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Senate of Pennsylvania

May 8, 2018

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Mr. Brian Schlauderaff  
Technical Guidance Coordinator  
Department of Environmental Protection  
Policy Office  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105

Dear Mr. Schlauderaff:

In 2017, I sponsored Senate Bill 144 amending the Pennsylvania Sewage Facilities Act to provide for the use of alternate on-lot sewage systems for a new land development. This bill was signed into law as Act 26.

I've been made aware that the Department of Environmental Protection (DEP) has been unwilling to entertain the legislative intent of Act 26 and further consult with the Sewage Advisory Committee (SAC).

The Act requires DEP to work with the SAC to develop standards for evaluating alternate on-lot sewage systems. Instead, the Department is circumventing the process by developing two guidance documents [**Document 385-2208-003, Onlot Wastewater Technology Verification Protocol (TVP) and Document 385-2207-001, Sewage Facilities Act Program Guidance / Site Suitability**]. These two documents work against this new law now and sets the stage for similar actions in the future. The guidance documents, otherwise known as policy, replace regulation.

I am aware that the Pennsylvania Association of Sewage Enforcement Officers, the North Central Region of PASEO and the Pennsylvania Association of Township Supervisors have submitted comments in regards to these two documents. It's evident that enough issues remain that require further study and coordination with the SAC and others.

I would hope the Department shares this position and will not work to finalize these two draft guidance documents until there is further discussion.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gene Yaw".

GENE YAW  
SENATOR

GY/nt