

PA Vacation Land Developers Association

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April 12, 2013

TO: Sewage Advisory Committee
Regulations SubCommittee
(See Distribution List Below)

SUBJECT: PA DEP PROPOSED POLICY

Dear SAC Members:

On behalf of the Pennsylvania Vacation Land Developers Association, I am asking SAC to consider either making a recommendation or adding to your recommendation that the proposed PA DEP Policy for High Quality and Special Protection Waters considerations and Planning Modules be removed and rethought.

A review of the intent and reasons for the policy seems to indicate that the Department is conceding that the existing sewage regulations in Chapters 71, 72, and 73 do not meet the anti-degradation requirements for Non-Point Source (NPS) Pollution from subsurface land disposal systems.

No evidence has been presented which would lead one to believe that that conclusion is accurate. Furthermore, this policy, by setting standards for regulating the location of sewage disposal systems appears to be the same as making regulations by policy. The sewage disposal regulations indicate separations from physical features such as waters of the Commonwealth, drainage ditches, wetlands, etc. To formulate new setbacks by policy appears to be sidestepping the regulations. If the Department feels that the current regulations do not afford anti-degradation compliance for Non-Point Sources associated with sewage disposal systems, we believe that the proper format is to develop new regulations and set policy based on the regulations. These policies will have the effect of regulation even though they are not stated as so.

Up until the introduction of this policy it has always been the position that the use of land disposal systems was an acceptable anti-degradation alternative to surface water discharges in High Quality and EV Watersheds. This policy seems to concede that this is not the case.

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We would hope that SAC would consider these statements and consider recommending that the Department withdraw the policy and either develop anti-degradation regulations or determine that anti-degradation analysis should be part of a Planning Module without specifically providing policy that indicates or determines setbacks different from the regulations.

Respectfully submitted,



Samuel M. D'Alessandro, P.E., P.P., P.L.S.
Representative Pennsylvania Land Developers Association

SMD/acj

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cc: John R. Diehl, P.G. - Chief, Act 537 Program – PA DEP
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