

Minutes of the Antrim Township Supervisors
Food Processing Residual (FPR) Work Session

April 2, 2024

6:30 PM

The Antrim Township Board of Supervisors met April 2, 2024, at the Shady Grove Community Center, located at 2100 Buchanan Trail E., Shady Grove, PA, 17256. The following board members were present: Fred Young, Chairman; Rick Baer and Chad Murray. The following were also in attendance: Chris Ardinger, Administrator/Roadmaster; Sylvia House, Zoning/Code Enforcement Officer; Amber King-Reasner, Assistant Zoning/Code Enforcement Officer and Jennifer Becknell, Secretary/Treasurer. (*Alleman and Heraty were absent.*)

Young called the meeting to order at 6:36 p.m.

Young announced that the meeting is being recorded only for the purpose of writing the minutes and will not be posted to the website due to the mobile recording device not being compatible with Township software.

Baer offered a word of prayer, followed by the Pledge of Allegiance to the Flag.

Young called for Public Comment. There were none.

Young stated that the Supervisors setup this Work Session for the purpose of introducing the attorney who has a signed agreement with the Township to assist staff in drafting an ordinance for Food Processing Residual (FPR) and allow the residents of Antrim Township voice their concerns directly to the special counsel retained. Young asked the audience members to be mindful of their comments by keeping them brief and non-repetitive.

Young introduced Attorney M. Joseph Clement and turned the microphone over to him to give a little background.

Joseph Clement, Esquire, stated he is an attorney with Wisler Pearlstine, LLP (Blue Bell, PA). Clement stated he became involved in Food Processing Residual (FPR) a few years ago when it came across his desk as a Chester County Township was affected by FPR. Clement said he educated himself on FPR and that he has a Biological Science degree from the University of Vermont. Clement continued by stating that there are very little regulations concerning FPR as a result of permit by rule that DEP (Department of Environmental Protection) has been following since the 1990's. Clement said there is a DEP manual that offers guidance for FPR and it is outdated as it was last revised in 2001. Clement posed the question, "What can municipalities do until the persons in legislation catch-up on FPR and make laws for the regulation of FPR storage and FPR transportation?" Clement stated that the Township ordinance would utilize the "public health, safety, and welfare" provision to mirror what the requirements are in the DEP manual.

Young introduced State Representative Paul Schemel.

Paul Schemel, Pennsylvania State Representative, gave a brief overview of what has been happening at the House of Representatives in relation to FPR. Rep. Schemel has been serving on the FPR research committee with three other Representatives (Paul Friel, Barb Gleim, and Paul Takac), and representatives from EPA (Environmental Protection Agency), Dept. of Agriculture, and DEP. This committee meets once a month and have been addressing the issue of healthy FPR vs. unhealthy FPR, how the state can best

regulate and enforce FPR spreading, and if FPR can be regulated much like biosolids. Rep. Schemel stated the committee will be finished in May and should have a full report available.

Lori Clopper, speaking for Antrim Township Citizens for Safe Water (ATCSW), stated her family is one of the three families with contaminated wells from FPR. Clopper gave an overview of the timeline of events leading to their well contamination and described the living conditions they are left with due to the contamination. Clopper stated the following seven points the ATCSW would like addressed in a Township ordinance.

1. FPR being stored or applied to land must not contain any “hazardous waste”.
2. Require adequate notification to the Township as to when and where FPR is being stored and spread.
3. Accountability for all processing plant owner/operators and FPR broker/haulers to provide where the FPR originated and how much is being transported, and the chemical makeup of the FPR.
4. When FPR changes hands multiple times, the chain-of-custody must be maintained throughout the process, as many farms will allow multiple haulers to drop FPR shipments in the same pit.
5. Third party testing must be achieved prior to land application, regardless of whether the FPR is from a pit or applied directly from tanker/hauler.
6. Any property owner whose well head is within the FPR manual’s setback parameters should receive adequate notification of land application. A similar process is required for biosolids.
7. DO NOT allow farmer or hauler to provide FPR testing results or certifications from analysis. This supports #5 on this list. Third-party testing is to be completed at the farmer or haulers expense. This is the cost of doing business.

Young thanked Lori Clopper for her research and for her testimony. Young stated that the purpose of this work session is not to be against farming or to be non-sympathetic for residents affected by FPR, but to find a good working solution for all and to protect our drinking water.

Attorney Clement also thanked Mrs. Clopper for her testimony and responded that the ordinance would put provisions in place requiring a 48-day clause for establishing a temporary water supply and a 90-day clause for establishing a permanent water supply, reports being submitted to both DEP and the municipality, and having the municipality conduct compliance reviews.

Young asked the audience if they had any comments, and the following were offered by various persons:

- Manifests need to travel with the FPR from the original source to the final destination showing what is in the FPR.
- Limit the time of year that FPR can be spread, for example, not during the rainy season.
- Require FPR storage pits to be tested for integrity of the walls and floor.
- Storage pits for FPR should not be filled to the very top, should leave ample space at the top to avoid spillage.
- Establish criteria for enforcement of the FPR ordinance.
- Have an action plan on who to call when there is an issue with FPR.
- Require monitoring of wells around the fields being spread with FPR.
- Prohibit the spreading of FPR on steep slopes and avoid runoff to neighboring properties.
- Require financial security from farmers, much like the Township does for solar farms, in case cleanup is required.
- Regulate the use of best management practices for FPR being mixed with hardened manure in pits to get it liquid again for spreading.
- Hire a hydrologist/geologist to assess Antrim Township and show where the sinkholes and limestone plates are located to regulate where FPR may be spread/stored.

- Do not allow FPR to be spread in areas prone to develop or have sinkholes.
- Concern about spreading FPR in general for residents with compromised breathing issues.
- Concern with allowing FPR to be spread on fields, which ultimately will reach our streams and tributaries which flow to the bay, when we are spending so much money on MS4 projects to clean up the Chesapeake Bay.
- Prohibit the spreading of FPR that contain the “forever” chemicals/cleaning chemicals that can cause serious health issues and illness.
- Stop the hauling/spreading of FPR altogether in Antrim Township. Allow regular farm created manure only instead of creating an elaborate ordinance for every scenario relating to FPR.

Both Young and Clement thanked the audience members for their input and comments.

A Baer/Murray motion passed 3-0 to adjourn the Work Session at 8:28 p.m.

Respectfully submitted,

Jennifer Becknell
Board of Supervisors Secretary