



Pennsylvania Septage Management Association

March 2021

CONTENTS

President's Message *page 1*

New PSMA Lobbyists *page 2*

Legislative Update *page 3*

PSMA Inspectors' Corner *page 5*

SMPs & Tank Pumping *page 6*

PennDOT Bridge Tolling *page 7*

Act 34 Implementation *page 8*

PSMA's mission is to protect Pennsylvania's citizens and our industry through sound management, proper maintenance and environmentally conscious disposal of wastewater.

President's Message

I hope this newsletter finds everyone in good spirits and health. The year 2021 is off to a good start for the PSMA. We had our first monthly meeting of the Government Affairs Committee with the Novak Strategic Advisors (NSA).

PSMA's new lobbyist Angela Leopold and her colleagues at NSA are certainly on their game. We received a lot of great information concerning the many different issues before both chambers in Harrisburg which could have an impact for the PSMA's membership. This meeting occurs 30 minutes prior to the Executive Committees monthly meeting.

It was decided that if proposed legislation or other political or regulatory activity needed our immediate attention, which would require an emergency meeting of the PSMA Government Affairs Committee, the committee will be available to meet immediately once we are notified. This assures the voice and intention of the PSMA will be heard quickly and productively which is very important in order to effectively either promote or stop legislation in Harrisburg or any municipality in PA.

Our spring training is coming up very quickly on March 30th & 31st in Reading, PA. The PSMA's inspection training course for on lot septic systems, as many of you know is the premier program for the on-site inspection Industry. Ray Erb, Jeff Rachlin, Bruce Fox, and others have consistently been working to develop and consistently enhance the PSMA onsite septic inspection program for more than 2 decades now and it shows.



Ned Lang
PSMA President

You can choose if your company would like to solely perform on-site septic inspections or if you would also like to pump out septic systems as well as perform other service associated with needed

Continued on page 3

SAVE THE DATE!

Mar 30-31, 2021 - PSMA Spring Training, Reading PA
(101 Basic/102 Advanced/103 Experienced/SR1 Inspector Courses)

Register at www.PSMA.net

PSMA BRINGS ON NEW LOBBYISTS

Following the retirement of its prior lobbyist, Vince Phillips, PSMA conducted an extensive search over several months to find a firm to represent our organization's government affairs interests to Pennsylvania's state government.

PSMA is pleased to announce that we have contracted with Novak Strategic Advisors, LLC (NSA). NSA began representing PSMA in January 2021.

Based in Harrisburg, Pennsylvania, the firm's representation ranges from Fortune 500 companies to charitable organizations and small businesses. On their behalf, NSA has effectively secured procurement contracts, achieved legislative victories, educated leaders about clients' issues, and developed relationships with government entities.

Novak Strategic Advisors is led by founder and president, Alan P. Novak, who has dedicated over 30 years of experience and established political relationships to meeting the needs of his clients. Perhaps best known for his service as Chairman of the Republican State Committee of Pennsylvania, Mr. Novak now develops the same kind of intense, personalized government affairs and grassroots solutions for clients.

Alan's career showcases how political acumen and campaign successes can transform into statesmanship through bipartisan relationships and practicing the philosophy of "getting to yes." His political career began at the local level in Chester County, Pennsylvania.

Known for advising Governors Tom Ridge, Mark Schweiker, and Tom Corbett, as well as the campaign of President George W. Bush and the subsequent Bush/Cheney transition team as part of the White House Fellows Commission, today Alan is associated with his bipartisan approach to solutions and his advocacy for civility in government.

Alan brings a critical eye to discussion and debate. He has appeared on CNN, Fox News, ABC, MSNBC,

Pennsylvania Cable Network, and Philadelphia television and radio shows. He is an attorney with Lamb McErlane, a regional law firm located in West Chester. Alan currently serves on the Regional Advisory Board for Independence Health Group and Board of Directors for Mid Penn Bank. He is the former chair of both the Pennsylvania Race Horse Commission and the Board of Trustees of Ursinus College.

In addition to Alan, PSMA's primary point-of-contact at NSA and our lead representative in Harrisburg will be Senior Partner Angela Leopold.

At NSA, Angela directs top to bottom grassroots campaigns, earned and social media strategies, and coalition building activities. For the past 15 years, she has worked on state and national issues such as healthcare, taxation, and energy. Currently, Angela directs and manages one of the largest "issue" grassroots armies ever assembled in Pennsylvania.

Early in her career as a political fundraiser, Angela developed creative, direct approaches to navigating grassroots campaigns that included issue-based forums, consensus building, and reputation management. Today, she utilizes this experience and continues to cultivate her well-established relationships and strong, broad-based coalition networks.

Angela is the past board chair of the Central PA Chapter of the American Red Cross, and in 2016 graduated from the Leadership Harrisburg Area Executive program. When Angela is not pulling it all together at work, she is pulling together ways to support nonprofits, including the Midwest Food Bank, D.R.E.A.M. Partnership, and Keystone Human Services (Partnership Board). In her spare time, Angela loves to explore the corners of the world, the culinary arts, and reading historical fiction.

Angela is a graduate of Dickinson College in Carlisle, Pennsylvania, and holds a Bachelor of Arts degree in Political Science. Angela lives in Mechanicsburg with her husband, Joe, and son, Mark.

LEGISLATIVE UPDATE

As a new legislative session gets underway, the Pennsylvania General Assembly has seen a flurry of new proposed legislative bills. We begin this session watching two bills that seek to provide comprehensive regulatory reform to cut red tape involved in permitting acquisition.

Senator Kristin Phillips-Hill has introduced SB 32 which seeks to institute major changes in the state's regulatory system. Among other points of the legislation, SB 32 would reform the permitting process by requiring all agencies that issue permits to increase transparency throughout the process. The legislation would require agencies to post information about the permits that they grant on their website, to create an accessible tracking system for applicants to check the status of their applications and to clearly state the legal authority that the agency relies on when rejecting a permit application.

While not yet introduced, Senator Gene Yaw plans to re-introduce SB 891 of the 2019-2020 session, establishing a mechanism for expedited review of permits (third party review) issued under Pa. Code Title 25 Chapter 102 and Chapter 105, covering both individual & general permits. Under the proposal, the expedited review procedure for these programs would be entirely voluntary, and only those applicants specifically requesting the expedited procedure would be subject to the program.

By requesting such expedited procedure, the applicant will be required to pay a separate application review fee directly to the consultant who is chosen by DEP to do the technical review of the application. This process would reduce the amount of inbound requests DEP is required to handle, while also expediting the process for entities looking for permit approvals.

We will continue to monitor legislative proposals closely for the potential to help the septic industry as well as those that could possibly hinder the industry.



Angela Leopold
Novak Strategic Advisors LLC
PSMA Lobbyist

PRESIDENT'S MESSAGE (cont)

Continued from page 1

repairs to septic systems that require the same in order to pass the PSMA septic inspection. This program is a fantastic way to organically grow your business so if you're interested in performing PSMA on-site septic inspections now is your chance to get involved.

I would also like to welcome aboard the 2 latest board members of the PSMA. Chuck Starr whom will represent interests of our on-site septic service providers in the State of New Jersey and John Williams who will represent our members in Western PA.

It was a pleasure to speak with them as they explored the possibility of joining the PSMA board as they both have many years of experience in the on-site industry. They bring a wealth of knowledge and new energy to our board which we will tap into. Thanks to both of you from your participation, assistance and knowledge as we continue to navigate through these challenging times.

A handwritten signature in black ink, appearing to read 'Ned Lang', written in a cursive style.

Ned Lang, PSMA President

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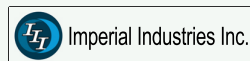
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PSMA INSPECTOR'S CORNER

Information specifically for the PSMA-certified inspector.

Obtain or maintain your professional septic system inspector credential and get your staff trained up at PSMA's Annual "Spring Training" event on March 30-31, 2021 at the Crowne Plaza Reading Hotel. Register on the PSMA website today www.PSMA.net -- SPACE IS LIMITED IN EACH CLASS DUE TO COVID RESTRICTIONS ON INDOOR GATHERING SIZES.



Your PSMA/NOF Onsite Wastewater Inspector certification credential is a powerful designation.

It is recognizable by your peers, by the real estate community, by local governments, by state/local regulators, and by consumers.

Not only does it convey professionalism and expertise within the wastewater industry, but it also attracts property owners in need of inspection services to you & your company.

Because PSMA certification is such a meaningful marketing tool for the inspector, the Education Committee updated the Inspection Standards in 2019 to ensure that consumers aren't confused by the type of inspection services they are ultimately receiving.

That is to say, if a consumer hires a PSMA-certified inspector they should be provided with a clear statement as to whether they are receiving an inspection per the PSMA Standards.

As a certified inspector, you signed the following agreement during training:

"If I become certified as an Onsite Wastewater Treatment System Inspector by PSMA/NOF, I agree and pledge to fully apply the Standards for every inspection that I represent to the client or any other

party as constituting a "PSMA Inspection," or words to that effect. I agree and pledge to comply with the PSMA Code of Ethics (Code). I recognize that failure to fully apply the Standards or comply with the Code can result in my decertification and the revocation of my employer's License to use the PSMA/NOF Standards.

"PSMA/NOF expects all inspectors to conduct their business in an ethical manor. PSMA certified inspectors choosing not to perform a PSMA/NOF inspection per the Standards may not make reference to their affiliation with PSMA or display any PSMA or NOF logo/text in their report. PSMA inspectors who perform a non-PSMA inspection shall include a statement in their report that indicates the inspection does not comport to PSMA inspection procedures."

Source: PSMA/NOF Onsite System Inspection Standards Version 9.0 (Jan. 2019). **Red text** is new to the 2019 Standards.



SMPs & TANK PUMPING

Treatment Tank Pumping Is Fundamental

Effective sewage management programs (SMPs) require the regular pumping of on-lot system treatment tanks. In every type of on-lot sewage system, one or more treatment tanks provide the first level of sewage treatment— called primary treatment. After wastewater enters the treatment tanks, the heavier solids sink to the bottom of the tank, and the lighter scum floats to the top of the wastewater. With the help of baffles and solids retainers, the treatment tanks are designed to keep solids and scum from leaving the tanks and entering the absorption area.

Pumping treatment tanks on a regular schedule to remove solids and scum that build up is critical to ensuring proper treatment tank operation and overall system performance. Although treatment tank pumping in itself is a relatively straightforward operation, municipalities will want to effectively address pumping in their SMPs to make sure it is administered properly and smoothly on behalf of their residents. This fact sheet will introduce the requirements of treatment tank pumping and explore how pumping should be conducted and managed as part of a municipality's SMP.

What do municipalities require with regard to treatment tank pumping?

The Department of Environmental Protection's (DEP) regulation, 25 Pa. Code § 71.73(b)(2)(i), requires removal of septage or other solids from treatment tanks once every three years or whenever an inspection program reveals that the treatment tanks are filled with solids in excess of 1/3 of the liquid depth of the tank or with scum in excess of 1/3 of the liquid depth of the tank. This section of the DEP's regulations, as well as others, is available at www.pacodeandbulletin.pa.gov.

In light of this requirement, most SMPs currently operating in Pennsylvania require pumping of treatment tanks once every three years. Some SMPs have reduced frequencies for treatment tank pumping, and other programs make allowances for treatment

tank pumping in situations where low sewage flows are indicated. However, these variations to extend treatment tank pumping must be confirmed through inspection programs that document the volume of solids and/or scum in the individual treatment tank.

Similarly, it is possible for SMPs to base pumping frequencies on the solids and scum volumes measured individually in treatment tanks during tank inspection. In this way, the required frequency of pumping can be adjusted to the specific needs of each treatment tank and property situation.

How do municipalities determine a pumping schedule?

Most SMPs in Pennsylvania do not attempt to have all the treatment tanks in their municipality or coverage area pumped out at one time. Rather, they stagger pumping to better distribute and control the number of tanks to be pumped in any given year. Since most management programs opt to require pumping every three years, most programs also divide their coverage areas into districts and so apportion the pumping by district across the three year interval. For many programs this means simply dividing the coverage area into three pumping districts and requiring pumping in one district each year.

There are many formulas and criteria that SMPs have used to establish pumping districts. Most programs establish contiguous districts using natural and/or political boundaries as dividing lines. This type of districting serves to concentrate pumping efforts, which can make pumping easier for residential septage haulers to accomplish.

However, some management programs have structured districts based on other specific criteria suitable to their needs. For example, one rural SMP faced difficulty finding useable boundaries and so chose to divide its districts by street numbers. (Properties having street numbers ending in 0, 1, or 2 are in district one, properties with street numbers ending in 3, 4, or 5 are in district two, and properties with street numbers ending in 6, 7, 8, or 9 are in district three.)

Continued on page 9

PENNDOT BRIDGE TOLLING INITIATIVE

The Major Bridge P3 Initiative is the first alternative funding initiative of the PennDOT Pathways Program, a program to secure sustainable funding for the state's transportation system. The Major Bridge P3 Initiative is designed to raise revenue through tolling to address the state's growing backlog of major bridge replacement and rehabilitation needs. These bridges would use a Public-Private Partnership (P3)

current funding, which in turn allows those funds to be used for other roadway maintenance, operations and improvements. Tolling would be all electronic and collected by using E-ZPass or license plate billing. The proposed toll charges would be in the range of \$1-\$2.

The revenue generated from the tolls paid by users, including those from out-of-state, is estimated to

be upwards of \$1.8 billion. The funds received from the toll would go back to the bridge where the toll is collected to pay for the construction, maintenance and operation of that bridge. Any money left over would be directed to other projects in the same transportation district.

On Feb. 18, PennDOT released the list of affected bridges, which contains nine interstate bridge projects. The bridges that appear on the Department's list represent

nine counties and carry interstates 78, 79, 80, 81, 83 and 95. The agency picked bridges that are in various locations throughout the state to avoid impacting just one region. These bridges also were selected based on their need for timely attention and the feasibility of construction beginning in the next few years, according to PennDOT.

Act 88 of 2012 allows PennDOT to engage in P3s through user fees as provided by Title 74 Section 9110. This idea, approved in November by the Public Private Transportation Partnership board, requires

contracting and delivery method. Through the P3 model, PennDOT can leverage private investment to rebuild critical bridges during a period with historically low interest rates and a favorable labor market. This initiative can provide a dedicated source of revenue for these infrastructure improvements and could create significant savings over the life of the program while ensuring the vitality of the state's transportation system and economy.

According to PennDOT, 74% of highway and bridge funding is generated through gas taxes. However, fuel consumption has been decreasing, creating a negative effect on fuel tax revenue. The Department's current highway and bridge maintenance budget of \$6.9 billion per year is about half of the \$15 billion needed to keep the state's system in good repair. The target bridge projects' construction costs total more than \$2.2 billion, according to PennDOT. Bridge tolling can provide the funds to repair or replace these costly bridges without using PennDOT's



Continued on page 9

PADEP ACT 34 IMPLEMENTATION

On March 2, 2021, the Pennsylvania Department of Environmental Protection issued a letter to all sewage enforcement officers in Pennsylvania regarding the implementation of Act 34 of 2020. The letter states:

“Act 34 of 2020 amended sections of the Sewage Facilities Act (SFA) that were previously amended by Act 26 of 2017; specifically, sections 5(c.1) and 5(c.2). Amendments to Section 5(c.1) seek to provide for the use of alternate or conventional systems in planning for new land development. However, without site suitability criteria specifically for alternates, the general site suitability criteria established in the existing regulations are required to be implemented. The Department understands that the intent of recent amendments to the SFA is to expand the use of alternate systems to allow for development of lots that are currently unavailable for new land development. However, other provisions of the SFA and the Clean Streams Law also require DEP to ensure that sewage plans and treatment technologies protect public health and the environment.

“The Department is working on additional guidance to address specific items associated with the implementation of the SFA as amended by Act 34 of 2020. This guidance will be forthcoming in an ‘All SEO Letter.’

“In the meantime, the Department wants to clarify our expectation of what municipalities should do with proposals for new land development that they have already received and that were submitted based on the draft *Pennsylvania Sewage Facilities Act Program Guidance; Site Suitability and Alternatives Analysis Guidelines for New Land Development Proposing On-lot Sewage Disposal* (385-2207-001) (Planning Guidance) that was developed in response to Act 26 of 2017. The following contains important deadlines for sewage planning proposals:

- If a municipality has received or receives a sewage planning proposal for a subdivision that proposes lots that rely on on-lot sewage disposal and that sewage planning proposal is consistent with the draft Planning Guidance, the municipality may base their decision for action based on whether the proposal is consistent with the sewage planning requirements in the draft Planning Guidance if the site investigation was completed and

attested to by the local agency SEO between September 18, 2017 (effective date of Act 26 of 2017) and February 23, 2021 (Sewage Advisory Committee meeting).

- Any new plan revision using the site investigation completed between September 18, 2017 and February 23, 2021 must be submitted to the municipality by **June 1, 2021** (90 days from date of this letter). Any new plan revision received after June 1, 2021 should be consistent with the SFA as amended by Act 34 of 2020 regardless of when the site investigation work was completed; guidance on this will be forthcoming. If the plan revision is withdrawn or denied, any subsequent submittal should follow the forthcoming guidance.
- Any sewage planning proposal with site investigation completed and attested to by the local agency SEO after **February 23, 2021**, should be consistent with the SFA as amended by Act 34 of 2020.”

Prior to the issuance of this letter, the Pennsylvania Sewage Advisory Committee held a meeting on February 23, 2021. The Department provided an overview of its implementation plan for Act 34. You can view a copy of the presentation on the SAC website.

PA SAC Website: <https://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/SAC/Pages/default.aspx>

PSMA Membership Renewals

2021 renewals for PSMA membership have been mailed out. You can mail your dues back to the PSMA office. Or, you can take care of it quickly and pay by credit card online at the PSMA website (www.PSMA.net).

IRS Notice: A portion of your membership dues is allocated to paying for legislative & regulatory lobbying services. Per IRC 6033(e), that portion of your dues is not deductible as an ordinary business expense. Currently the nondeductible percentage of PSMA dues is 15%.

SMPs & PUMPING (cont.)

Continued from page 6

This arrangement has not adversely affected the ability of septage haulers in the area and is easy for property owners to remember.

Some programs have established one or more districts around critical sewage needs areas and have addressed those districts first. Others have sought to balance numbers of on-lot systems and associated treatment tanks to be addressed in each district. Still others have sought to target easier districts the first year and address more numerous or difficult districts in years two or three once the program is more experienced. With so many possible ways to distribute treatment tank pumping, a municipality must decide what will work best based on its individual situation and needs.

How is pumping conducted?

Most SMPs in Pennsylvania administer treatment tank pumping by notifying property owners of the requirement to pump their treatment tank(s) and then obligate the property owner to individually contract with a septage hauler to have the pumping conducted. In most cases either the septage hauler or the property owner is required to submit to the management program a written invoice or manifest documenting that the pumping of the treatment tank(s) associated with the on-lot system at that property was completed.

Alternately, some management programs contract directly with one or more septage haulers and direct pumping of treatment tanks with particular systems and properties according to the management program's schedule (or other criteria they may appropriately establish). The septage hauler(s) then coordinates directly with the management program to document the completion of tank pumping. In these situations, the property owner is notified that pumping of his or her treatment tank(s) is to be conducted.

A third option would be for a SMP to purchase its own pumping equipment and conduct treatment tank pumping using qualified in-house staff. This option has, thus far, been practiced only rarely in PA.

Source: PADEP Fact Sheet 3850-FS-DEP4342 Rev. 12/2019

BRIDGE TOLLING (cont.)

Continued from page 7



pennsylvania
DEPARTMENT OF TRANSPORTATION

no legislative approval since the Legislature set up the board to encourage this type of public-private partnership. However, the Legislature could apply the brakes to stop it.

Republican Sens. Scott Hutchinson of Venango County and Michele Brooks of Mercer County have offered a resolution that would do just that. They maintain that moving forward with this idea would have a negative impact on local economies.

During a January 25th public hearing before the PA Senate Transportation Committee on the initiative, Joe Butzer, interim president of the Pennsylvania Motor Truck Association and Mark Giuffre, vice president of state government affairs for UPS, said the trucking industry accepted the second highest gas tax rates in the country when Pennsylvania enacted transportation funding law Act 89 of 2012 for road and bridge construction. However, that money has been diverted to fund such things as state police, mass transit, and bike paths. "If you're going to create a new toll, create new infrastructure," Giuffre said.

Giuffre also stated that "[t]olling is the least efficient and most detrimental way to try and raise revenue and collect funds for infrastructure investments." He explained that tolling facilities are expensive to build, maintain, operate and enforce. He noted that those costs can often exceed 30 percent of the revenue collected from the tolls. As such, he expounded that fuel taxes are much more efficient to administer and collect.

Fall of 2023 would be the earliest drivers would see the beginning of construction and tolling, according to PennDOT. The Department does not expect to expand the list of impacted bridges "anytime soon."



Pennsylvania811

VIRTUAL SAFETY DAY

Wednesday, April 21, 2021 – 7:00 AM to 1:00 PM

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