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STATE SENATOR  
LISA BAKER  
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Senate of Pennsylvania

May 8, 2018

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Act 26 was approved because state legislators were unhappy with the direction that new regulations for onlot sewage systems were potentially taking, based on years of indications from the Department of Environmental Protection (DEP).

Despite this legislation being signed by Governor Wolf, the department has acknowledged that it is operating contrary to both legislative intent and language in law that requires consultation with the Sewage Advisory Committee (SAC). The purpose seems to be to further restrict the use of alternate technologies for onlot systems in new land use development planning. This would once again bar development and growth in rural areas that inherently have marginal soil conditions. This raises legitimate concerns that the two technical guidance documents [Document 385-2208-003, Onlot Wastewater Technology Verification Protocol (TVP) and Document 385-2207-001, Sewage Facilities Act Program Guidance / Site Suitability] are crafted to provide the agency latitude beyond what was contained in Act 26.

That we have in Pennsylvania more than 6,000 stream miles of designated High Quality and Exceptional Value waters, many of which are located in rural counties with increased use of onlot septic systems, demonstrates that efforts to protect water quality have been successful. Municipal officials charged with oversight of sewage management and the residents of those areas are not looking to undermine the imperative for safe water supplies. However, it is not right for state officials to arbitrarily shut the door to permissible alternate onlot sewage systems, as a matter of equity, and more importantly, clear state law.

The use of guidance documents to evade the prescribed regulatory process effectively subverts the law. As such, I strongly reject the department's reliance on them. If they go forward as conceived, one can count on a legislative remedy that is not subject to interpretation.

Sincerely,

A handwritten signature in black ink that reads "Lisa Baker".

Lisa Baker  
Senator