

**PLAINFIELD TOWNSHIP
ENVIRONMENTAL ADVISORY COUNCIL MEETING
NOVEMBER 1, 2021**

A regular meeting of the Plainfield Township Environmental Advisory Council was held on **Monday, November 1, 2021** at the Plainfield Township Municipal Building, which is located at 6292 Sullivan Trail, Nazareth, PA 18064.

Chairman, Bob Cornman, called the meeting to order at 7:00 P.M.

ROLL CALL:

The following members of the Environmental Advisory Council answered roll call: Chairman Robert Cornman, Bob Simpson, Jeff Beavan, Stan Shelosky, Jane Mellert and Bruce Rabenold.

Also present was Township Manager/Secretary to the Environmental Advisory Council, who is Tom Petrucci, and Charlie Schmehl, who is the Vice President of Urban Research and Development Corporation (URDC).

PUBLIC ATTENDANCE:

There were no members of the public in attendance.

I. APPROVAL OF THE MINUTES – October 4, 2021 Draft Meeting Minutes

ACTION: Bob Simpson made a motion to approve the October 4, 2021 Draft EAC Meeting Minutes, with one (1) identified correction pertaining to correctly identify the “Courtesy of the Floor” attendee. The motion was seconded by Jeff Beavan.

Prior to the vote, Bob Cornman called for any questions or comments from members of the public or the EAC.

The motion was approved. Vote 5-0-1, with Stan Shelosky abstaining from the vote.

II. MEETING BUSINESS:

1. Public Presentation on DRAFT Clean Fill Regulations Ordinance/ Review of DRAFT Clean Fill Regulations Ordinance

Charlie Schmehl gave an overview of the DRAFT Clean Fill Regulations Ordinance provisions project. The goal is not to regulate fill within the Township (ex. one farm to another). The primary issue is the issue of materials being brought in from outside the Township. In many cases, the Pennsylvania Department of Environmental Protection (PA DEP) does not require additional testing. The Township cannot regulate operational

matters concerning clean fill. It was noted that the Township is not able to supersede PA DEP regulations. The Township is mainly seeking to confirm compliance with the existing PA DEP regulations (i.e. the Township would assist PA DEP with carrying out the regulations).

The memorandum and draft ordinance provisions document dated October 26, 2021 is incorporated into these minutes as though more fully set forth at length as Exhibit “A”.

It was confirmed that Section 27-323 does not regulate the placement into a quarry of materials that originally came out of the same quarry or another quarry in Plainfield Township.

Charlie also confirmed the exemptions from the draft regulations as set forth in 27-323.

If PA DEP has specifically set an alternative contamination level for a specific site (such as an industrial redevelopment project or a “Beneficial Permit” Permit, then that PA DEP approved contamination level shall apply.

The following discussion points occurred:

- Stan Shelosky questioned whether PA DEP would require a permit to move overburden (spoils) into a quarry. He also questioned whether the state would consider the filling of water a regulated activity. It was stated that PA DEP has regulated quarries under both Chapter 102 and Chapter 105. A provision will be added to require testing for the overburden of materials.
- The question was raised whether the dredging of ponds would fall under these regulations.
- Dredging materials are not permitted in water-filled quarries.
- Bob Simpson stated that no dredged materials should be permitted in water-filled quarries.
- Bob Simpson requested that there be a separate distinction between a “zoning permit” and a “zoning fill permit”.
- Under Section 5, the Township Engineer can review everything that is submitted (but it is not required).
- Filling water-filled quarries requires prior approval from the Zoning Hearing Board.

- The word “periodically” under 5D shall be changed to “monthly”.
- Under Section 10, millings are permitted within the public right-of-way, driveway and parking areas, but they are not to be used for general fill activities.
- If a property has an active mine permit, the Township is specifically preempted by the Commonwealth of Pennsylvania.
- The Township cannot set different standards from a PA DEP-issued “Beneficial Reuse” permit.
- Bob Simpson and Jeff Beavan stated that the water table shall be set by a hydrogeological study. Above that water table, there should be less restrictive provisions (i.e. construction waste, millings and dredging materials would be permitted). Once a safe level is ascertained, there could be less restrictive requirements. The safe level will be based on the seasonal high water table and then an additional buffer area of ten (10) feet.
- It was stated that the Township is attempting to streamline the administrative process so as not to burden the residents or the Township staff.
- Enforcement shall be provided by the Township under the provisions of the civil enforcement proceedings. PA DEP may also file criminal charges, if inclined to do so.
- It was noted that an engineered site plan is required for any Special Exception Use permit application. Charlie indicated that contours and grading should be required. Stan Shelosky indicated that grading (pre and post) should be provided on the plan.
- Next Step(s): The draft zoning ordinance amendment will be forwarded to the Lehigh Valley Planning Commission (LVPC) and the Planning Commission. From there, a public hearing will be scheduled at the level of the Board of Supervisors. Prior to this, the Planning Commission and Board of Supervisors will have a chance to review/comment on the draft ordinance. In other words, the intent is to seek feedback from the Planning Commission and Board of Supervisors prior to advertising the public hearing and sending the draft zoning ordinance amendment to the LVPC and the Planning Commission.

ACTION: Bob Cornman made a motion to move forward the revised draft ordinance from Charlie Schmehl/URDC to the level of the Planning Commission and the Board of Supervisors. The motion was seconded by Bob Simpson.

Prior to the vote, Bob Cornman called for any questions or comments from members of the public or the EAC.

The motion was approved. Vote 6-0.

III. CITIZEN'S AGENDA/NON-AGENDA (*There is a 5-minute time limit for speakers. Please state your name prior to addressing the Environmental Advisory Council*)*

- Kevin Waldron: Inquired as to whether there are any known polluted bodies of water at this time. Tom Petrucci stated that he was not aware of any such bodies of water that have been identified.
- Barry Schweitzer (Resident of Bangor Borough): Stated that it was twenty (20) years ago that a number of trucks from the metropolitan area began dumping properties into the quarry. He also stated that Valley Industrial Properties is currently bringing in about five-thousand (5,000) tons of material per day to the Capital Auto Parts property in East Bangor. He stated that the Township should be aware of the tremendous cost savings that are involved with operators hauling materials from New Jersey into Pennsylvania. He applauded the Township for taking proactive steps to regulate this recurring issue of concern.

IV. ADJOURNMENT:

Having no further business to come before the Environmental Advisory Council, motion was made by Stan Shelosky and seconded by Bob Simpson to adjourn the meeting. Motion approved. Vote 6-0.

The meeting adjourned at 8:16 P.M.

Respectfully submitted,

Thomas Petrucci
Township Manager/Secretary
Plainfield Township