

**PLAINFIELD TOWNSHIP
PLANNING COMMISSION SPECIAL MEETING
MARCH 11, 2019**

A special meeting of the Plainfield Township Planning Commission was held on Monday, March 11, 2019 at the Plainfield Township Volunteer Fire Company Banquet Facility located at 6480 Sullivan Trail, Wind Gap, PA, 18091.

Chairman, Paul Levits, called the meeting to order at 7:01 P.M.

The Pledge of Allegiance was performed.

ROLL CALL:

The following Commissioners answered roll call: Chairman, Paul Levits, Vice Chairman, Robert Simpson, Robin Dingle and Terry Kleintop. Mr. Jeffrey Beavan was excused from the meeting.

Also present were Secretary, Paige Stefanelli, Township Manager, Tom Petrucci, Zoning Officer, John Lezoche, Solicitor, David Backenstoe, Esq., Special Environmental Legal Counsel, John Embick, Esq., Special Environmental Engineering Consultant, Michael Brunamonti, P.E., Alternate Township Engineer, Farley Fry, P.E., and Traffic Engineer, Peter Terry, P.E., PTOE, PMP.

APPROVAL OF MINUTES:

No minutes were to be approved at this time.

TIME EXTENSIONS:

- 1. GRAND CENTRAL SANITARY LANDFILL, INC. (PEN ARGYL ROAD, PEN ARGYL, PA 18072) SLATE BELT HEAT RECOVERY CENTER PROPOSED LAND DEVELOPMENT PLAN:**

ACTION: Motion was made by Robert Simpson and seconded by Terry Kleintop to grant an Extension of Time through April 30, 2019 for the Grand Central Sanitary Landfill, Inc. Slate Belt Heat Recovery Center Proposed Land Development Plan for the next available meeting date. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public.* Motion approved.
Vote 4-0.

OLD BUSINESS:

2. GRAND CENTRAL SANITARY LANDFILL, INC. (PEN ARGYL ROAD, PEN ARGYL, PA 18072) SLATE BELT HEAT RECOVERY CENTER PROPOSED LAND DEVELOPMENT PLAN:

Township Manager, Tom Petrucci, updated the members of the Planning Commission on the remaining outstanding Zoning issues with respect to variances. Currently, there are two variances needed by the applicant for Land Development/Major Subdivision Approval. The first variance is related to the entrance and exit to the facility. The currently proposed driveway is not located along an Arterial or Collector Road. The second variance is in reference to §27-505 which is to allow for an area of open space between the structures and the pond located on the property. There needs to be a 50 feet buffer. Under §27-410.1(a) and (b), the Planning Commission is requesting performance data in order to minimize nuisances such as odors and health and safety hazards in order to assist the Board of Supervisors.

Special Environmental Legal Counsel, Mr. John Embick, noted that there are many issues yet to be addressed by the applicant. Additionally, there is no indication by the applicant that the study being requested will be performed. The applicant has stated many times that they do not intend to comply as they will only comply with the standards set forth by the Department of Environmental Protection (DEP).

Mr. Peter Terry, Plainfield Township's Traffic Engineer, stated that he attended a meeting with PennDOT. The Applicant, representatives from Pen Argyl Borough, and representatives from Plainfield Township were all in attendance. PennDOT identified inconsistencies with existing permits. These inconsistencies will need to be addressed promptly. The second issue with respect to the submitted plan is the proposed driveway on Pen Argyl Road. PennDOT indicated that this proposal will not be approved. Based on this finding, the applicant will develop new plans and will submit a new application for review by PennDOT. Additionally, PennDOT will not accept the current trip generation data. The standard study is to collect data from three (3) alike sites or to go by national standards. The applicant has the opportunity to submit a new traffic study. A further traffic impact study may be required as well.

Mr. Jason Smith from Hanover Engineering noted the bog turtle issue has been addressed. Items such as wetland locations and buffers need to be shown on the plan. The Hanover Engineering Review Letter dated March 11, 2019 by Mr. Jason Smith is hereby incorporated for reference in these minutes as though it were more fully set forth at length as "Exhibit A".

Mr. Michael Brunamonte from BCM Engineers noted that there has been a hydrogeological study request by the Planning Commission. Additionally, there was a conference call that took place on March 5, 2019. He noted that the sedimentation basin

is connected to the groundwater and there are specific stormwater regulations to follow with respect to stormwater runoff. Therefore, a hydrogeological study is required to be conducted by the applicant. Mr. Brunamonte reviewed the variables and assumptions based on the calculations by EarthRes Group and has found those variables to be reasonable. The BCM Engineers Review Letter dated March 11, 2019 by Mr. Michael Brunamonte is hereby incorporated for reference in these minutes as though it were more fully set forth at length as “Exhibit B”.

Mr. Farley Fry from Hanover Engineering read over the review letter written by Mr. Robert Lynn verbatim. The Hanover Engineering Review Letter dated March 11, 2019 by Mr. Robert Lynn is hereby incorporated for reference in these minutes as though it were more fully set forth at length as “Exhibit C”. Mr. Fry added that the majority of items will be provided on the Nuisance Mitigation Plan that is currently being created. Generally, there are odor concerns including odors with the carbon coolers for the pumping station, storage system and holding system. Mr. Fry also requested information regarding the process of waste water coming from the storage tank. He also questioned about abatement measures, the unloading process, and what will happen in the event of a power failure. These items have not been addressed to date. Mr. Fry recommended that these items be addressed in a timely manner as the information provided will be helpful for all parties.

Ms. Trudy Johnston from Material Matters, Inc. stated that there were many responses provided by the applicant which were placed within the Nuisance Control Plan. She added that it would be helpful in reviewing the plan if page numbers and headings were provided in the comment letter provided by the applicant in response to Ms. Johnston’s review letters. Having this information will make it clearer in terms of identifying whether an item has been adequately addressed. The Nuisance Control Plan is required in order for the DEP to process the permit. Additionally, ammonia detection needs to remain in compliance with the DEP and Plainfield Township’s zoning standards. Such odors cannot be detected upon the property line. This information should also be included within the Nuisance Control Plan. Ms. Johnston also noted that detection thresholds for odor is currently too high based on the data provided on the Nuisance Control Plan. Ms. Johnston read aloud her most recent review letter. The Material Matters Review Letter dated March 6, 2019 by Ms. Trudy Johnston is hereby incorporated for reference in these minutes as though it were more fully set forth at length as “Exhibit D”. All review letters to date on behalf of Plainfield Township have been received by the applicant.

Commissioner, Robin Dingle, stated that she has concerns if there were to be any odors detected. If an odor were to be detected beyond the property line, she questioned what enforcement actions would be taken in order to rectify the issue. Ms. Trudy Johnston noted that this question would be more of a legal question and is not one that she can answer. Ms. Johnston added that the applicant will try to mitigate the odor at the time of

detection. However, other agencies may need to get involved if the odor is not rectified immediately. Ms. Pam Racey on behalf of Synagro stated that the enforcement actions would be a part of the DEP permit as these issues are enforced by the DEP. Ms. Dingle added that she is interested in the corrective actions/implementation plan that the Township can go by. She added that if such issue were to persist for a week or so, she wants to confirm that the Township has the authority to shut down the operations for the facility until the odor issue is rectified.

Mr. Terry Kleintop questioned who would be the odor assessor for odor issues such as Ms. Dingle's example. Ms. Johnston stated that the odor assessor would be hired by the applicant directly. She added that there are some performance standards issues outstanding including detection of an odor at the fence line. Ms. Johnston noted that there are three (3) significant questions remaining that need to be addressed completely with respect to performance standards and where the standards are enforced.

Vice Chairman, Robert Simpson, questioned that if a resident were to complain about an odor, who the resident should contact directly. Ms. Johnston stated that the resident will have the opportunity to contact the applicant and/or the Township regarding any complaints of odors. Additionally, any products that the facility accepts should be documented and clearly listed. Such documents should be kept and maintained by the applicant. These documents should be readily available upon request. Mr. Simpson would like a solid flow chart to be supplied to the Planning Commission of the series of events that would take place following an odor complaint.

Mr. Simpson also questioned how an odor assessor could tell the difference between the odors that emanate from the Landfill versus the proposed biosolid facility. Ms. Johnston stated that there is a recognition threshold which certified assessors will evaluate. She noted from her experience, there is a distinct difference between the two odors. Mr. Simpson questioned the applicant on whether they would be willing to address everything within the review letter from Ms. Johnston. Ms. Pam Racey stated that the applicant is in agreement with the Nuisance Control Plan. Mr. Jim Hecht noted that there is a flow chart for action directly after a complaint that was provided, although, not enough detail was provided. Mr. Hecht generated a checklist as well. He added that the investigation does not cease until the source is identified and the odor issue is rectified. If the applicant cannot identify or rectify the issue, a third party expert will come in and identify where the odor source is and how to address the situation. This plan will be attached to all permits and the DEP has the power to issue fines and/or to shut down the facility. Mr. Simpson wants to ensure that the applicant would remain proactive about rectifying these issues.

In reference to Ms. Johnston's review letter, Mr. Simpson questioned whether those numbers can be detected by an individual's sense of smell. Ms. Johnston confirmed that

these levels of odors are certainly detectable by sense of smell. Mr. Simpson noted that at the end of this process, he would like to know what items from Plainfield Township's Consultants the applicant clearly agrees and disagrees with.

Chairman, Paul Levits, questioned Ms. Johnston on the difference between chronic and intermittent odors. Ms. Johnston stated not to refer to the odors in that way. Rather, the odors should only be seen as whether they are detectable or not.

Mr. Kleintop requested that the applicant confirm companies or firms that are certified odor assessors. He also questioned whether there is a state that has a nuisance standard that the applicant would consider reasonable. Ms. Racey noted that there may be one other facility that has a hydrogen sulfide limit and will take a look at that and move forth.

Ms. Dingle questioned about detecting odors at the fence line and requested that handheld instruments be used and are used consistently with everyday daily monitoring. Mr. Jim Hecht added that he is hopeful that the applicant and Township will come into agreement on all issues presented at tonight's meeting. The applicant added that they are trying to get all requested materials and studies together and completed as quickly as possible.

Ms. Dingle also requested that in the event of a complaint, a flow chart including timelines of protocol/actions be provided for the Township. Mr. Hecht noted that if an issue were to occur, the applicant intends to have an expert there as soon as possible because if the odor were to dissipate, that would be a disadvantage on their end.

Mr. Robert Simpson questioned how the applicant would be handling odors coming from the trucks as he is very concerned about the odors that would be emanating from the trucks in town. Ms. Pam Racey stated that the applicant intends to use deodorants on the trucks to eliminate any odor issues. Mr. Simpson questioned whether there is a course of action if multiple complaints are received from individuals who are traveling behind trucks during rush hour. Ms. Racey stated that the odor would be identified and if determined to be a certain sludge source, the odor would be deodorized and/or add oxidizing chemicals.

Mr. Kleintop questioned what kind of biosolids will be transported to the Synagro facility. Ms. Racey noted that not all materials coming into the facility will be Class B biosolids, however, all materials will be Class A leaving the facility. She added that all materials will go through a wastewater treatment process.

Mr. Simpson questioned Plainfield Township's consultant, Mr. Michael Brunamonte about the recent stormwater calculations and management that were received by the applicant. Mr. Simpson questioned where the stormwater leads to once it leaves the stormwater basin. Mr. Brunamonte replied that no water is to leave this basin. Once the water goes into the basin, it will not be released out of the basin. Mr. Simpson questioned

what type of storm, whether it be a 100 or 200 year storm, or no storm at all that would trigger overflow in the current stormwater basin on the premises. Mr. Kleintop added that on Mr. Brunamonte's review letter, he did not see any information on stream monitoring with respect to Bushkill Creek or Waltz Creek. He added that it may be prudent to review the possibility of a monitoring station for both bodies of water. Mr. Brunamonte noted that the dewatering calculations provided do show water entering into Waltz Creek and Bushkill Creek and that there should be precautionary monitoring points put in place. Mr. Brunamonte noted that he is in agreement that stream monitoring should take place.

Ms. Dingle noted that with respect to the hydrogeological study, Ms. Dingle hopes to have a contingency plan in place if a resident were to state that their well has been contaminate.

At this time, Chairman, Paul Levits, held a 10 minutes recess.

Mr. Pullar stated that a consultant firm is assisting Synagro with the process. He added that there were questions previously raised about Grand Central Sanitary Landfill (GCSL). Mr. Pullar noted that Grand Central currently has many monitoring areas in place. The data regarding those monitoring areas are compiled and submitted to DEP and the Township when required or requested. Macroinvertebrate results were provided to the Township as well. GCSL and Synagro are still working through some other issues that were raised.

Ms. Dingle had technical questions regarding the depths of land being depicted on the map. In reference to the Penn Groundwater Information System, the applicant began researching information on records and verifying what is currently on site including Act 101 wells. This research is currently ongoing. Mr. Kleintop stated that he is concerned about the impacts this facility will have on Little Bushkill Creek and Waltz Creek.

Ms. Pam Racey wanted to follow up on some of the open items from the last meeting along with a few new items of discussion. With respect to the most recent BCM letter, a conference call took place to discuss the items remaining on the review letter. An additional conference call will need to take place within the coming weeks in order to solidify final discussions. The applicant is amendable to a sampling plan, although, specific monitoring areas have not been identified to date. It was also noted that the applicant has resubmitted plans, as requested, based on the pre-construction meeting that was previously held. The Open Items Chart dated March 11, 2019 done by Mr. Jim Hecht is hereby incorporated for reference in these minutes as though it were more fully set forth at length as "Exhibit E". To date, Plainfield Township has not received item number 8 on the chart.

Township Manager, Tom Petrucci, wanted to clarify that the Township needs a "will serve" letter which shall indicate that the water/sewer authority will provide the capacity

needed for this facility in order to qualify for the planning exemption. The letter needs to indicate that no overflow has taken place in 5 years and that a municipal agreement may be necessary. Additional information is required by the applicant prior to making such request.

Chairman, Paul Levits, questioned whether the applicant will address the remaining variances that are needed to be obtained. Ms. Racey stated that the applicant does not have any comments at this time, however, this matter will be addressed at a later date. Township Solicitor, David Backenstoe, stated that the Nuisance Mitigation Control Plan is incredibly important and is only as good as its enforcement. He added that this plan could be laid out perfectly, however, it may not be of any help if it is not enforced well. Solicitor Backenstoe stated that with respect to possible issues at the facility including odors, it would be best for Synagro and the Township to have their own professionals to investigate these situations at once. There needs to be a standard set in place as well. When an issue arises and the standards cannot be met, the plant must cease operations until the issue has been rectified. Solicitor Backenstoe added that there are provisions within the Municipalities Planning Code (MPC) which allow the Township to incur fines on the facility if they are not in compliance with the Plainfield Township SALDO and Zoning Ordinance. A Nuisance Mitigation Control Plan has more authority and response time restrictions for issues such as odors.

Mr. Kleintop questioned Mr. Peter Terry on a comment he made regarding PennDOT inconsistencies. With today's application process, there are traffic volume standards that need to be complied with. PennDOT requested that the applications/permits submitted be updated with current traffic flows based on the increased use of vehicles from abutting companies in the area. Additionally, there are maintenance issues to address on these applications. Mr. Kleintop questioned why the applicant is affirming that the access road off of Pen Argyl Road is a low volume driveway when this area is a high volume access point. Based on the meeting with PennDOT, they will not allow this proposed roadway to be a low volume driveway. If this roadway were to be open to all traffic, Pen Argyl Road would need to be upgraded in order to accommodate the trucks that would be used on Pen Argyl Road for access.

PUBLIC COMMENT:

Tom Carlo- Mr. Carlo is a resident of Pen Argyl Borough. He questioned what capacity the Synagro facility would be operating at. Ms. Racey stated that they would be operating at 400 wet tons per day which is their maximum capacity. He also questioned if there were to be an odor- how the applicant would determine whose sludge (either Waste Management or Synagro) is bringing in the odor. Ms. Trudy Johnston, noted that if and when odor concerns would arise, this issue would be referred to professionals in order to assist with the issue at hand. Mr. Carlo questioned if trucks travel for long periods of time

and some of the sludge would escape, how the applicant would regulate that. Ms. Racey noted that there is a closed lid and tarps on the trucks. Additionally, there will be a negative draw of air that will suction the top of the truck closed.

Mr. Carlo also added that there are many pollutants in sludge based on a recent EPA Inspectors Report. An analysis determined 61 hazards within a sample. Ms. Racey noted that the applicant supports ongoing reports by the EPA and will update their operations accordingly.

Emmanuel Damaris- Mr. Damaris appreciated the Planning Commission making an issue out of Sedimentation Basin #2. He added that no one knows what is happening below the surface. Mr. Damaris also noted that the swales on the property moved waste materials into resident's homes during a study/article found during his research on the matter. He added that 900 people lost their homes in result of this because of the contamination. The EPA established that 33% of individuals living in the area of contamination had chromosome damage including pregnancies. The children who made it full-term and had children of their own later on in life had children with birth defects.

Some chemicals found within the biosolids causes cancer. Additionally, the EPA found that Act 503 was not defensible. Mr. Damaris added that the EPA hid facts from Congress and the public of hazardous materials at these facilities. Mr. Damaris provided the Planning Commission with evidence to support his comments. He noted that the Act 503 regulation does not provide protection at all. Mr. Damaris stated that if someone in his family dies from this facility, he will sue each individual on the Board/Township because it is the Township's duty to protect the residents. He added that Synagro refuses to do an impact study but they are in fact required to conduct this study considering the facility would be located within 1 mile of the Appalachian Trail. Mr. Damaris provided the Planning Commission with multiple articles supporting his claims. The articles provided by Mr. Damaris are hereby incorporated for reference in these minutes as though it were more fully set forth at length as "Exhibit F".

Don Moore- Mr. Don Moore is a resident of the Township. He mentioned an issue with the measurements of the driveway. He added that even if the applicant moves the proposed driveway more north on the plan, the throat length is going to be minimal. He added that it is not necessary to threaten the Planning Commission with legal action from residents as they are doing everything they need to review this application and have hired excellent legal counsel and environmental/geological experts.

Mr. Moore has many issues with the applicant not honoring the Township's previous intentions for the currently existing easement agreement between Plainfield Township and Waste Management. With respect to the Highway Occupancy Permit from PennDOT, the applicant should have applied for this months ago. Additionally, the

scoping application has not been completed to date. Mr. Moore stated that there are two (2) variances yet to be established with the road access and the pond issues. These issues are not going away and need to be addressed on the applicant's behalf. He added that the Township has spent a lot of taxpayer money on council and professionals hired for this project. Mr. Moore added that the applicant should have went in front of the Zoning Hearing Board for the variances needed first rather than going in front of the Planning Commission for the Land Development review, etc.

Luther Bond- Mr. Bond questioned that if this facility is placed within the Township and there is an odor complaint, who do residents need to call in order to submit the complaint. Ms. Racey stated that the applicant will have a hotline number to call for odor complaints and other related complaints to Synagro.

Mr. Bond stated that biosolids are not safe. He added that biosolids are not something residents would want in their yard, house, or around children. He is concerned that the applicant only wishes to abide by DEP regulations but nothing by what the Township has requested or required. Additionally, if the applicant is only planning on testing for 11 hazardous materials, he questioned how much damage has to be done until something is actually done about it. Mr. Bond is very worried about the toxins and odors that may be spread throughout the community.

Tracy Carluccio- Ms. Carluccio is from the Delaware Water Keepers. She noted that there is one issue that she would like to address. With respect to the impacts of this facility on ground water, she has concerns with the sediment basin/quarry pond and its direct affiliation with Waltz Creek and Bushkill Creek.

In reference to the odor discussion, odors can represent pollutant emissions which can deposit on soil, vegetation, water, and within the air. In the event that there is a high concentration of pollutants in the air, this becomes a serious public health issue. Ms. Carluccio is very concerned about damage and adverse health defects it may have on residents. She questioned how the health standards for the DEP compare with the nuisance standards stated within the Nuisance Mitigation Plan. Ms. Carluccio will submit a formal document with her remaining questions for the applicant.

In a closing statement, Ms. Carluccio stated that this is the wrong facility in the wrong place. She added that this propped facility is too close to the residents of Pen Argyl Borough. Additionally, the water that flows from this site into other water sources such as Bushkill Creek are irreplaceable. Once the water is polluted, the issues with the water cannot be eradicated. She would suggest the applicant to have a hotline for odors throughout the Township.

Justin Hurtiak- Mr. Hurtiak noted that in reference to the water quality, it was confirmed in writing that the water quality department was not even informed of the application that

was submitted by Synagro. Mr. Hurtiak questioned Ms. Johnston on how the fence line will be determined for the property. She stated that the simple answer is that the fence line will be the permit boundary. He added that there has recently been sniffer robotics that have been created and they could be something that could be included on this proposal for odor mitigation purposes.

Alec Cahoon- Mr. Cahoon questioned the applicant on the difference between a nuisance standard and a detestation standard. Ms. Racey stated that a detection of odor isn't necessarily a detection of a nuisance. She added that the applicant intends to inquire to the DEP in terms of requirements for other facilities currently in operation as most facilities do not have as many requirements as Plainfield Township is imposing. Mr. Cahoon stressed that these requirements are meant to protect not only the humans located in the township, but wildlife, pets and livestock as well.

ACTION: Motion was made by Robert Simpson and seconded by Terry Kleintop to table the Grand Central Sanitary Landfill, Inc. Slate Belt Heat Recovery Center Proposed Land Development Plan for the next available meeting date. Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. Motion approved. Vote 4-0.

ADJOURNMENT:

Having no further business to come before the Planning Commission, motion was made by Robert Simpson and seconded by Robin Dingle to adjourn the meeting. Motion approved. Vote 4-0.

The meeting adjourned at 10:01 P.M.

Respectfully submitted,

Paige Stefanelli
Planning Commission, Secretary
Plainfield Township