NOT advocating compulsory septic inspection for every residential purchase. This inspection should be done as it is now – by choice of the buyer. There are rigorous training requirements for those who are PSMA-certified inspectors. Specified inspection qualifications should be specified.

Conclusion

After the Committee completes this hearing, we hope that the Senate Environmental Resources & Energy Committee will convene an additional hearing so that PSMA can present more of an in-depth analysis. Since Act 537 directly affects members of the PA Septage Management Association and the consumers they serve, we look forward to being a resource to you.

Thank you again for convening this hearing and for giving the Pennsylvania Septage Management Association the opportunity to present written testimony.