

The **Peach Bottom Township Planning Commission** met on **December 21, 2006** at 7:30 p.m. in the Recreation Building. Members Present D. Bredlow, E. Cromwell, J. Howell, W. Manifold, S. McConnell, D. Stewart, B. Tenney and D. Williams.

The minutes were reviewed and a **motion** was made by D. Stewart to accept the minutes as presented 2<sup>nd</sup> by S. McConnell, vote 8/0.

**CAFO (concentrated animal feeding operation) Committee Report.**

Chairman Bredlow reported that the committee, consisting of E. Cromwell, S. McConnell and himself, has investigated the Township's current CAFO ordinances which need to be revised to meet the current DEP standards stated in ACT 38 "Right to Farm Act." This Act makes certain parts of our Ordinances invalid. After October 1, 1997, "no ordinance or regulation of any political subdivision or home rule municipality may prohibit or in any way regulate practices related to the storage, handling or land application of animal manure or nutrient or to the construction, location or operation of facilities used to store animal manure or nutrients or practices otherwise regulated by this act or this subchapter" What that essentially states is that the Township can no longer have ordinances that places more restrictions on a CAFO than what the state does. The committee has written a revision to that ordinance. The changes are as follows.

1. Requires copies of all contracts, permits, plans and all other documentation which is required by DEP & EPA, to monitor the enforcement of all DEP & EPA regulations.
2. Reduce the set back of a manure storage facility from 400 feet to 300 feet from the property line.
3. Change the Special Exception requirement, that any CAFO as defined by Act 38, that has a manure storage facility within 2,000 feet of the zoning district boundary must go before the ZHB to document the intended implementation of a fly control plan with current best management practices.
4. Require a minimum of 4 test wells be placed within 100 feet minimum and 150 feet maximum away from the manure storage facility. These test wells will be tested quarterly and the results will be submitted to the Township and if any wells are found to out of compliance with the Clean Water Standard the CAFO operation will cease and desist operation until the DEP or EPA have the opportunity to review the situation and make a ruling.
5. If the Cafo is out of compliance with any Township ordinances it must cease and desist operations until DEP & EPA have the opportunity to review the situation and make a ruling.

The attorney informed the board that they must also allow this type of operation in all zoning districts. The attorney will draft proposed ordinance amendments as requested by the Commission for next months meeting. The attorney explained the process of adopting ordinances and amendments and when the general public can state their concerns and opinions. The changes will be forwarded to the Attorney General for review and compliance with Act 38.

The chairman informed attendees that an application for a CAFO is handled by DEP and with a request from citizens, is required by Act 38 to hold a public hearing within 30 days. Residents asked questions concerning the application of manure and were informed that the DEP approved nutrient management plan will address that issue. The municipality does not have jurisdiction over the manure application.

**Belview Valley Farm**, represented by Brent Hershey of Hershey Ag., the company that will own the hogs presented an overview of the piglet grow out barn project. In PA there are approximately 600 such facilities and Hershey Ag. is involved in about 50 facilities. The barn will be certified, their will be a dust reduction system which sprinkles the barn to suppress dust levels which also suppresses odor which is part of the odor reduction plan. An automatic manure system which allows the manure to fall through the floor for containment in the basement is called a manure

nutrient collection system that is certified by an engineer. A leak protection system will be under the entire basement to monitor that in the future no manure will leak out of the facility. Fly and pest management plan was explained, the liquid manure is not conducive to the hatching of the eggs. A dead animal removal plan will require the animal be placed in a dumpster and a service will remove this dumpster every week. A storm water management plan will also be in place for this operation. The Gemmill Brothers will run this operation.

Peter Hughes a certified nutrient planner from Red Barn Consulting of Lancaster explained. They are writing the required Act 38 nutrient management plan and for the CAFO permit that are administered by DEP. The manure that is produced by the 4,400 pigs will be managed and applied to land owned or rented by the applicant. The Act 38 Nutrient Management Plan is administered by the York County Conservation District.

Molly Hughes a civil construction engineer presented the answers to the questions contained in the Zoning Hearing Board Application specifically Section 336. The building will be designed and constructed according to all State, Municipal and DEP regulations. 200' property line set back for the manure facility, however they can apply for a waiver of this setback. Erosion & Sediment Control Plan has been prepared and will be submitted to the Conservation District a storm water plan may also be required by YCCD. An approved storm water management plan, Nutrient Management plan and erosion & sediment control plan have been developed and will be submitted to the Township prior to issuance of building permit or use certificate as required by the ordinances. All manure for this operation will be utilized on land under the control of the Gemmill's. They will also apply for a driveway permit for this facility. In the future the dead animals will be composted in accordance with all federal, state & dep regulations. PA natural diversity index has been preformed, which looks for any endangered species and any impact on the wildlife, and no impact was indicated and has been forwarded to the Fish & Wildlife commission.

The Chairman explained the Zoning Hearing Board process to the audience. The Planning members then asked questions. D. Bredlow questioned the inconsistency of the dead animal removal. The 2 ways were explained and composting is the more popular way of disposal. Approximately 200 out of the approximately 600 facilities in PA are exactly the same facility. How many have had leaks? Mr. Hershey, "a tremendous record, of all the facilities (liquid storage) they monitor in PA" The operator can be certified to do their own self monitoring. Bredlow "the average inspection rate for DEP on a CAFO facility in the state of Pennsylvania is once every 3 years" Mr. Hershey stated that at his facilities it is every 3-4 months, unannounced once a year and record checks. D. Bredlow is concerned with DEP's handling of manure leak complaints in Perry County. J. Howell questioned pesticides and hormones. The use of a sprinkler system (10,000 gallons a day) eliminates the use of pesticides. Hormones are illegal and antibiotics are only used when the pigs are sick and will not affect humans. The barn will be completely washed and sprayed with disinfectant prior to the next group of pigs. The federal government controls disinfectants and Hershey Ag will supply that information. E. Cromwell, the mortality rate is 4% which equals 176 per group to be composted. The exhaust fans will be pointing toward the woods and Murphy Rd. The animal equivalent units used to determine the type of operation includes all farm animals located on this property. Section 443 all standards of the Special Exception were not address. The manure management plan addresses land application in accordance with there conservation plan which is no till, so the manure application will only be surface. A legally binding contract to spread manure on property rented by the applicant is required by the Township, but not a requirement of the NMP it is submitted to the county office not to the public. The response time in the event of a leak was questioned. The leak will be pumped back into the barn until the leak can be detected. Weekly inspection reports turned into DEP quarterly. If the operator is not complying with regulations the owner of the hogs will remove them. They are officially asking for a

recommendation from the Planning Commission to the Zoning Hearing Board. Section 336 & 360 were then addressed by the engineer. Hershey Ag. stated that this is a highly regulated facility and much consideration was put into this process. The hogs can be processed by either Hatfield or Smithfield. Attendees of the meeting were then allowed to ask questions. There is a plan B if the operator is unable to care for the facility, the maximum capacity of the barn is 4,400 hogs, but in an emergency more may be housed, but has never been done. Concerns with the discrepancy of carcass disposal and manure run off into the adjoining creek, odors and illnesses were stated. D. Bredlow stated that there is no definitive proof because there is equal number of studies in each side of the illness issue according to the federal government. The manure tank will be pumped to fertilize the ground before planting, when wheat has been harvested and in the fall when all crops are removed. There are other CAFO's that are larger and in areas that are more densely populated. The engineer then stated the manure will be spread on property owned by the applicant. The soil will be tested for phosphorous every year so application is appropriate. The soil is not tested for nitrates, which is why the Township is proposing an ordinance change requiring test wells. D. Bredlow, "this is one more item of control the state is trying to take away from the local municipalities." Land values was questioned and as with health issues, both sides show equal studies. **No Motion** was made for a recommendation, the board needs more information and to do research on this project. There is another Planning Commission meeting prior to the Zoning Hearing Board Meeting on this application. The Board will do more research and give a recommendation in January.

**Yoder** Subdivision, Map CQ Parcel 26, Spring Hill off of Cold Cabin Road.

They would like to subdivide 1 lot off for his son. He will need 200ft of road frontage, a hydrogeological study and sewage testing all on poor quality land for farming. He can also remove and replace the existing mobile home.

#### **Woods of Slate Ridge – Quarry Road, Map AP Parcels 36F & 48**

York County Planning Commission comments were reviewed. The comments were incorrect as if they used another municipality's ordinances. The Townships engineer's comments are extensive and the developers have not had time to address them and the developers need to work with the engineers to resolve these issues. The cul-de-sac was discussed and the fact that the grade of the land limits the development. The planning members do not want residents to be trapped in the event of an emergency at the entrance to the cul-de-sac. They supervisors can grant a waiver to the 500 ft. length maximum on a cul-de-sac. A motion was made to recommend the Supervisors approve the cul-de-sac waiver allowing 750' by W. Manifold, & 2<sup>nd</sup> by D. Bredlow vote 3/3 2 abstentions. **Motion did not carry.** Fire hydrants were then discussed for emergencies. **Motion** to allow the 750 ft cul-de-sac, contingent on 3 strategically installed fire hydrants for safety with 1 at the end of the cul-de-sac, made by D. Bredlow & 2<sup>nd</sup> by W. Manifold vote 7/1

#### Ordinances –

Adult Entertainment, enact as advertised & enact was previously motioned in October.

The attorney presented changes to Section 338(9), proposed to be enacted at the next Supervisors meeting, inserting the date of January 1, 2007 as not to exclude existing buildings. County comments were reviewed on these amendments to Section 201.4, 202.4, 203.1(8), 230.4, 204.4, 205.4, 217, 310(d), 315(d), 402, 501 and add Section 338

**Motion** to recommend to the Supervisors they enact as advertised made by J. Howell & 2<sup>nd</sup> by B. Tenney vote 8/0

The Planning Commission will need to address the gasoline storage & environmental issues next month. Attorney will provide information.  
Building permits were noted.

Zoning Officers report

Letter Requested:

Stoltzfus – 178 Hilltop Rd, Map 4 Parcel 428, untagged, uninspected vehicle

Prosecution requested

Barone, J. - 501 Falls Rd., Map 3 Parcel 305, holding tank violation.

**Motion** made to recommend the Supervisors authorize the letter and prosecution by S. McConnell & 2<sup>nd</sup> by E. Cromwell vote 8/0

**Motion** to adjourn at 10:55 p.m. made by D. Bredlow & 2<sup>nd</sup> by J. Howell vote 8/0