



May 8, 2018

Mr. Jay Patel, Environmental Program Manager  
PADEP, Department of Clean Water  
Rachel Carsen State Office Building  
400 Market St.  
Harrisburg, PA 17101

Subject:

On lot Wastewater Technology Verification Protocol (TVP) / Document No.: 385-2208-003 and;  
Sewage Facilities Act Program Guidance; Site Suitability and Alternatives Analysis Guidelines  
for New Land Development Proposing On-Lot Sewage Disposal / Document No.: 385-2207-001

Dear Mr. Patel,

I want to thank you for the opportunity to be a part of the May 3, 2018 Sewage Advisory Committee meeting to discuss further the two documents that have been prepared to answer what DEP sees as its response to ACT 26. I was in a similar situation over ten years ago, but in that case, I was the one co-authoring and putting forth a bill in the state of Texas. To my surprise the bill passed and resulted in a new rule, TAC 30, Chapter 222. The intent of my bill was to preserve subsurface drip distribution on larger, commercial projects in the State of Texas. The folks at Texas Commission on Environmental Quality now had to do something they did not want to do; write Chapter 222. Unfortunately, the two bill authors and the state representative who put forth the bill were not invited to the chapter or rule writing party. I've often wondered why this was the case. Unfortunately, TCEQ's interpretation of the bill or ACT in PA's case, was not the same as that intended by the authors and bills sponsor. So, in the end the state ended up with a new set of rules that missed the mark, and this was unfortunate.

I offer this personal bit of my experience because I see similar circumstances surrounding the rules that have not spawned from the passing of ACT 26. I'm hoping that it is early enough in the rule making process to turn things around and use good common sense and the years of experience that exist in the state of Pennsylvania and the union. Reinventing the wheel is not the best use of DEP's time. Much of what I have learned in my years of working to be a part of the onsite community in Pennsylvania is that too many, good and solid technologies that are considered today conventional in other states are held at bay under the heading of alternate onlot sewage disposal technologies or facilities. The vetting of these technologies should have come to an end years ago with those who have proven themselves year in and year out as successful. In my simple understanding of the original intent of ACT 26, it appeared to me that the intent was to move the accepted alternate technologies forward. Last minute political manipulation turned this instead into a trial in which the "alternate" technologies are to be judged and potentially condemned using what appear to be techniques requiring the use of laboratory or controlled study. Unfortunately, the laboratory settings are the home site of many Pennsylvania citizens.

I will not pretend to be an expert but I have been in this industry since the 1980's and have seen great strides. One such stride has been the adoption of an agricultural practice used in large scale projects for reuse and management of animal wastes. This technology was drip dispersal. It is not a product of the onsite industry, we have simply borrowed it. Drip irrigation is by far the most effective means of placing water into the portion of the soils most biologically active. Wastes have been shown to be easily remediated by the microbial activities in this aerobic portion of the soil and nutrients have been taken up by the plants and microbial populations. There is no magic and there is no trick. All good science and experience.

Much of the 41 page document that I reviewed was dedicated to an attempt at measuring the success of the various alternate technologies. However, at the same time it leaves the rather old, archaic conventional technologies alone with the unsupported understanding that they are working and protecting the waters of the state and Pennsylvania's citizens. Unfortunately, I do not see how that can be supported.

The use of fecal coliform markers as the measure of success seems out of place and not truly representative of all technologies. I find it hard to see how technologies that work in unsaturated soil conditions can be expected to capture a representative sample at some unknown distance away from the point water enters the soil from the system. Examples of these technologies include subsurface drip dispersal via drip mounds or plow-in and proprietary systems such as those by Eljen. Both technologies have been a successful part of the onsite industry in Pennsylvania.

I have reviewed the submitted comments by Duane Mowery with Expert Septic and Tom Ashton with American Manufacturing. I consider both of these men to be colleagues in this industry. Tom, Duane and I are all part of the drip dispersal technology side of the industry. Tom and I are competitors at a business level but with regards to technology we are on the same page. I respect Tom's technical knowledge and experience and want to say that I support his comments. This is the same for those made by Duane. Tom did remark that DEP allowed a technology a few years ago to be listed as under the alternate technology listing without extensive testing. The fact was the technology had already been vetted by DEP. In that move, it showed that DEP understood drip dispersal as a technology and not some unknown, ever changing box of parts. A change of the name did not change the proven effectiveness of the technology. Since that was the case in the situation of drip dispersal just a few years ago, why now does DEP appear to be acting as if the experiences and lessons learned over the past years no longer apply. That makes no logical sense. ACT 26 did not say to go backwards. On the contrary, it was a mandate to move forward.

The real losers in this situation will be the citizens of Pennsylvania who own or will own onsite wastewater systems. The testing cost and need for instrumenting each new installation will cost the consumer thousands of dollars. I understand that the plan is for the cost of testing to be born by the manufacturer but eventually that must be transferred to the consumer by way of higher cost. If the rise in system price causes the loss of an alternate technology then the consumer again loses because that technology is no longer available as an option that might make a difficult property be capable of development.

I ask that you consider my comments along with the many others that have been sent to you. I do plan to provide you with other technology references with regards to drip dispersal as you requested.

I look forward to working with you in the near future to resolve many of these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "James F. Prochaska", with a long horizontal flourish extending to the right.

James F. Prochaska, M.S., P.E.  
President, JNM Technologies, Inc.