

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Water Supply and Wastewater Management

DOCUMENT NUMBER: 362-2208-003

TITLE: Technical Decision Making and the use of Conventional Technology, Alternate Technology, Experimental Technology, and Best Technical Guidance (BTG) in Onlot Sewage System Repair Situations

EFFECTIVE DATE: May 8, 2004

AUTHORITY: Act 537 of 1966, the Pennsylvania Sewage Facilities Act (as amended), 25 Pa. Code Chapter 73

POLICY: It is the policy of the Department of Environmental Protection (DEP), under the Pennsylvania Sewage Facilities Act (Act 537), not to limit nor preclude the use of Alternate and Experimental technologies when repairing malfunctioning onlot sewage systems. It is also recognized that a common hierarchy of technical decision making is necessary to consistently produce successful results in repair situations.

PURPOSE: The purpose of this guidance is to establish a recommended decision process for use by DEP staff, Municipal Officials, and Sewage Enforcement Officers (SEOs) when resolving repair of malfunctioning individual and community onlot sewage systems.

APPLICABILITY: This guidance will assist regional staff in the Act 537 program, municipal officials responsible for implementing sewage programs within their municipalities and SEOs responsible for permitting decisions within their service areas to providing better service when resolving onlot sewage system repair situations.

DISCLAIMER: The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

PAGE LENGTH: 4 pages

LOCATION: Volume 33, Tab 1

DEFINITION: See Title 25 Pa. Code, Chapter 71, Chapter 72 and Chapter 73

I. Introduction

- A. Section 7 (a)(1) of Act 537 requires, in part, that no person shall repair an individual sewage system or community sewage system without first obtaining a permit indicating that the site and plans and specifications are in compliance with provisions of this act and the standards adopted pursuant to this act.
- B. Title 25, Pa. Code, Chapter 73, Section 73.11(a) prohibits any person from installing and any SEO from issuing a permit for, or approval of, a sewage system that violates this chapter.
- C. Section 73.3(b) provides certain relief to an SEO, from the obligation to meet the requirements of Chapter 73, under specific circumstances found in some onlot sewage system repair situations in which meeting all the technical requirements of Chapter 73 is not physically possible.
- D. This relief is not a wholesale abrogation of the regulations, but rather is intended to be a measured, systematic decision process that considers all classifications of sewage system technologies, as well as, a prioritized elimination of regulatory standards.
- E. Misinterpreting the provisions of this relief has resulted in the inappropriate permitting of onlot sewage systems and has inadvertently contributed to the inability of DEP to move promising technologies from the very limited applications of an experimental status into the more widespread usage of alternate or conventional technology across the Commonwealth.
- F. This document is intended to provide guidelines for use during the technical decision making process employed while repairing malfunctioning onlot sewage systems.

II. Technical Decision Making Guidelines

The Technical Decision Making (TDM) guidelines are displayed in Figure 1. These generic guidelines provide a general flow for the decision making process. They simultaneously provide the maximum amount of flexibility to the decision maker while still guiding the decision process to the desired outcome of issuing a permit for an appropriate repair to the malfunctioning system. In every case, all regulatory requirements that can be met shall be met. This is especially important when considering technology specific requirements. Depending upon the final technology ultimately selected, permits may be issued by the local agency SEO or by DEP.

- A. When following the flow of the guidelines, the decision maker must investigate the cause of a malfunction. Testing, inspecting, and troubleshooting are necessary activities to determine the cause of a malfunction.
- B. After determining the malfunction's cause, the decision maker must first consider repairs using sewage system components and systems described in Chapter 73 before proceeding further.

- C. If such repairs are impractical, consideration of demonstrated technologies found in the *Alternate System Guidance* (ASG), DEP ID: 362-0300-007 available on DEP's website at www.dep.state.pa.us is the next step.
- D. Consideration of other demonstrated technologies not specifically listed in the current ASG, selectively waiving "non-critical"¹ Chapter 73 criteria under the provisions of "Best Technical Guidance (BTG) found in Section 73.3(b), and the use of a Small Flow Treatment Facilities Manual, DEP ID: 362-0300-002 available on DEP's website will follow if ASG technologies are eliminated or impractical.
- E. When faced with a repair that challenges either limiting zone or absorption area size type "critical" criteria¹, the decision maker next considers the use of experimental technology listed in the *Experimental Systems Guidance* (ESG), DEP ID: 362-0300-008 available on DEP's website or may even propose the use of a new experiment or experimental technology to DEP.²
- F. Prior to violating the "critical" criteria of isolation distance to a water supply, the decision maker is specifically required by Section 73.3(b) to consider proper well abandonment procedures and/or relocation of the well. Violating this "critical" criteria and waiving the requirements of Section 72.33 (relating to well distance exemption) may only be done at the discretion of the local agency.
- G. The use of a holding tank remains the "repair of last resort" because of the intense and expensive maintenance requirements that exist for this structure. Holding tanks should be used only when there are no other viable options available to repair a malfunction.

Footnotes:

1. The concept of "Critical" and "Non-critical" Chapter 73 criteria takes into account that certain isolation distance criteria found in Section 73.13 are more sensitive to environmental protection and public health concerns than others. "Critical" criteria are defined as (1) minimum isolation distance to a water supply, (2) minimum vertical isolation distance to a limiting zone, and (3) downsizing absorption system areas below that already provided for in Section 73.16(c), ASG or ESG. All other criteria, when considered individually, are considered "Non-critical" criteria.
2. When considering these proposals, options open to DEP include classifying the proposal as a new experiment, including the proposal in an existing experimental program, (either with or without monitoring), or recommending the proposal be permitted simply as a "BTG" repair.

Technical Decision Making
Figure 1

