

# Memo

**To:** Eugene Briggs

**From:** Larry Tietjen

**cc:** Food Processing Residual and Water Quality Steering Committee Members

**Date:** 9/19/2023

**Re:** FPRWQ Steering Committee Recommendations

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The FPRWQ Steering Committee held 6 public meetings to discuss issues and concerns expressed by some residents on potential impacts the use of FPR's may have on residential wells and local drinking water. At the May 4, 2023 meeting the committee adopted the mission statement " To provide the Board of Supervisors advice, guidance and recommendations on good stewardship and the protection of potential public and private drinking water sources located within the township; including but not limited to, the potential for local regulation for storage and limitations on the land application of food processing residual."

The Minutes of the meetings along with the PowerPoint file presented at the October BOS meeting provides the details on the discussions and motions approved by the committee to develop these presentations. The purpose of this document is to provide the recommendations in a more consolidated format for the Board's consideration.

During the May and June meetings Ordinance 2023-259, state code 25 chapter 287 and the FPR manual were reviewed. It was determined that for the use of FPR to be considered a normal farming operation the Best Management Practices (BMPs) specified in the FPR manual must be implemented. While the requirements of Township ordinance 2023-259 are consistent with the required BMPs there are no procedures, infrastructure and expertise in place to allow the township to review a landowner's planned use of FPR's to confirm compliance and provide information to concerned residents.

The committee is recommending that the township establish an application process that will inform the landowner what documentation should be submitted to the township to be reviewed for compliance. The Committee is also recommending that the township secure the consultative services of professionals with expertise in these requirements to help conduct the compliance reviews and provide feedback on the proposed plans.

The information to be submitted to the township is required for the proper implementation of the required GMPs by the landowner therefore it does not impose any additional burden on the landowner but will provide transparency to residents and help avoid unwarranted concerns about activities taking place on the site.

During the June 19, 2023 The Food Processing Residual and Water Quality Steering Committee approved a motion recommending that the township require all landowners in the township that intend to apply FPR as part of their normal farming operation to supply documentation for the township to review for compliance. The documentation must include at a minimum a Nutrient Management Plan, Manure Management Plan, Erosion and Sediment Control Plan. These plans must show the detailed information that can be used to determine compliance with the requirements below. This application should be submitted to the township 6 months prior to FPR being applied in the field.

The following is a consolidated list of the recommendations approved by the committee. Recommendations 1 through 14 address the requirements for the application, recordkeeping and communication of FPR's. Recommendations 15 and 16 address testing of on site wells and septic.

**1. Nuisance Prevention**

- Land application is to be conducted in a manner to prevent odors, vectors, ponding of liquids, public nuisances or adverse effects to the soil, ground water, food chain, or the environment. The Land Application System Plan is to include detailed description of considerations and actions taken to avoid these public nuisances.

**2. Metal Loading Rates**

- The lifetime metal loading rates cannot exceed the limits identified in Table 8.2 of the FPR Manual. The annual loading rate should be applied in accordance with the nutrient management plan for the site and cannot exceed the nitrogen requirements of the crop. The nutrient management plan must provide the detailed information show compliance.

**3. Isolation Distances**

- The land application cannot be conducted within the isolation distances identified in Table 8.11 of the FPR Manual except as otherwise noted in the table footnotes. All setback requirements listed in section 10-602 of Ordinance 2023-259 must be clearly indicated and dimensioned on USGS maps with a scale not to exceed 1" = 200'

**4. General Site Criteria**

- The land application area must comply with the general site criteria for agricultural utilization identified in Table 8.10 of the FPR manual and section 10-603 of the township's Ordinance 2023-259. The Ag Erosion and Sediment Control plan must show compliance with these requirements.

**5. Stabilization**

- Prior to land application the FPR must be stabilized or treated in accordance with the PSRPs and PFRPs described under the section on Pathogens in the FPR manual, except as otherwise noted elsewhere in chapter 8 of the FPR manual. The Land Application System Plan must include data to show compliance with these requirements.

## **6. Health and Safety**

- FPRs that have the potential to cause problems if directly ingested by humans or animals should not be applied in areas where root vegetables which are eaten raw or will be grown within two years of the land application. The Land Application System Plan must show compliance with this requirement.

## **7. Conservation Plans**

- A farm conservation plan, (Erosion and Sediment Control Plan) prepared in accordance with Chapter 102 of the Pa environmental protection code is required to be implemented on areas receiving FPRs. This plan is to be submitted for township review prior to any application of FPR.

## **8. Storage**

- Prior to land application, the FPR must be stored in accordance with Chapter 299 of the Residual Waste Regulations.
- The July 11, 2023, meeting discussed the concerns about an open pit meeting the requirements of Chapter 299 and the committee approved a motion to recommend that the township engineer review all FPR Storage facility engineering plans for completeness

## **9. Water Supply Protection**

- If the land application operation adversely affects a water supply, a temporary water supply must be provided within 48 hours and a permanent water supply must be provided within 90 days. The Township should require financial security or a bond from the owner to cover the cost of providing water supply to impacted residents if their wells are impacted or the cost to rectify any other adverse impacts to the township or its residents that may occur.

## **10. FPR Characterization**

- A chemical and physical characterization of the FPR must be conducted prior to land application, as described in Chapter 4 of the FPR manual and as required by section 10-605.3 of the Township's Ordinance 2023-259. A table of the results of the nutrient analysis is to be included in the Land Application System Plan

## **11. Field Marking**

- If the application area is not easily and visibly identifiable, the area must be marked prior to land application operations.

## **12. Daily Records**

Daily records must be maintained that include the following:

- type, percent of solids, and weight or volume of FPR that is applied.
- name, mailing address, county, and state of each generator.
- transporters of the FPRs. Including detailed logs that document the chain of custody of FPR from the original generator to the final application on the field.
- USGS map of all areas used for land application.
- the application rate of FPRs
- pH Requirements
- The pH of the site must be maintained in the optimum range for the crop being grown during the application of the FPR.

### **13. Annual Report**

- An annual report as detailed in the FPR Manual chapter 8 page 98 thru 101 titled recordkeeping should be presented to the Township manager each year. Township will review the annual report and may conduct soil testing per ordinance section 10-605.4

### **14. Communication**

- In order to provide notification to residents it is recommended that the township post initial applications when received on the township's website. An additional post should be made once the letter from the expert is received to acknowledge that the information has been reviewed and is complete. Township should also post when annual soil testing is being done and the results of the test.

### **15. Testing of individual wells**

- It is recommended that the residents review the testing guidelines posted on the Pa DEP website and follow these guidelines to assure their drinking water is safe. <https://www.dep.pa.gov/Citizens/My-Water/PrivateWells/Pages/Water-Testing.aspx>
- Township should recommend to residents that border land where documentation has been submitted for the use of FPR's that the residents test their wells before the land application begins.

### **16. Maintenance of On-Lot Sewage Systems**

- Committee recommend that the residents and the Township should comply with and enforce the Township Municipal Code, Section 18- 204, On-Lot Sewage System Maintenance and Operation to empty their septic tanks every three years or whenever an inspection of the tank reveals that the tank is filled with solids or scum excess 1/3 of the liquid depth of the tank.