

**PLAINFIELD TOWNSHIP
PLANNING COMMISSION SPECIAL MEETING
JUNE 10, 2019**

A special meeting of the Plainfield Township Planning Commission was held on Monday, June 10, 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 7:02 P.M.

The Pledge of Allegiance was performed.

ROLL CALL:

The following Commissioners answered roll call: Chairman, Paul Levits, Vice Chairman, Robert Simpson, and Terry Kleintop. Mr. Jeffrey Beavan and Ms. Robin Dingle were 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, Robert Lynn, P.E. and Special Environmental/Wetlands Consultant, Mr. Jason Smith, PWS.

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 July 31, 2019 for the Grand Central Sanitary Landfill, Inc. Slate Belt Heat Recovery Center Proposed Land Development Plan. *Prior to the vote, Chairman, Paul Levits, asked if there were any comments from the governing body or the public. Motion approved. Vote 3-0.*

Chairman, Paul Levits, noted that there would be a special public meeting held by the Department of Environmental Protection (DEP) on August 12, 2019 to hear public

comments on the proposed draft Air Quality Plan Approval permit for the Slate Belt Heat Recovery Center. The meeting date is tentative at this juncture.

OLD BUSINESS:

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

Project Developer, Mr. Jim Hecht, gave a presentation to the Planning Commission and the public regarding major changes that have been made to the submitted plan. He added that the presentation is from the applicant's perspective only. At the end of the last meeting, Mr. Hecht noted that they continued to work with consultants to narrow down information/requirements that were still being requested. The majority of issues have now been resolved. Mr. Hecht stated that Township consultants have done a very thorough review. The Presentation dated June 10, 2019 by representatives of the Slate Belt Heat Recovery Center is hereby incorporated for reference in these minutes as though it were more fully set forth at length as "Exhibit A".

Mr. Hecht stated that Synagro has changed the design for hauling condensate off site. These changes include a wash down of the trucks and scrubbers. The applicant has regraded the site substantially to capture stormwater to have it pretreated and tested before it goes into the stormwater basin. They have also created berms where if there is a truck spill, such contaminates can be held in the stormwater graded area. Mr. Hecht added that there will be enough capacity to hold at least two trucks. No biosolids should be entering the outfalls. However, there is testing put in place to make sure this does not occur. The applicant has also been in the process of creating a Nuisance Mitigation Control Plan.

They will also have daily monitoring at the property lines for odors. All records will be available to the Township at any given time. If odors are detected and they cannot locate the cause/problem area, they will bring in a third party for assistance. Testing on sedimentation basin #2 will also take place. Scoping approval has been received for a second access on the property from PennDOT. This access will be an emergency access only. During the construction period, the applicant has added structures to aid in stormwater control.

Options on protecting local waterways were also discussed. Mr. Hecht added that there are many safeguards put in place. The sampling summary document provided on June 10, 2019 by representatives of the Slate Belt Heat Recovery Center is hereby incorporated for reference in these minutes as though it were more fully set forth at length as "Exhibit B".

In reference to the outfalls, Ms. Pam Racey noted the items on the presentation marked in red signify that the testing identified is not required by the Township or the DEP, however, they are still going to be tested. However, they are making improvements in order to test more items. Groundwater monitoring provisions were also not required but extra testing will be done on this as well. Additionally, Mr. Hecht noted that testing will be conducted on Waltz Creek. Little Bushkill Creek is currently monitored by Waste Management and will continue to be monitored by Waste Management. Mr. Hecht noted that they will expand to 7 out of 10 continuous days for investigating any odor complaints.

Mr. Hecht added that the remaining items to be addressed have to do with testing rather than the design of the project. He noted that the review letters from BMC Engineering and Hanover Engineering are the primary remaining items regarding additional testing. Questions were brought up concerning the capacity of the site. Mr. Hecht noted there were changes made to the proposal that would not allow for hauling on Sundays. On an annual average, it is estimated to process/receive 400 wet tons per day. Mr. Hecht stated that there is a maximum acceptance of product, but they still intend to operate on an average of 400 wet tons per day. The applicant has recently received a review letter from Emergency Services regarding emergency responses. Information regarding their requests will be provided within the building permit application.

In reference to the open SALDO issues, the applicant has received scoping approval for what the Pennsylvania Department of Transportation (PennDOT) will allow for access. Main access for the facility will be located on S.R. 512 and emergency access will be located on Pen Argyl Road. The applicant believes they will be in compliance with the zoning ordinance requirement regarding the setbacks with the 50ft buffer. The basin will be filled with clean fill while also maintaining the quality of the basin. Reports have been submitted in reference to section §22-410.

Through the Nuisance Mitigation Control Plan, the applicant is creating data, documents, and procedures in order to be in compliance with Plainfield Township and the DEP. The DEP has the ability to enforce compliance of the permits and they hold the right to withdraw any permits at any given time. Data will be collected on a daily basis. The Township has very similar rights to utilize the applicant's commitments for enforcement if the applicant were to be in violation. They have also received the draft conditions, which they are in agreement with, for approval of their application. Some remaining items will be provided to the Township once some technical issues have been addressed/completed. Mr. Hecht added that the project has evolved to reflect a lot of the concerns expressed by the community. The applicant agreed to conform to all requirements by the Township, State, and Federal Government.

Mr. Terry Kleintop questioned the water testing protocol that Waste Management has been conducting. Mr. Tom Pullar from EarthRes stated that Waste Management currently tests Little Bushkill Creek. There is stream monitoring at fixed points of the waterways that are monitored regularly. Some monitoring areas are done on an annual basis. The quarterly analysis is for the monitoring wells of local residents. They also evaluate the biologic community. Mr. Pullar added that the Township is provided this information once testing has been completed and has all documents at the office regarding past testing that has been conducted. Executive summaries have been provided in response to the latest review letter by Jason Smith from Hanover Engineering.

The DEP document that was submitted by Synagro is an example of what they will be testing for. For leachate specifically, the applicant will perform more extensive testing. For private wells, testing will not be as extensive. There is a lot of testing that is already in place by Waste Management. All documents are provided to the Township when this testing is performed. A groundwater inventory system has been requested by BCM Engineers. Mr. Pullar added that in reference to Act 101 parameters, they are following them by providing testing for the wells. Mr. Kleintop noted that Little Bushkill Creek and Waltz Creek are not currently being tested for E.coli and Coliform. Mr. Scott Perin from Waste Management noted that they are not a facility that collects or distributes material that contain those bacteria hazards. Mr. Pullar noted that their goal in all testing is to confirm that there is no sign of biosolids within any of the bodies of water and residential wells. Mr. Pullar added that E.coli would not be a good testing parameter to indicate that biosolids are being released because it may trigger a false positive.

Vice Chairman, Mr. Robert Simpson, questioned what will be done with the trucks in terms of odor. The applicant noted that trucks with condensate backhaul will have an enclosed tank with a screw on the valve. The trucks with biosolids will have a tarp placed over the trucks and the trucks will then be rinsed off. Ms. Racey added that if there was a particular odorous source and the treatment process in place did not rectify that odor, then the applicant would have the right to discontinue receiving biosolids from the facility that is the source of the issue. Mr. Simpson noted that in reference to enforcement, he questioned whether the applicant met with representatives of the Township in order to expand enforcement actions. He added that if the applicant were to be in violation and the issue persists, this can become a major issue. Ms. Racey noted that in general, they do not have issues with odors emanating from the trucks at other facilities. She added that occasionally, there may be one issue but those issues are source specific and easily rectifiable. Mr. Hecht stated that the trailers were designed by representatives of Synagro. The applicant is hesitant to waive due process. Mr. Simpson added that he appreciates the extra parameters to the testing, however, the court process can be very time consuming and costly. He is looking for a more direct answer to the

issues pertaining to odors. Attorney Matthew Goodrich, on behalf of Synagro, noted that they are continuing to work on Mr. Simpson's concerns and that there is an active plan set in motion as soon as a complaint has been made. There are immediate remedial steps.

Solicitor Backenstoe noted that Mr. Simpson is looking for something quicker in terms of remediation as even emergency injunctions take a while in the court system because of the process. Attorney Goodrich stated there is a process that will be put in place to make complaint remediation faster. Mr. Simpson questioned whether there is a type of voluntary timeout that can be triggered at some point if the source is not identified. Attorney Goodrich noted that if they know there is an odorous load that comes in, the facility can refuse it. He understands what Mr. Simpson is requesting. Solicitor Backenstoe stated that if an issue is continuously occurring with odors and there are numerous complaints, the Township is interested in a voluntary shutdown until the issue is rectified. Attorney Elizabeth Witmer on behalf of Synagro stated that shutting down the plant will not assist in this issue. Solicitor Backenstoe disagrees as this will force trucks to discontinue hauling/deliveries. Attorney Witmer insisted that these measures are a bit of overkill as they are speaking of a 24-7 operation facility. Mr. Simpson requested confirmation that his concern will be addressed.

Chairman, Paul Levits, took a short break from 8:11 P.M. to 8:23 P.M.

Ms. Trudy Johnston from Material Matters noted that they have had two very productive conference calls with representatives from Synagro. In terms of the OIRS method, there has been a lot of time spent on this matter as it is very important. The Material Matters review letter dated June 10, 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 C". Ms. Johnston introduced the memorandum to the Planning Commission. She is still waiting for some documentation from the applicant. The OIRS method has been found to be a universal standard.

Ms. Johnston moved on to Nuisance Mitigation Control Plan. She added that they are still waiting for some additional documentation regarding odor intensity. Ms. Johnston commend Synagro for conforming with her requests on changes to the Nuisance Mitigation Control Plan. In reference to the arrival and departure log, the source of biosolids is consistently shown. Because there will be 400 tons per day that will be traveling through the Township, there needs to be a way on how to identify the trucks in order to make a complaint about a specific truck. Mr. Brian Cataldo noted that the trucks will now be identified as vehicles from Synagro along with truck numbers. Ms. Johnston reiterated that the Township does not allow for odor detection beyond the property line. She noted that Synagro has been very agreeable to the stipulations in place for the

Nuisance Mitigation Control Plan. Ms. Johnston will provide any remaining comments to the Township. The applicant does not intend to publish a final air plan until after the DEP public meeting set to be held in August, 2019.

Mr. Kleintop mentioned another company that processes biosolids. He noted that the company cannot get rid of the biosolids and is attempting to pay outside companies to take their product. Mr. Kleintop has serious concerns about this issue and after further research, it appears that the pellet supply far exceeds the demand. Ms. Racey noted that this plant has flaws in the marketing aspect of selling their product and that municipalities do not understand or know how to market the product properly nor do they have the staff to support marketing and operations. She added that this is a risk that they have to take. For the plant that Mr. Kleintop is speaking of, they currently have product that has a BTU value of 6,000.

Mr. Michael Brunamonte stated that there was an onsite meeting that took place on May 23, 2019. Attendees of the meeting walked around sedimentation basin #2 and discussed the status of different subject matters. Mr. Brunamonte and representatives of the applicant agreed on monitoring well locations that will be installed based on comments made by the geologist. Mr. Brunamonte added that there are some details that still need to be worked out. Monitoring protocols for the pond itself has also had some progress. Mr. Brunamonte stressed that the applicant will need to reach an agreement on the testing parameters that will be included on the NPDES Permit. It was noted that a portion of stormwater will be discharged into Waltz Creek, but there is no monitoring currently proposed for stormwater testing. This is something that will need to be further discussed. Mr. Brunamonte had their firm's geologist review the dewatering calculations and the assumptions that were put into the calculations. He stated it is reasonable to expect that the water may change due to the fill that will be placed.

Mr. Kleintop questioned how this quarry will be different from the Nestle quarry issue. He has not seen detailed documentation regarding the current sedimentation basin #2 that will be filled. He noted that he has heard different depth measurements at various meetings. Mr. Brunamonte stated the applicant is proposing to use similar material found in the sedimentation basin that will be used to fill the basin completely. Similar material should act similarly to what is already existing. The material used at Nestle was very different from what was previously used there. Mr. Tom Pullar added that there have been several meetings on this issue and had a meeting on site. The applicant is still finalizing the details regarding the depth of the basin. The applicant will go by the same parameters as before on the NPDES Permit. Monitoring will be done quarterly. Once the startup has been completed, there will be one year of background testing and if results are favorable, the applicant will request to have the monitoring reduced. The material going

into the basin will be very permeable. The source of material has not been determined to date, however, it is likely that the fill will be taken from across the street as stated by Mr. Scott Perin of Waste Management. The fill will be clean and approved by the DEP for use. The applicant can provide further clarification if requested. The applicant believes they have addressed all remaining issues regarding the basin, however, there are a few minor details that need to be finalized.

Mr. Simpson questioned whether the basin will overflow in the event of a storm. Mr. Pullar noted that it would not discharge. Mr. Brunamonte agreed with this statement. Mr. Simpson noted that he heard references to “ground water” and he associates the term “ground water” with a pond. Mr. Pullar stated that all the documents from the DEP maintain that this is a permanent sedimentation basin and stormwater basin. Based on this, all applications have been based on this indication by the DEP. Mr. Kleintop questioned whether the DEP will require a chemical analysis before the fill is placed within the basin. Mr. Pullar noted that they are not requiring a pre-fill chemical analysis, however, Synagro has offered such testing. Mr. Brunamonte recommended that background testing be conducted prior to filling. Other comments from BCM were provided in the most recent letter from June 4, 2019. The BCM Engineers review letter dated June 4, 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 D”.

Mr. Jason Smith from Hanover Engineering read over his latest review letter. The Hanover Engineering review letter dated June 10, 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 E”. He noted that there will be detailed monitoring before/after filling and during/after operations. One recommendation by Mr. Smith is to have a monitoring program that would show all of the testing parameters/information during those time periods. Mr. Smith added that their firm and Synagro are still not in agreement on how the Township ordinance is interpreted regarding buffer yard requirements. The DEP will not require a Chapter 105 Permit. The DEP is requiring pre-treatment BMP’s. At this point in time, an interpretation of the Township ordinance will be needed. Mr. Smith noted that the Township is currently waiting for a formal determination from DEP. The applicant stated that the formal determination will be provided in the form of an approval permit. The applicant has been granted a 30 day extension of time through end of July 2019 from the DEP.

There are items in reference to bog turtles that still need to be resolved. Mr. Smith noted that a consultant for the applicant has been in the process of rectifying those issues. Mr. Tom Pullar stated that the report has been completed, however, he has not had time to submit it to the Township. Mr. Smith requested that there are maintenance provisions

within the monitoring plan at which management efforts would commence. Mr. Smith stated that he will work with the applicant to develop the monitoring plan. He added that the plans and wetland reports need to include streams and the pond itself. Once the pond is located on the plan, the pond needs to be established as a “Water of the Commonwealth” on the plan. Maintenance notes have been added to the plan in reference to vegetative swales. Filter comments still need to be supplied. Additional revisions were also discussed.

The Hanover Engineering review letter dated June 10, 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 F”. Mr. Lynn noted in reference to the trucks and odor control, the information provided indicated that there will be a difference in the types of sludge coming into the facility. He questioned how that will be different from what is coming into the landfill today. Mr. Pullar stated that material coming into the landfill currently is either stabilized or digested. Ms. Pam Racey added that they are not intending to accept manure into the facility. Mr. Lynn stated in terms of the fill, there will be an influence from anything that occurs structurally. Mr. Dave Allen from EarthRes stated that this will be monitored as the placement of fill and was agreed upon at the last DEP meeting. However, based on the presentation provided by Mr. Hecht, there are items that still need to be discussed. Ms. Racey stated that the pellets produced would not be pellets that are made from strictly digested or undigested material. The material will be blended. The applicant would limit the amount of undigested sludge received based on the associated odors and that this material is hard on the machinery and difficult to dry. Additionally, Ms. Racey added that undigested sludge material has a higher BTU level which is sought after in this industry. The applicant stated that information requested within this review letter will be provided on the plans.

Special Environmental Attorney John Embick provided a response to Attorney Witmer’s memorandum on the environmental impacts that this facility may have. Attorney Embick argued two legal cases that he believes had standing with this facility proposal. He stressed that the impacts it will have on the environment and the local residents could be quite significant. Attorney Witmer stated that the Township does not have authority in reference to a request for an environmental impact study. Attorney Embick does not agree with Attorney Witmer’s findings and that those cases suggest that the Township does in fact have authority to request an environmental impact study. He stated to the Planning Commission that if they do not believe that they have all appropriate information requested for the proper review of this application, they may recommend the Board of Supervisors to deny the project. Attorney Embick added that the Planning Commission may ask whatever they feel is necessary in order to make a decision. Attorney Witmer stated that the applicant has provided everything within section 410 of

the ordinance. All documents have been compiled into one submission with an expanded report. The report is a point by point summary. Attorney Witmer added that Attorney Embick has went far beyond what is reasonable. It is Attorney Witmer's opinion that the applicant has addressed every section in the ordinance with respect to the proposed use.

PUBLIC COMMENT:

Emmanuel Damaris- Mr. Damaris discussed the Environmental Protection Act at great lengths including other documents. The documents provided by Mr. Emmanuel Damaris on June 10, 2019 are hereby incorporated for reference in these minutes as though it were more fully set forth at length as "Exhibit F". He added that if a facility is located within 1 mile of the Appalachian Trail, this type of facility cannot be placed in that location. Mr. Damaris stated that during the most recent Planning Commission meetings, Synagro has not provided requested documentation of the sludge for possible environmental impacts. He stated that sludge is a pollutant. Mr. Damaris noted that nothing being produced at this facility is safe.

Additional names were remaining on the list in order to speak during public comment. However, because of the lack of time remaining, the remaining names will be placed on the next agenda for this matter.

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 3-0.

ADJOURNMENT:

Having no further business to come before the Planning Commission, motion was made by Robert Simpson and seconded by Terry Kleintop to adjourn the meeting. Motion approved. Vote 3-0.

The meeting adjourned at 10:05 P.M.

Respectfully submitted,

Paige Stefanelli
Planning Commission, Secretary
Plainfield Township