TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
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FERGUSON TOWNSHIP PLANNING COMMISSION
MEETING AGENDA
Monday, August 14, 2017
6:00 PM

I. CALL TO ORDER

II. CITIZEN INPUT

III. PETCARE SERVICES WITHIN THE IRD - PROPOSED TEXT AMENDMENT

On April 14, 2017, Planning & Zoning staff received an ordinance amendment application from Robert and Judy Burgess of 3020 Research Drive to add Pet Daycare facilities as a permitted use in the Light Industrial/Research and Development (IRD) Zoning District. The Planning Commission reviewed the proposed request at the June 12th meeting and requested staff to work with its consultant, EPD, to draft new language as part of the zoning update. Staff did develop and review the proposed language with Carolyn Yeagle and met with Greg and Lynda Mussi on their Dog Daycare Plans. The amendment includes a consolidation of terms, a new definition, parking standards and provisions for "Petcare Services".

Staff Recommendation: The Planning Commission take time to review and comment on the revised ordinance text amendment and make a recommendation to the Board of Supervisors on the proposed Zoning Ordinance Text Amendment.

IV. DRAFT SOURCEWATER PROTECTION OVERLAY DISTRICT ORDINANCE (W/APPENDICES)

Planning & Zoning staff met with the Sourcewater Work Group on July 20th and 27th to complete updates and revisions to the draft ordinance and map. The latest revisions culminate the previous review at the April 10th Planning Commission meeting and subsequent presentations from Todd Giddings and the State College Borough Water Authority at the April 24th and May 8th Planning Commission meetings.

Staff Recommendation: The Planning Commission review and recommend to the Board of Supervisors the proposed Sourcewater Protection Overlay District Ordinance with Appendices A, B and C**.**

V. C-NET COVERAGE OF FERGUSON TOWNSHIP PLANNING COMMISSION MEETINGS

At the August 7, 2017 Board of Supervisors meeting, members discussed C-NET coverage of future Planning Commission meeting due to a request from a Ferguson Township resident. Ferguson Township does not contribute to C-NET coverage of Planning Commission meetings as The Township's contribution to C-NET is based on a five-year rolling average that lags two years behind the budget year. Prior Boards have discussed C-NET coverage of Planning Commission meetings and have historically left the decision up to the Planning Commission. At this time, the Board of Supervisors provided consensus on requesting feedback from the Planning Commission on whether they support or oppose coverage from C-NET at their meetings

Staff Recommendation: The Planning Commission provide feedback to the Board of Supervisors on whether they support or oppose coverage of Planning Commission through C-NET.

VI. PLANNING DIRECTOR REPORT

VII. ACTIVE PLANS UPDATE

VIII. CENTRE REGION PLANNING COMMISSION REPORT

IX. SOURCEWATER PROTECTION WORK GROUP UPDATE

X. ZONING/SALDO STEERING COMMITTEE UPDATE

XI. APPROVAL OF THE REGULAR MEETING MINUTES – JULY 24, 2017

XII. ADJOURNMENT

TOWNSHIP OF FERGUSON
3147 Research Drive • State College, Pennsylvania 16801
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www.twp.ferguson.pa.us

TO: Planning Commission

FROM: Raymond J. Stolinas Jr., AICP, Director of Planning & Zoning
Lindsay K. Schoch, Community Planner

DATE: August 14, 2017

SUBJECT: Pet Day Care Facilities in the IRD (Light Industry, Research & Development)

Ferguson Township Planning & Zoning Department received an application for Proposed Ordinance Amendment on April 14, 2008. The application, submitted by Robert and Judy Burgess, requests to permit Pet Daycare Facilities as a permitted use within the Light Industry, Research and Development (IRD) District.

The current Zoning Ordinance defines Pet Daycare Facilities, allows the use within the General Commercial District, provides parking standards and performance standards under §27-204 FF.

The Board of Supervisors directed staff at the May 2, 2017 meeting to develop a draft text amendment that permits Pet Daycare Facilities within the Light Industry, Research and Development (IRD) District as a Conditional Use. The attached draft amends Section 204 FF. Pet Daycare Facilities, and Table 602, Criteria and Standards for Light Industry, Research and Development District (IRD).

Further, the Board of Supervisors reviewed the draft amendment on June 5, 2017 and referred the amendment to the Planning Commission for recommendation with a consideration that minimum lot size change from 0.5 acres to 0.75 acres.

The Planning Commission reviewed the proposed request at the June 12th meeting and requested staff to work with its consultant, EPD, to draft new language as part of the zoning update. Staff did develop and review the proposed language with Carolyn Yeagle and met with Greg and Lynda Mussi on their Dog Daycare Plans. The amendment includes a consolidation of terms, a new definition, parking standards and provisions for “Petcare Services”.

Staff Recommendation: The Planning Commission take time to review and comment on the revised ordinance text amendment and make a recommendation to the Board of Supervisors on the proposed Zoning Ordinance Text Amendment.

§ 27-204 Use Regulations.

[Ord. 224, 3/15/1981, § 204; as amended by Ord. 268, 2/9/1984, § 1; by Ord. 295, 5/14/1985, §§ 1, 2; by Ord. 303, 11/12/1985, § 1; by Ord. 334, 6/23/1987, § 1; by Ord. 374, 1/18/1989; by Ord. 400, 7/25/1989, § 23; by Ord. 409, 11/14/1989, § 1; by Ord. 491, 6/17/1991, § 1; by Ord. 560, 6/7/1993, §§ 1, 2; by Ord. 595, 9/19/1994, § 1; by Ord. 614, 3/20/1995, § 1; by Ord. 646, 4/1/1996, § 1; by Ord. 658, 9/3/1996, § 5; by Ord. 671, 5/5/1997, § 1; by Ord. 672, 5/5/1997, §§ 1-3; by Ord. 680, 8/4/1997, § 1; by Ord. 682, 10/20/1997, § 1; by Ord. 701, 7/6/1998, § 1; by Ord. 702, 7/6/1998, § 1; by Ord. 703, 8/3/1998, §§ 1-5; by Ord. 704, 9/8/1998, § 1; by Ord. 710, 10/5/1998, § 1; by Ord. 720, 12/7/1998, § 2; by Ord. 733, 8/16/1999, § 1; by Ord. 738, 10/18/1999, § 4; by Ord. 741, 10/18/1999, §§ 1, 2; by Ord. 757, 8/7/2000, § 1; by Ord. 797, 8/5/2002, § 1; by Ord. 820, 12/8/2003; by Ord. 821, 12/8/2003, § 1; by Ord. 852, 8/1/2005, § 1; by Ord. 861, 2/6/2006, § 1; by Ord. 865, 8/7/2006, § 1; by Ord. 870, 11/6/2006, § 2; by Ord. 888, 7/2/2007, § 6; by Ord. 898, 1/7/2008, § 2; by Ord. 900, 2/4/2008, § 1; by Ord. 902, 4/7/2008, § 1; by Ord. 908, 8/18/2008, § 8; by Ord. 917, 1/19/2009, §§ 1, 2; by Ord. 935, 5/17/2010, § 2; by Ord. 938, 7/19/2010, § 2; by Ord. 973, 12/10/2012, § 1; by Ord. 979, 10/21/2013, §§ 1 — 4; and by Ord. 1002, 6/15/2015, § 1]

1. The use of land and structures shall be limited to only the primary, adjunct and accessory uses permitted in each zoning district, unless specifically permitted, exempted or otherwise modified by this or other sections of this chapter. All other uses not expressly permitted are prohibited. In addition to the regulations stipulated for each use in Part 3 through Part 8, the following use regulations shall apply:

Delete the following:

~~EE. *Pet Care Facility*. Pet Care Facilities shall be permitted in the RA, RR, and IRD Districts subject to conformance with the following:~~

~~(1) Maximum number of dogs at any one time is 20.~~

~~(2) Applicants must provide written operating procedures such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). These must address the identification and correction of animal behavior that has the potential to impact surrounding use, including excessive barking.~~

~~(3) Must provide an area for outside exercise which must include access to shade and must be enclosed/gated.~~

~~(4) Indoor play areas, if provided, must include a minimum of 75 square feet per dog.~~

~~(5) Any facility within 1000 feet of a residentially occupied site must identify how noise from the site will be controlled to prevent a nuisance situation.~~

~~(6) Facilities may operate on a 24-hour basis.~~

~~FF. *Pet Day Care Facility*. Pet Day Care Facilities may be permitted in the General Commercial District subject to conformance with the following:~~

~~(1) Maximum of 20 dogs permitted at any one time.~~

~~(2) Applicants must provide written operating procedures such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). These must address the identification and correction of animal behavior that has the potential to impact surrounding use, including excessive barking.~~

~~(3) Must provide an area for outside exercise which must include access to shade and must be enclosed/gated.~~

~~(4) Any indoor play area provided must include a minimum of 75 square feet per dog.~~

~~(5) No portion of the facility may be located within 1000 feet of a residential zoning district or within 500 feet of any food service establishment.~~

~~(6) Any portion of the site that abuts residentially occupied property must provide a 6-foot landscape screen and/or fencing.~~

~~(7) Hours of operation are limited to those between 7 a.m. and 7 p.m.~~

~~(8) No in-home pet day care is permitted.~~

Insert the following at the end of this section:

EE: Pet Care Services: Pet Care Services shall be permitted in the RA, RR, and General Commercial Districts. Pet Care Services shall be permitted as a Conditional Use within the IRD Districts subject to conformance with the following:

(1) The Pet Care Service must be operated in compliance with all applicable ordinances, laws and regulations including but not limited to the Pennsylvania Dog Law, §204 - §210.

(2) Applicants must provide written operating procedures such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). These must address the identification and correction of animal behavior that has the potential to impact surrounding use, including excessive barking.

(3) Pet Care Service facilities shall provide a minimum of seventy-five (75) square feet of floor area for each animal, exclusive of office and support areas, and in no case shall there be more than thirty (30) animals permitted in any facility at any one time.

(4) An acoustical analysis of the proposed use shall be performed and prepared under the supervision of a person experienced in the field of acoustical engineering. The acoustical analysis shall evaluate existing and projected noise levels, noise attenuation measures to be applied, and the noise insulation effectiveness for the proposed use. This is to ensure that any noise impacts to sensitive uses are adequately mitigated. The specific noise attenuation provisions identified in the analysis (padded walls, acoustical panels, etc.) shall be indicated on the construction drawings prior to the issuance of any permits. The person preparing the report shall, under the direction of a person experienced in the field of acoustical engineering, perform an inspection of the site prior to the opening of the business to the public to ensure that noise attenuation measures are implemented as recommended by the acoustical expert. A final certificate of occupancy or building inspection for the proposed use shall not be issued until this condition of approval is satisfied.

(5) Signs shall be posted, instructing dog owners to keep dogs on leashes until they are inside the facility to assist with animal control measures in the pick-up and drop-off area.

(6) Outdoor exercise areas and runs shall provide a minimum of 500 $ft.^2$ of space. Animals will always be supervised outdoors and shall be allowed between the hours of 8:00 a.m. and 5:00 p.m.

(7) Fencing surrounding exercise areas and/or runs shall be of a sufficient height to prevent escape and shall be buried as part of installation to prevent escape by digging beneath the fence posts.

(8) All animal quarters and runs are to be kept in a clean, dry and sanitary condition.

(9) Hours of operation and dog pick-up and drop-off are limited to those between 7:00 a.m. and 7:00 p.m. Overnight boarding shall be allowed in designated areas on the premise. The overnight boarding area within the establishment shall not exceed 50% of the total gross floor area of the business.

(10) No unlicensed animals shall be accepted into the facility.

(11) Animal waste shall be picked up from the outdoor portion of the property daily. Storage of animal waste shall utilize air-tight containers or in-ground, septic style digesters.

(12) Any portion of the site that abuts residentially occupied property must provide a 6-foot landscape screen and/or fencing.

(13) The minimum lot size shall be five (0.5) acres.

§ 27-809 **Off-Street Parking and Loading Regulations.**

[Ord. 224, 3/15/1981, § 709; as amended by Ord. 268, 2/9/1984, § 4; by Ord. 317, 7/22/1986, § 3; by Ord. 329, 12/9/1986, § 3; by Ord. 453, 5/21/1990, §§ 1-5; by Ord. 560, 6/7/1993, §§ 21, 22; by Ord. 597, 10/17/1994, § 3; by Ord. 639, 1/2/1996, § 1; by Ord. 646, 4/1/1996, § 2; by Ord. 672, 5/5/1997, §§ 4, 5; by Ord. 704, 9/8/1998, § 2; by Ord. 730, 6/7/1999, §§ 3, 4; by Ord. 733, 8/16/1999, §§ 6, 7, 8; by Ord. 736, 9/7/1999, § 4; by Ord. 737, 10/9/1999, § 2; by Ord. 738, 10/18/1999, § 6; by Ord. 741, 10/18/1999, § 4; by Ord. 744, 11/1/1999, § 3; by Ord. 746, 12/13/1999, § 2; by Ord. 747, 12/13/1999, §§ 5, 6; by Ord. 820, 12/8/2003; by Ord. 821, 12/8/2003, § 4; by Ord. 835, 8/16/2004, § 2; by Ord. 858, 12/12/2005; by Ord. 888, 7/2/2007, § 8; by Ord. 910, 11/3/2008, § 3; by Ord. 973, 12/10/2012, § 7; and by Ord. 977, 5/20/2013, §§ 1-4]

1. Off-street parking and loading space shall be provided and maintained for each use and structure hereafter established, erected, altered or extended in accordance with the provisions of this section.

B. Required Off-Street Parking Spaces. All uses and structures shall provide off-street parking spaces in an amount equal to, or greater than, the number listed below. The total number of parking spaces necessary for two or more uses on the same lot shall be the sum of that required for each use unless a shared parking arrangement is provided in accordance with the provisions of Subsection 1E. Shared parking spaces that are accessible by neighboring properties or uses may be permitted when use of the spaces does not occur during the same daily time period.

(1) Dimensions. Each required off-street parking space shall be at least nine feet wide and 18 feet long if set at an angle to the access aisle or eight feet wide and 24 feet long if parallel to the access aisle.

(2) Number of Computation. In computing the required number of spaces, all fractional numbers more than 1/2 shall be increased to the next highest integer. When computation is based on the number of employees, the number employed during the largest work shift shall be used.

Table of Required Parking Spaces per Use*

1. Residential Uses.

	Use	Parking Spaces Required
A.	Single-family detached dwelling (1 dwelling unit)	2 per dwelling unit
B.	Single-family semi-detached dwelling (2 dwelling units) - duplex	2 per dwelling unit
C.	Single-family attached dwelling (3 or more dwelling units) - townhouse	2 per dwelling unit
D.	Two-family detached dwelling (2 dwelling units)	1.5 per dwelling unit
E.	Two-family semi-detached dwelling (4 dwelling units)	1.5 per dwelling unit
F.	Two-family attached dwelling (6 or more dwelling units)	1.5 per dwelling unit
G.	Multi-family detached dwelling (3 dwelling units)	1.5 per dwelling unit
H.	Multi-family semi-detached dwelling (6 dwelling units)	1.5 per dwelling unit
I.	Multi-family attached dwelling (9 or more dwelling units)	1.5 per dwelling unit

2. Commercial Use. Any portion of a building used for office, repair/service, retail, and restaurants require parking as pertains to that individual use, as if it were a freestanding use.

	Use	Parking Spaces Required
A.	All retail as follows:	
(1)	Supermarket/grocery stores	1 space per 200 square feet of GFA
(2)	Retail, general	1 space per 200 square feet of GFA
(3)	Furniture, appliance, carpet, musical instrument stores	1 space per 350 square feet of GFA
B.	Construction equipment, farm equipment, feed sales, boat and marine, mobile/motor home vehicles, motor vehicles, and monument burial vault and casket sales	1 space per 350 square feet of GFA of office, sales and service area plus 1 per 3,000 square feet of GFA outside sales area
C.	Automobile service station	1 per pump (does not count car at pump as space), 6 per repair/ service bay, and additional number based on retail space of GFA
D.	Barbers and beauticians	2 per chair
E.	Car wash	4 per stall, plus 1 per vacuum unit if applicable
F.	Mortuary (funeral home)	1 per 3 seats based on maximum capacity, as permitted by Centre Region Code Administration
G.	Business, professional and financial offices	1 per 250 square feet of GFA
H.	Veterinary office/clinic	1 per 200 square feet of GFA
I.	Eating and drinking establishments	1 per 50 square feet of GFA, inside seating area, plus 1 per 100 square feet of GFA outside seating area
J.	Hotels, motels, tourist homes, bed and breakfast establishments 1.2 spaces per room	See eating and drinking establishments for additional spaces
K.	Neighborhood business-based place of assembly	1 per 3 persons based on maximum design capacity of largest indoor public space as permitted by Centre Region Code Administration
L.	Community business-based place of assembly	1 per 3 persons based on maximum design capacity of largest indoor public space as permitted by Centre Region Code Administration
M.	Regional business-based place of assembly	1 per every 500 square feet gross floor area plus, 1 bus space per every 2000 square feet
N.	Radio and/or television studios	1 per 250 square feet of GFA
O.	Post office	1 space per 200 square feet of GFA

P.	Mining and quarrying	1 space per 250 square feet of office use
Q.	Horse riding stables and academies	1 space per 2 stalls, for an indoor arena - 1 space per 4 persons based on maximum capacity as determined by the Centre Region Code Office. These spaces will be permitted to be gravel
R.	Kennels	1 space per 250 square feet of office, 1 space per 4 animal holding areas
S.	Commercial cemeteries	1 space per 350 square feet of public area in mausoleum or similar structure
T.	Reading room-classified under commercial uses/retail	1 space per 200 square feet of GFA
U.	Shoe repair - classified under commercial uses/retail	1 space per 200 square feet of GFA
V.	Tailors - classified under commercial uses/retail	1 space per 200 square feet of GFA
W.	Mail order agency - classified under business office	1 space per 250 square feet of GFA
X.	Public and private garages for the storage and maintenance of motor vehicles	1 space per 250 square feet of office and 6 spaces per repair or service bay
Y.	Take-out restaurant	1 space per 100 square feet of seating/standing/waiting area
Z.	Tanning salon	1 space per tanning bed
AA.	Laundromat	1 space per each three washers or dryers
BB.	Rural agricultural service establishments (i.e., small engine, farm machinery, dairy equipment repair, etc.)	1 space per 250 square feet of GFA
CC.	Greenhouses open to the public	1 space per 250 square feet of sales area
DD.	Pet Care Services	~~1 space for each staff person and 1 space for every 10 pets, as well as parking required for any retail element of the facility~~ 3.5 spaces per 1,000 of gross floor area
EE.	Caterers	1 space per 200 square feet of gross floor area

3. Industrial Uses. Any portion of a building used for office, repair/service, retail and restaurants require the parking as pertains to that individual use, as if it were a freestanding use, in addition to the following:

Use		Parking Spaces Required
A.	All industrial uses except those specified below	1 per 350 square feet of GFA plus 1 per 1,000 square feet of outdoor operations (excluding storage)
B.	Auto wrecking, junk and scrap establishments	In addition to on-site office, repair/ service area, etc., 1 per 5,000 square feet of indoor/outdoor storage area
C.	Freight and trucking terminals, moving and storage, parcel delivery and express transfer stations, depots and wholesale distribution warehouses, telecommunications switching facilities	1 per 2,000 square feet of GFA

4. Public, Quasi-Public and Transportation Uses. Any portion of a building used for office repair/service, retail and restaurants require the parking as pertains to that individual use, as if it were a freestanding use, in addition to the following:

[Amended by Ord. 1016, 5/16/2016]

	Use	Parking Spaces Required
A.	Ambulance, emergency fire and rescue, taxi and limousine service	2 per vehicle plus 1 per 350 square feet of GFA
B.	Bus passenger station (park and ride lots for busses, vanpooling)	1 per 200 square feet of GFA or lot area sufficient to support program
C.	Hospital	1 per 400 square feet of GFA
D.	Nursing homes, personal care homes and other convalescent homes	1 space for every rooming unit; 0.75 space per unit for personal care homes
E.	Archival library	1 per 750 square feet of GFA
F.	Tutoring and study center	1 space for every 200 square feet
G.	Health and athletic clubs	1 per 3 persons based on the maximum design capacity, as permitted by the Centre Region Code Administration
H.	Studios for instruction in music, performing arts and visual media art, photographic and handicrafts studios, martial arts, dance and gymnastics	1 per 3 persons based on maximum design capacity, as permitted by the Centre Region Code Administration
I.	Child day care center	1 per 350 square feet of gross floor area (minimum of 3)

5. Agricultural Research District

	Use	Parking Spaces Required
A.	Greenhouse for agricultural research	2 gravel or paved spaces adjacent to each greenhouse
B.	Laboratory	1 space per 350 square feet of GFA
C.	Exhibit hall	1 space per 500 square feet of gross floor area with bus/van parking of 1 space per 2,000 square feet of gross floor area
D.	Ag Progress Days/educational trips/field days	Open field parking is permitted

6. Forest/Gamelands Uses

	Use	Parking Spaces Required
A.	Archery range	1 space per target
B.	Rifle or pistol range	1 space per stand or shooting bench
C.	Skeet or shotgun range	1 space per shooting station
D.	Day/overnight camp	1 per 3 persons based on maximum design capacity of the largest component (dining hall, recreation building), as permitted by the Centre Region Code Office
E.	Hunting, fishing and gun clubs	1 per 3 persons based on maximum design capacity as permitted by the Centre Region Code Office
F.	Nature education center	1 per 3 persons based on maximum design capacity as permitted by the Centre Region Code Office
G.	Picnic area	1 space per table
H.	Seasonal dwellings	2 spaces per dwelling

Note: All parking areas within this zone are permitted to be gravel

* Sufficient delivery and pick-up area is to be provided such that streets and private/public roads are not congested nor hazardous as a result of the above uses.

(3) Handicapped Parking. The size and number of these spaces shall be required as specified in the Township Building Code. The signage for each space must contain the handicapped symbol, state that violators will be towed or fined and the minimum and maximum fine.

(4) GFA. GFA is gross floor area. For buildings with more than one use, the parking shall be calculated based on the GFA for each use.

§ 27-1202 Definitions.

[Ord. 224, 3/15/1981, § 1102; as amended by Ord. 237, 9/7/1982, § 5; by Ord. 270, 3/8/1984, § 8; by Ord. 290, 2/12/1985, § 1; by Ord. 317, 7/22/1986, § 4; by Ord. 339, 9/8/1987, § 1; by Ord. 374, 1/18/1989; by Ord. 399, 7/11/1989, § 11; by Ord. 402, 9/12/1989, § 2; by Ord. 403, 9/12/1989, § 12; by Ord. 409, 11/14/1989, § 3; by Ord. 411, 12/5/1989, § 6; by Ord. 560, 6/7/1993, § 24; by Ord. 595, 9/14/1994, § 3; by Ord. 597, 10/17/1994, § 4; by Ord. 614, 3/20/1995, § 2; by Ord. 630, 11/20/1995, § 2; by Ord. 644, 3/18/1996, § 1; by Ord. 646, 4/1/1996, §§ 3, 4; by Ord. 651, 5/20/1996, § 7; by Ord. 656, 6/17/1996, § 2; by Ord. 665, 12/9/1996, § 1; by Ord. 671, 5/5/1997, § 3; by Ord. 680, 8/4/1997, § 6; by Ord. 682, 10/20/1997, §§ 5, 6; by Ord. 701, 7/6/1998, § 2; by Ord. 702, 7/6/1998, § 3; by Ord. 730, 6/7/1999, § 5; by Ord. 733, 8/16/1999, §§ 11, 12; by Ord. 736, 9/7/1999, § 5; by Ord. 737, 10/4/1999, § 3; by Ord. 738, 10/18/1999, §§ 7-9; by Ord. 757, 8/7/2000, § 2; by Ord. 820, 12/8/2003; by Ord. 821, 12/8/2003, § 6; by Ord. 822, 12/8/2003, § 2; by Ord. 852, 8/1/2005, § 3; by Ord. 858, 12/12/2005; by Ord. 861, 2/6/2006, § 2; by Ord. 888, 7/2/2007, § 7; by Ord. 908, 8/18/2008, § 8; by Ord. 910, 11/3/2008, § 4; by Ord. 917, 1/19/2009, § 3; by Ord. 921, 3/16/2009, §§ 5, 6; by Ord. 935, 5/17/2010, § 4; by Ord. 938, 7/19/2010, § 4; by Ord. 943, 2/7/2011, §§ 2, 3; by Ord. 968, 7/2/2012, § 3; by Ord. 973, 12/10/2012, § 8; by Ord. 979, 10/21/2013, § 5; by Ord. 990, 8/18/2014, § 16; and by Ord. 1002, 6/15/2015, § 3]

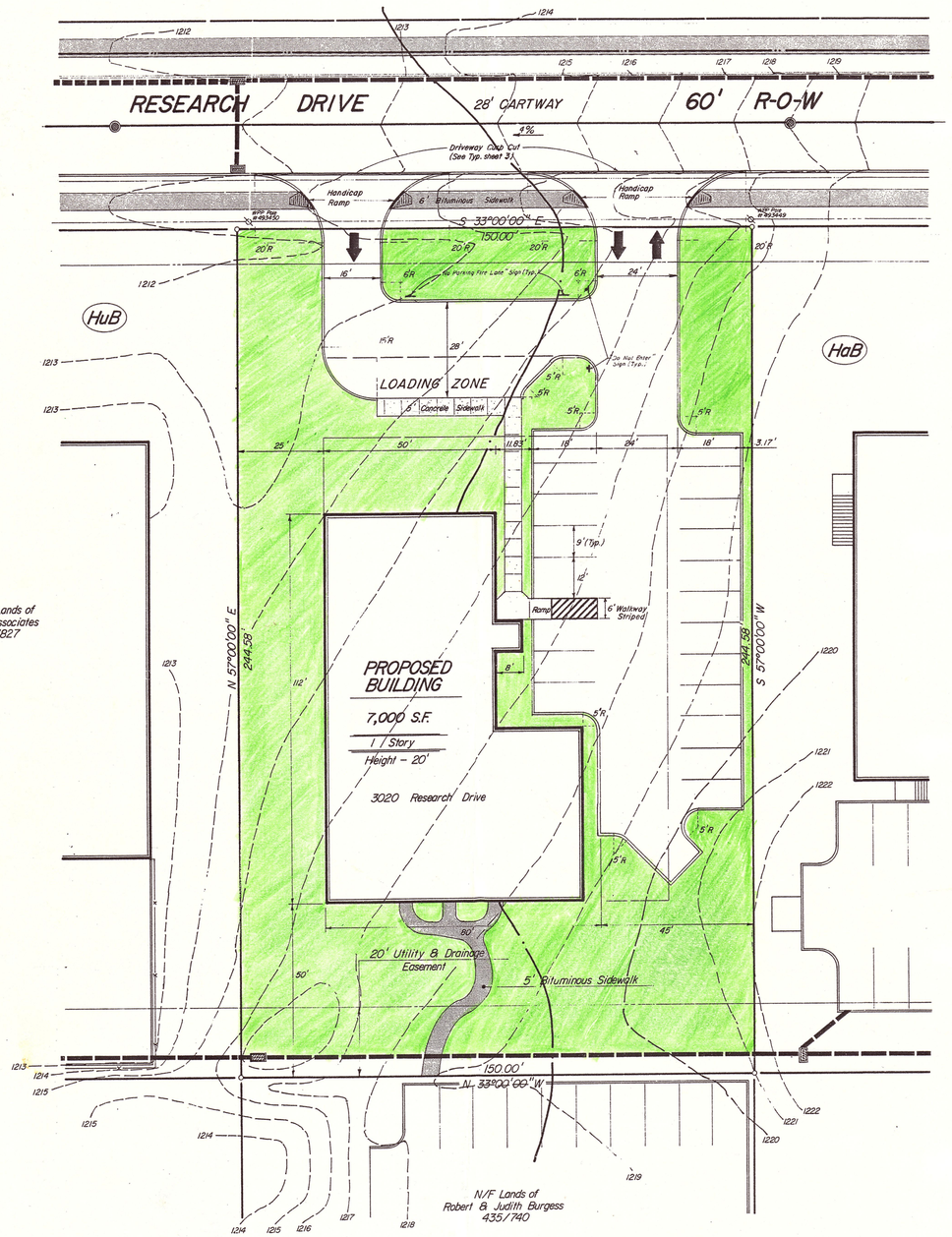
Delete the following:

~~*Pet care facility* - a site utilized for short-term care of domestic animals or household pets. May include spas, resorts, and/or grooming facilities which provide overnight boarding. No outdoor, overnight boarding of animals is permitted. [*Ord. 888*]~~

~~*Pet day care facilities* - the daytime care of domestic dogs or other household pets, belonging to persons not residing on the premises. Grooming and training services may also be provided at such a facility, as well as the retail sale of pet food and pet accessories. No outdoor or overnight boarding of animals is permitted. [*Ord. 888*]~~

Add new definitions:

PET CARE SERVICES – A building, structure or portion thereof designed or used for the retail sale of pet products and food, grooming, boarding, training, daycare or overnight boarding of dogs, cats or other household domestic animals.



Site Notes:

1. General Site Information:
   a. Owner: Robert & Judith Burgess, 209 Elm Street, State College, PA 16801
   b. Tax Map No. 24-4-70Y
   c. Deed Book / Page: 464 / 880
   d. Land is Zoned: I RD - Light Industry, Research and Development District
   e. Proposed Land Use: Daycare Facility
   f. Building Setback Lines: Front - 60', Sides - 25', Rear - 50'.
   g. Total Number of Lots: 1
   h. Acreage: 0.842 Acs., 36,687 S.F.

2. General Utility and Act 172 Information:

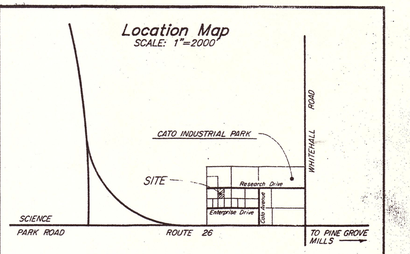
a. Sewage:	Patton-Ferguson Joint Authority, 1576 Spring Valley Road, State College, PA 16801	Ph. 1-814-238-9662
b. Water:	State College Water Authority, 1201 West Branch Road, State College, PA 16801	Ph. 1-814-238-6766
c. Gas:	Columbia Gas of Pennsylvania, Inc., 2550 Carolean Industrial Drive, State College, PA 16801	Ph. 1-814-238-6775
d. Electric:	West Penn Power Company, 2800 East College Avenue, State College, PA 16801	Ph. 1-814-238-5821
e. Phone:	Bell of Pennsylvania, 270 Walker Drive, Suite 201, State College, PA 16801	Ph. 1-814-238-6511
f. Cable TV:	TCI of Pennsylvania, Inc., 273 Benner Pike, State College, PA 16801	Ph. 1-814-238-3096
g. Township Roads:	Ferguson Twp. Supervisors, 3147 Research Drive, State College, PA 16801	Ph. 1-814-238-4651

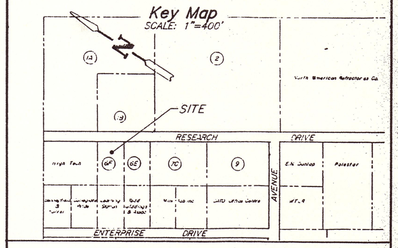
3. Contours shown are based on survey data collected in the field are based on U.S.G.S. datum.
4. Zoning Permit was applied for on July 25, 1990.
5. For additional information, refer to:
   a. "Soil Erosion and Sedimentation Control Plan", narrative dated August 6, 1990, and "Storm Water Management Plan", narrative and calculations dated July 25, 1990, as prepared by Uni-Tec, Inc.
   b. "Preliminary and Final Resubdivision of lots 1A and 1B of Cato Park", dated January 25, 1989, and recorded in Plat Book 40 on Page 186.
6. Increased storm water runoff created by the increase in impervious area on this site will be detained in the detention basin situated on lot 1A of Cato Industrial Park. The design of the aforementioned basin (approved April 15, 1987, and on record at the Ferguson Township Municipal Office.) includes consideration of development of this site.
7. Off-Street Parking Requirements: (Based on 1 space per 350 s.f. gross floor area.)
   a. Proposed floor area: 7,000 s.f. ÷ 350 s.f. = 20 stalls
   b. Total provided = 20 stalls
8. No signs are proposed with this plan.
9. The front building setback along Research Drive and Cato Avenue is 60' as required by Ferguson Township.
10. Soil types as listed in "Soil Survey of Centre County are (HaB) Hagerstown silt loam and (HuB) Hublersburg silt loam.
11. No outdoor play areas are proposed with this plan.
12. Impervious Coverage: 0% existing, 49% proposed, 60% allowable.
    Building Coverage: 0% existing, 18.86% proposed, 30% allowable.
13. Surfacing Material:
    a. Parking Area & Driving Lanes - 3" 2A Stone, 3" BCBC, 1.5" ID-2 Wearing Course.
    b. Sidewalks - 4" 2A Stone, 3" ID-2 Wearing Course.
    c. Curbing - 6" Low Profile Bituminous
    d. All non-impervious areas - 8" - 10" Topsoil.
14. Maintenance of stormwater pipes and structures on lot 6F are the responsibility of the owner. Pipes and structure within the Public R-O-W are maintained by Ferguson Township. Maintenance of stormwater basin mentioned in note 6 is the responsibility of Cato Park Property Owners Association as recorded in Centre Co. Miscellaneous Book No. 163, Pg. 74, dated March 26, 1982.

0 10 20 40 80
Scale in Feet
1" = 20'

Legend

- Sanitary Sewer w/ Manhole
- Storm Sewer w/ Inlet
- Water Line
- Power Line w/ Pole
- Building Setback Lines
- Existing Contour Lines
- 5' Bituminous Sidewalk
- Soil Boundary
- HaB — Soil Type





Owners Certification

On this the 25th day of July 19 90, the undersigned owners personally appeared before me and certified that they were the owners of the properties shown on this plan and acknowledge the same to be their act and plan and designs, the same to be recorded as such, according to the law.

Robert B. Burgess — Owner
Judy M. Burgess — Owner

witness my hand and seal, this date July 25, 1990

Wanda S. Slagle — Notary Public
Notarial Seal
Wanda S. Slagle, Notary Public
Ferguson Twp., Centre County
My Commission Expires Oct. 31, 1994
Member, Pennsylvania Association of Notaries
Commission Expires

Township Planning Commission

Ferguson Township Planning Commission Approved

Chairman — Date

Secretary — Date

Township Supervisors

Ferguson Township Supervisors Approved

Eileen Hansen, Chairman — Date 10-9-90

Mark A. Kydd, Secretary — Date 10-9-90

Storm Water Facilities Acknowledgement

I, the landowner, acknowledge the Stormwater Management System to be a permanent fixture which can be altered or removed only after approval of a revised plan by the Township Supervisors.

Robert B. Burgess, Judy M. Burgess — Owner/Date 7-24-90

Storm Water Certification

I, Jack Boobet PE do hereby certify that the Stormwater Management Plan meets all design criteria of the Stormwater Management Controls of the Ferguson Township Stormwater Management Ordinance.

Municipal Storm Water Certification

I, Charles E. Wallis Sept. 11 1990, have reviewed and hereby certify that the Stormwater Management Plan meets all design standards and criteria of the Ferguson Township Stormwater Management Ordinance.

Fire Marshall Certification

I have reviewed and hereby certify that the location of Fire Lanes and Fire Hydrants shown on this plan are adequate.

R. Flanagan — Fire Marshall — Date 7/31/1990

Professional Land Surveyor Certification

I, B. K. Bastress, a Professional Land Surveyor in the Commonwealth of Pennsylvania do hereby certify that this plan correctly represents the tracts of lands as shown.

B. K. Bastress P.L.S — Signature — Date July 25, 1990

REV.	DATE	DESCRIPTION	BY
2	8-31-90	Revised per Ferguson Township Planning Commission comments.	BLS
1	8-15-90	Revised per staff comments.	TFS

MAP CHECKED BY BKB DATE 7-25-90
DESIGNED BY BES DATE 7-12-90
CHECKED BY _____ DATE _____
DRAWN BY BLS DATE 7-17-90
CHECKED BY BKB, SCB DATE 7-23-90
SURVEYED BY _____ DATE _____
BOOK NO. _____ PAGE _____
FILE NO. _____

UNI-TEC, INC.
CONSULTING ENGINEERS AND TECHNICIANS
2041 CATO AVENUE STATE COLLEGE, PA 16801 814-238-8223

SEAL

BURGESS DAYCARE FACILITY
CATO INDUSTRIAL PARK
FERGUSON TOWNSHIP * CENTRE COUNTY PENNSYLVANIA
JULY 25, 1990

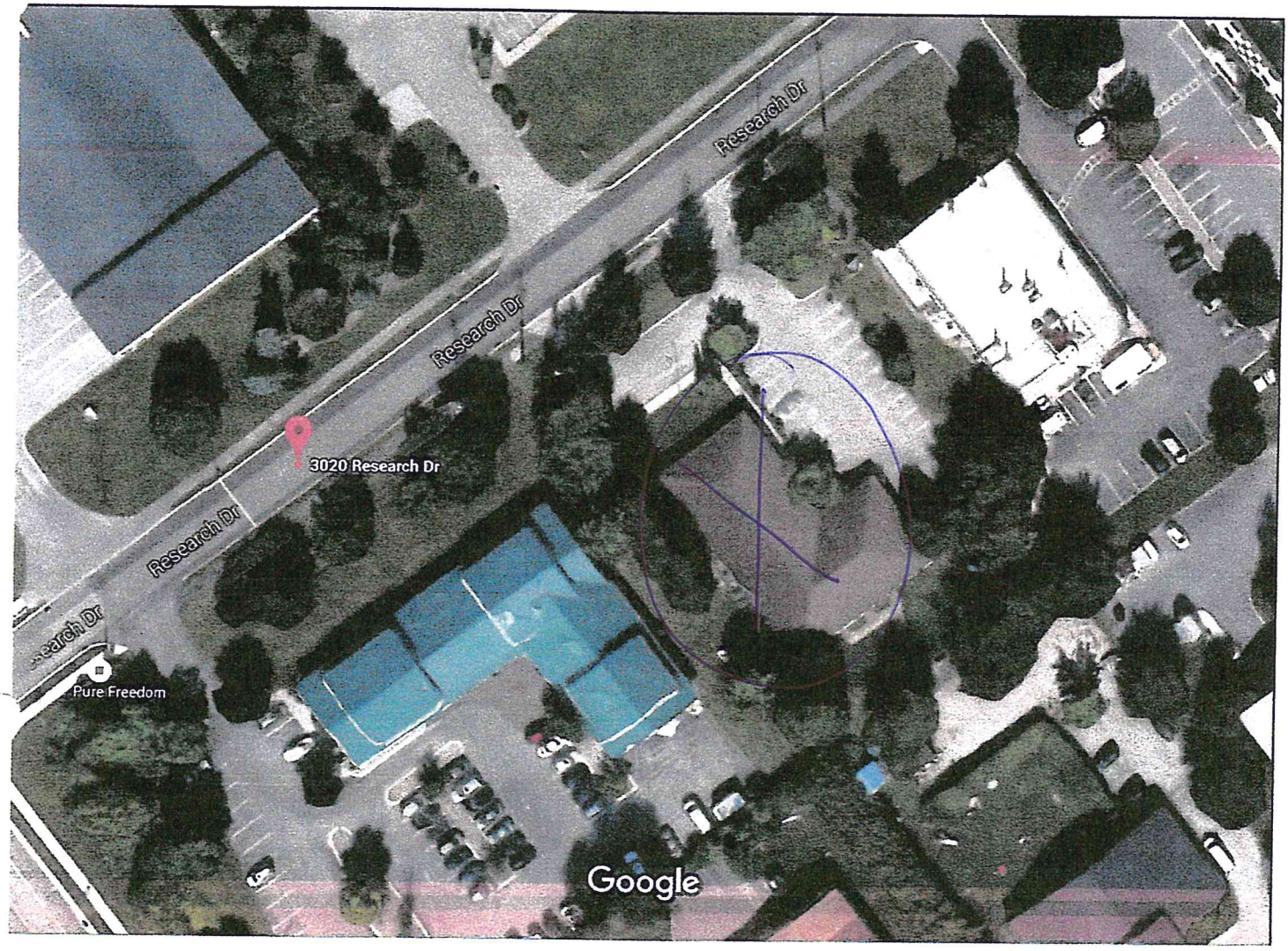
SITE PLAN

SCALE 1"=20'
DRAWING NO. E90058-2
SHEET NO. 1 OF 3

154648 PRECISION ART : PHOTO BERWICK, PA.

UNIVERSITY
BARK
DOGGY DAY CARE

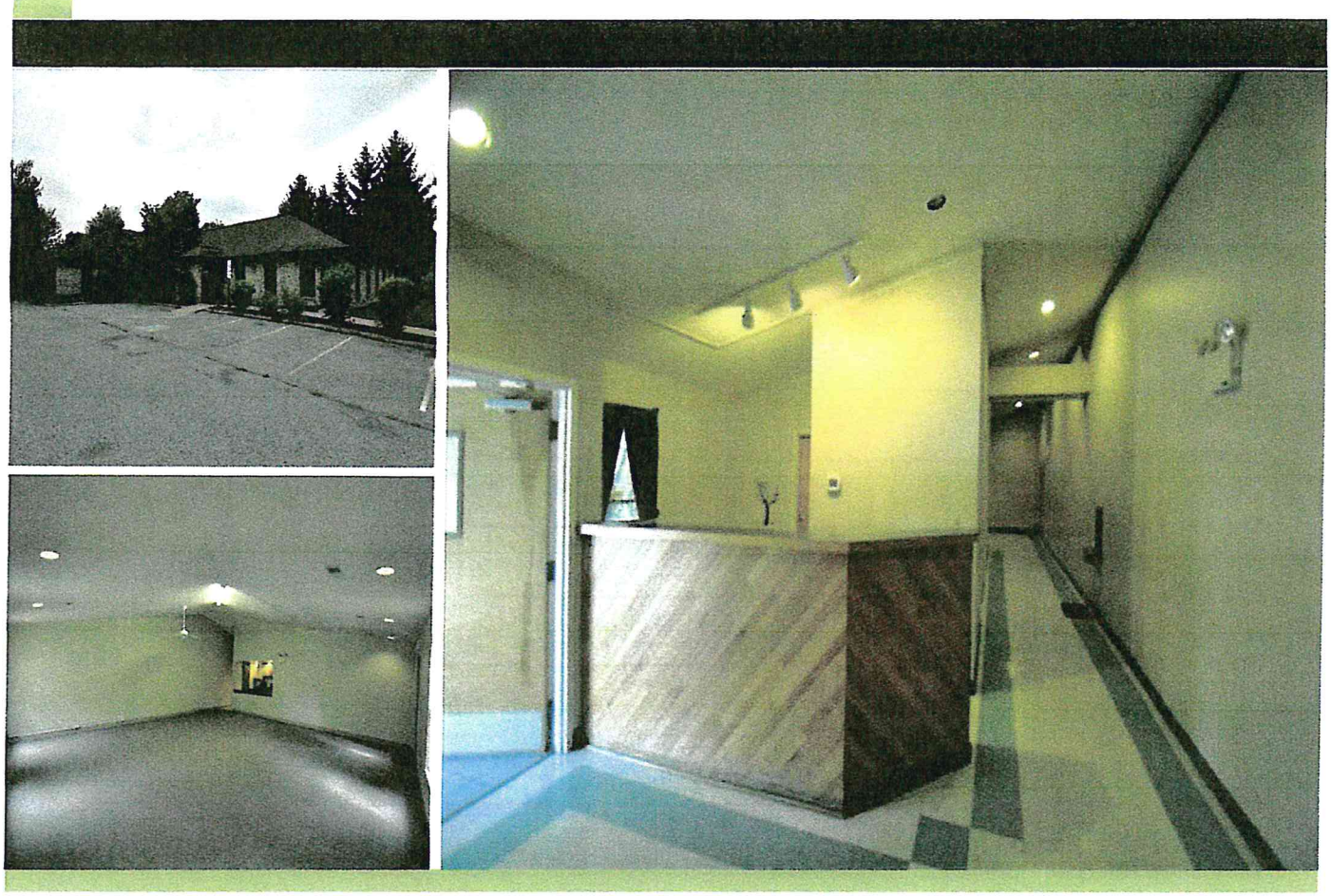
Google Maps 3020 Research Dr



Imagery ©2015 Google, Map data ©2015 Google 50 ft

3020 Research Dr

State College, PA 16801



3020 Research Drive-State College

Thomas Songer III, P.E., CCIM
Principal
(814)237-5384
t3songer@gsarealty.com
RS 308568

3020 Research Drive | State College, PA 16801

- Located in the Cato Business/Industrial Park
- Adjacent to the Penn State University network backbone
- One floor slab-on grade construction
- Vaulted Ceilings and ample window creates a spacious feeling.
- Easy access to downtown State College and the Penn State University

3020 Research Drive
State College, PA 16801

Thomas Songer III, P.E., CCIM
(814)237-5384

3020 Research Drive - 7197sf of Office Space

Located in the Cato Business Park

Large room layout with vaulted ceilings, windows

Small private kitchenettes in several spaces

Common Full Kitchen

Common corridor and restroom facilities

Reception/Common Area

Ample Paved Parking

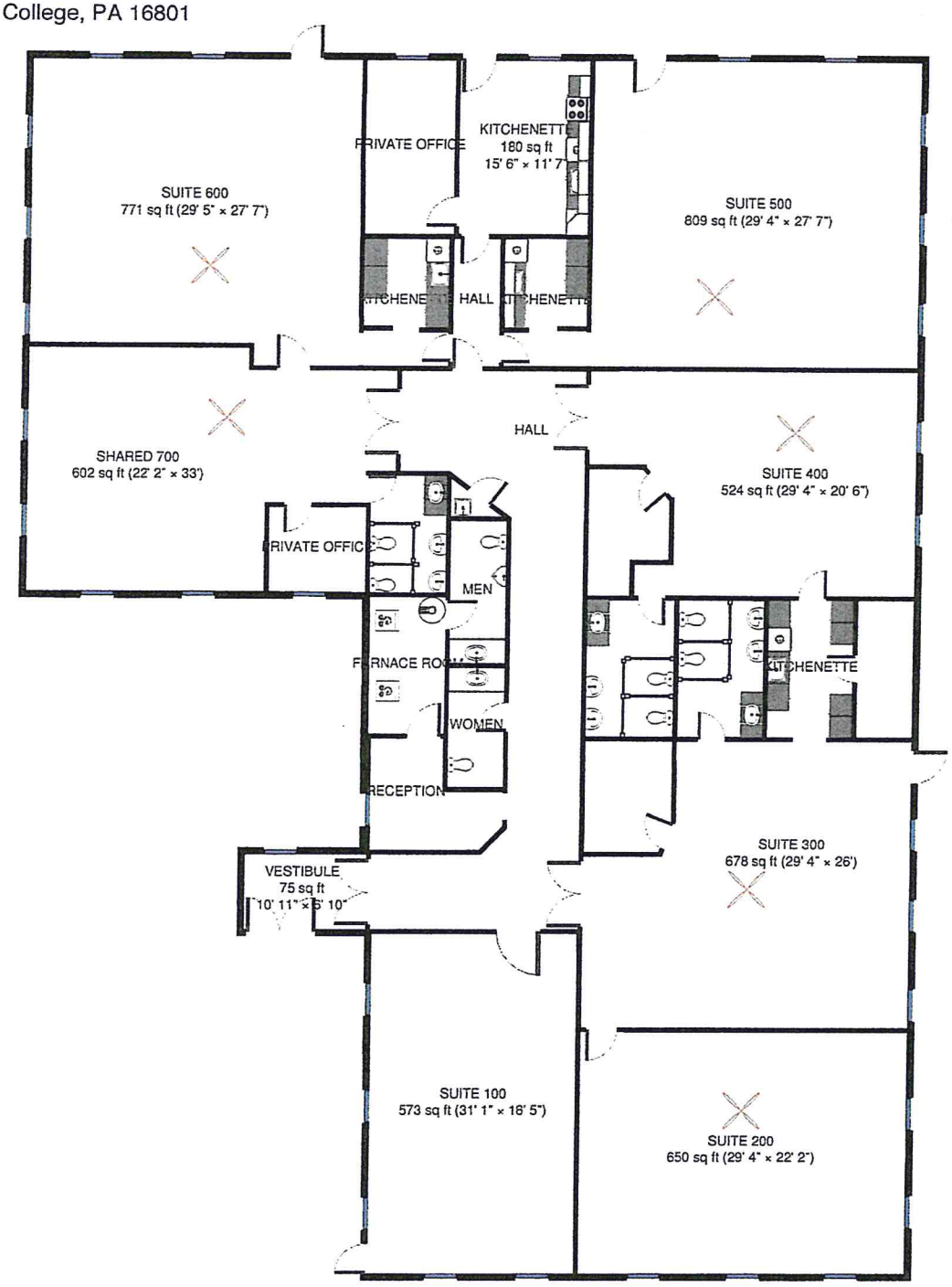
1st Floor

3020 Research Drive-State College

3020 Research Drive
State College, PA 16801

Gambone, Songer & Associates Realty
Going Beyond in Central Pennsylvania

Thomas Songer III, P.E., CCIM
(814)237-5384



0' 8' 16' 24'
1:175

THIS FLOORPLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. Gambone, Songer & Associates Realty DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.

3020 Research Drive
State College, PA 16801

Thomas Songer III, P.E., CCIM
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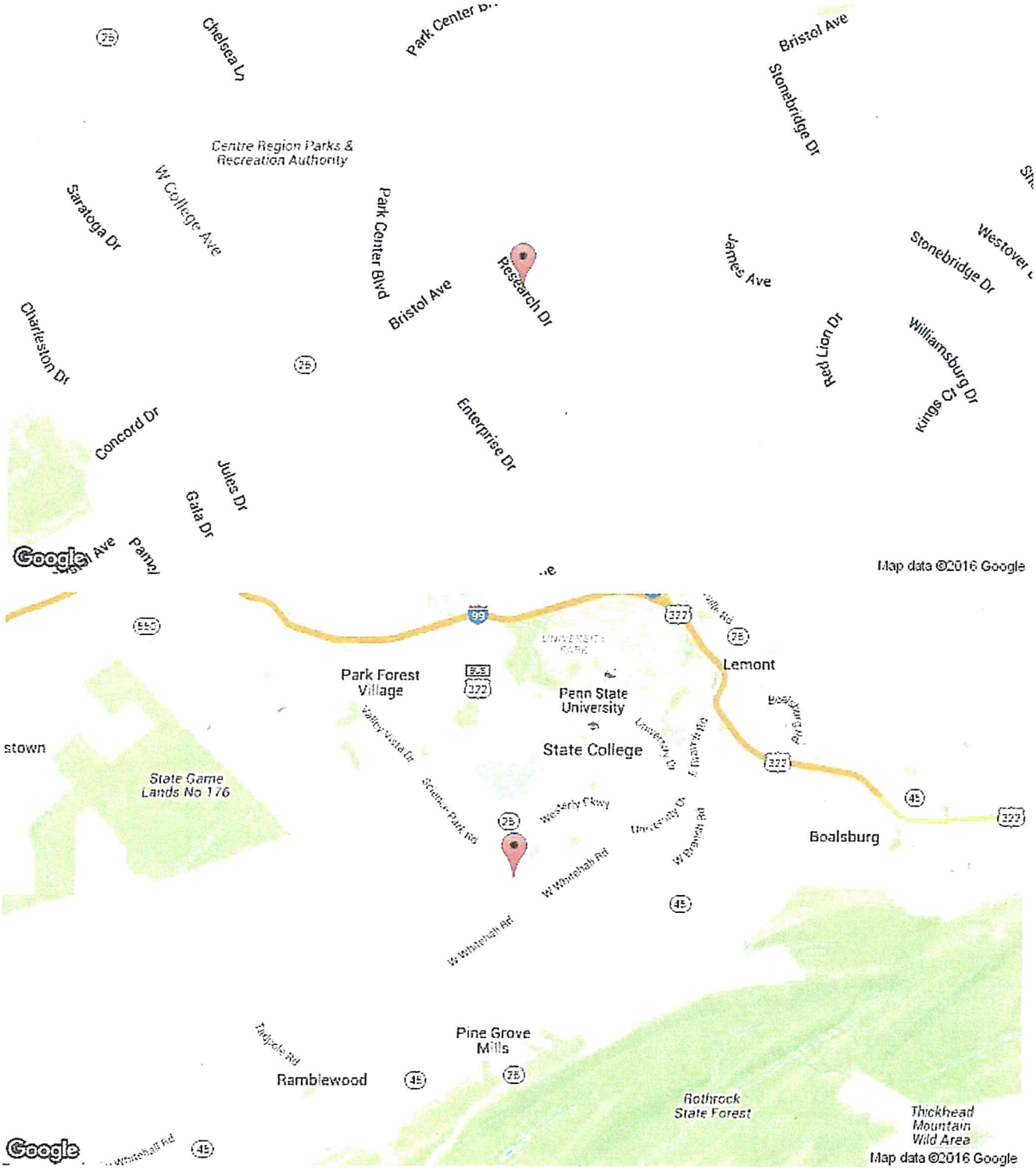


Full Service Grooming

Dog Boutique

University Bark

Doggie Day School.

University Bark
3020 Research Drive
State College, Pa. 16801

Overview

University Bark Doggie Day school: is a unique canine pet care facility, that will provide a high quality Doggy Day Care experience, Spa and Grooming services, obedience classes, boarding services as well as our fun filled boutique!

(vet services?

Doggie Day School: provides a safe loving day care for your dogs. Their fun filled day will be spent socializing with other dogs in a cageless, physically safe environment, interacting with our caring and well trained team, while exercising and burning off plenty of pent up energy!!

Doggie Day School provides love, attention, exercise and guidance. Just interacting with other dogs will help your four-legged learn the social skills they need to be happy, confident, and healthy! Dogs by nature are pack animals, and so we provide opportunities for them to participate with other dogs, which fosters acceptance and belonging. The great part about our days are, that we get to socialize in a safe environment, with other dogs whose temperaments have been carefully evaluated, all while being supervised by our professionally trained staff. Running, jumping, splashing, and chasing will be a big part of our day!

Indoor Playgrounds: Our spacious climate controlled 7000 sq.ft. building will provide 2 large indoor playgrounds for the dogs to run freely with other dogs of the same size, temperament, personality, and play style. Play times and play groups will be established on a daily basis by our professionally trained staff, thereby providing safe and comfortable play!!

Spa and Grooming Services: Where we pamper your pet in a calm and relaxing environment! Imagine your ultimate spa experience, to include a luxurious shampoos, and a stylist to give you a fresh, new look. Along with a professional groomer that could alert you to your dog's specific needs, and how to keep their coats and skin in tip top shape.

Grooming can be as basic as a regular nail trim and filing, to a Bath and Brush Service to keep your dog soft and snuggly. Poodle trims and sporting clips are available as well, or we can create a unique look that let's your pup stand out!

Goals

1. Launch this business and develop sales approaching $25K per month by the end of the first year.
2. To break even in the second year, and be profitable by the third year.
3. To increase sales by 20% per year in the second and third year while also becoming profitable.
4. As our business grows, we would like to provide outreach services, for people needing in home care, walking, and medicine services.

Mission

University Bark's mission is to provide a variety of high quality canine services that provide socialization, education, exercise, pampering in a very nurturing environment with well trained competent staff!!

Marketing

A variety of marketing strategies will be put into place. To begin, we will be marketing directly to households and businesses located in Ferguson Township, and local veterinarian offices. An Instagram account will also set up in order to feature and highlight the dogs throughout the day!!

Staff Law = 25 - 50 PA License Requirements

Overnight Boarding = Possibly not 24/7

Cageless Play Facility

53 Sound Alteration Rating

Employees = ?

Outdoor = 14,400 sq.ft. around building

Brick Privacy Fence (6')

Manure Mgmt. ? In-ground system (Enzyme Treatment)

PA

Dept. of Ag :. Insp. 2x year

Investigate any complaints

Business Daycare Facility

Franchise = $7,000 - 12,000 ft²

Allentown - Industrial Park

Services: ?

Grooming Rates

All packages are priced according to breed, temperment, and coat condition

Bathing Packages

The Hand Bath Starts at $35+
A hands-on bath, blow-dry, and brush out service with nails, ears, teeth, and sanitary included.

Pampered Starts at $45+
Our top shelf offering of products for shampoo, conditioner, and finishing touches added.

De-Shed Starts at $45+
Coat is king for this sleek service. Any unwanted hair is out with this thorough extended condition and brush out.

Flea-Treat Starts at $38+
Dogs and fleas don't make friends. Fleas can wreak havoc on your pup's skin, causing allergies and hot spots to flare up. Treat it all with this package to be rid of the flea cycle and ease the itching.

Skunk Off Starts at $38+
When your pup is just too curious to make friends, we can follow up with natural remedy and de-odorizing shampoo paired together in this package.

Check Me Out (CMO)
Starting Price Varies
Our campers that sleep over for boarding enjoy a 20% discount on their day of check out for any bath service. *Requires phone consultation with groomer.

Puppy Package $25
The new kids at camp get an intro to all things grooming. *Available for campers up to 7 months of age.

Hygiene Package $28
Sans bath, this covers your pup's needs in between grooming services with ears, nails, teeth, anal gland expression, and sanitary trim.

Grooming Packages

Touch Up tarts at $45+
When you're between grooms and need to look good for company, this package includes a Hand Bath with a trim for face, feet, and rump (including tail or nubbin).

Body Contour Starts at $55+
When you like to keep styling simple, this service is for a one-length clip all over. Nice and tidy for easy maintenance.

Breed Style Starts at $65+
Some pups have "fancy genes." Consult a groomer for what style will enhance your pop's most prominent line. *Mutts welcome!

Premium Starts at $85+
Our all-inclusive offering with top shelf products paired with your pup's finest styling.

Show-Off Starts at $110+
Is your pup a fashionista? Creative and Fusion Grooming are all the rage.
*Consultation Required.

A La Carte Services

Nail Clip $12
Basic nail trim

Nail Filing $17
Dremel filing for smooth handshakes

Teeth Brushing $15
With enzymatic toothpaste

Plaq Clnz® $22
Anesthesia free cleaning with oral irrigation

Ear Cleanse $12
Keep dirt out!

Sanitary Trim $15
For clean elimination

Polished Paws $22
Premium filing and nail polish of your choice

FaceTime® $15
Waterless face wash for fresher snuggling

Anal Glands $15
External expression only

Boarding Rates

Why pay for "extras" when they're really necessities?

Military service members (retired or active) and additional dogs in the same family will receive a 10% discount off standard daycare prices.

*Some restrictions apply.

Day of play & overnight stay	$65
Playtime	no charge
Feeding	no charge
Fun	no charge
Nap time	no charge
Splash pond fun	no charge
Nap time	no charge
Fetch	no charge
Belly rubs	no charge
Lotsa Luvin'	no charge
TOTAL STAY	$65

Note: Holiday rates are $75 per night.

Full Days

Full day is from 6:30am to 7:00pm on weekdays and 8:00am to 5:00pm on Saturdays & Sundays.

Single Day	$39
Five day package	$185
	($37.00 per day)
Ten day package	$335
	($33.50 per day)
Twenty day package	$615
	($30.75 per day)
Month unlimited	$555
	($18.50 per day)

Half days

Half day is considered six hours or less.

Single half day	$27
Five half day	$130
	($26.00 per half day)
Ten half day	$225
	($22.50 per half day)
Twenty half day	$395
	($19.75 per half day)
Month half day unlimited	$380
	($12.67 per half day)

SOURCEWATER PROTECTION
OVERLAY DISTRICT

AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES, CHAPTER 27, ZONING ORDINANCE, PART 2, DISTRICT REGULATIONS, BY ESTABLISHING A NEW SECTION 27-215 CONCERNING SOURCEWATER PROTECTION OVERLAY DISTRICT REQUIREMENTS. THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF FERGUSON HEREBY ORDAINS: SECTION 1, CHAPTER 27, FERGUSON TOWNSHIP ZONING ORDINANCE, PART 2, DISTRICT REGULATIONS, SECTION 27-215, IS HEREBY ESTABLISHED TO READ AS FOLLOWS: §27-215. SOURCEWATER PROTECTION OVERLAY DISTRICT REQUIREMENTS. THE SOURCEWATER PROTECTION OVERLAY DISTRICT REQUIREMENTS ARE INTENDED FOR THE REGULATION OF LAND USES WITHIN THE SOURCEWATER PROTECTION OVERLAY DISTRICT FOR THE PURPOSE OF PROTECTING GROUNDWATER AND SURFACE WATER, WHILE DEFINING SOURCEWATER TERMS, REQUIRING REPORTING REQUIREMENTS, REQUIRING ADDITIONAL REVIEW FROM PUBLIC WATER SUPPLIERS, PROVIDING REPORTING REQUIREMENTS FOR CERTAIN REGULATED LAND USES AND ACTIVITIES WITHIN THE SOURCEWATER PROTECTION OVERLAY DISTRICT, PROVIDING DESIGN STANDARDS, THE REQUIREMENT OF ENVIRONMENTAL EMERGENCY RESPONSE PLANS AND ESTABLISHING THE MEANS FOR ENFORCEMENT OF THE ORDINANCE

SECTION 1. PURPOSE AND INTENT

The purpose of this Ordinance is to protect the health, safety and welfare of residents of the township, provide protections for sources of public drinking water supplies and safeguard future supply of safe and sustaining drinking water. The designation of a Sourcewater Protection Overlay District, as provided herein, and the regulation of activities within such Sourcewater Protection Overlay District is intended to reduce the potential for ground water and surface water contamination and minimize adverse environmental impacts.

The Sourcewater Protection Overlay District further intends to:

- Protect groundwater-based public and private water supply sources within the Township from contamination.
- Minimize the risk from spills, leaks and other discharges into groundwater within the Sourcewater Protection Overlay District.
- Manage land use activities that store, handle and produce hazardous materials or regulated substance which can contaminate water supply sources through inadequate management.
- Encourage Best Management Practices to limit degradation of groundwater and surface water quality.
- Provide many of the sourcewater protections that are set forth as goals in the existing Sourcewater Protection reports or plans formulated by such entities as the State College Borough Water Authority, Pennsylvania State University, Bellefonte Borough Water Authority, College Township Water Authority and any other private water companies utilizing groundwater within the Township for public consumption.
- Update ordinance requirements, periodically, taking into account any new technologies, and new practices in farming.

- Help mitigate the impacts of a changing climate on the groundwater and surface water resources within the Township by defining the Sourcewater Protection Overlay District to be the entire Township, thereby including the future southwest extension of the Zone II area.

SECTION 2. STATUTORY AUTHORITY

Section 1428 of the Federal Safe Drinking Water Act Amendments of 1986 requires the States to establish Wellhead Protection Programs to protect groundwater from contamination. In Pennsylvania, the responsibilities for development and implementation of Wellhead Protection Programs is shared between water suppliers, the Commonwealth and local municipal governments. The Pennsylvania Department of Environmental Protection (PA DEP) recognizes that, in Pennsylvania, DEP is responsible for regulating water suppliers and discharges of contaminants. Pennsylvania DEP also recognizes that it is the responsibility of local governments to regulate land use. Ferguson Township is empowered to regulate land use activities through the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, which provides authorization to the Township to enact ordinances regulating development and land uses to ensure the public health, safety and welfare, provisions for safe, reliable and adequate water supply, considering current and future water resources availability, uses and limitations, including provisions adequate to protect water supply sources.

SECTION 3. DEFINITIONS

For the purposes of this Section, certain terms and words used herein shall be interpreted as presented below.

A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
B. The word " includes" or " including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like, kind and character.
C. The word " person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
D. The words " shall" and " must" are mandatory; the words " may" and " should" are permissive.
E. The words " used or occupied" include the words " intended, designed, maintained, or arranged to be used, occupied or maintained".

Abandoned Water Supply Well: A water supply well the regular use of which has been discontinued for a period of one year or more, or which is in such a state of disrepair that continued use for the purpose of obtaining or monitoring ground water is impractical, or which has been replaced by a new well or public water supply.

Advanced Agricultural Research: An indoor/outdoor educational agricultural research area, as conducted by the Pennsylvania State University, where the general public can view farm-related exhibits, displays, research, equipment and livestock. Field demonstrations, research tours, shows and clinics are also held.

Agriculture: Any use of land or structures for farming, dairying, pasturage, land tilling, horticulture, floriculture, arboriculture, silviculture or animal or husbandry.

Agricultural Business: A farm that is actively producing agricultural products for purchase and sale. It may include any farm marketing or agricultural tourism endeavor such as farm markets, farm direct marketing, farm stays, farm visits, roadside markets or stands, U-Pick operations, community supported agriculture, rural tourism, farm museums, corn mazes, cider mills, vineyard and winery, pumpkin patches, petting farms, on-farm retail meat shops, on-farm retail dairies and creameries, on-farm woolen goods shops, maple syrup farms, Christmas tree farms, multi-farmers' markets, on-farm retail nurseries, on-farm gift shops, on-farm flowers, herbs and spices stores, on-farm bakeries, and on-farm restaurants or cafes.

Agricultural Erosion and Sedimentation Control Plans: A site specific plan identifying BMPs to minimize accelerated erosion and sedimentation from agricultural runoff, required by Chapter 102 (relating to erosion and sedimentation control). The agricultural erosion and sediment control components of a conservation plan may meet this requirement, if allowed under Chapter 102.

Agricultural Operation: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting, and preparation for market of use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

Agricultural Service Business: A business engaged in providing services for Agricultural operations, including sales and service of Farm implements, fertilizer/pesticide/herbicide, agricultural product storage and distribution facilities, testing services, and seed and feed operations.

Alteration: As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another, also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

Alteration, Structural: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress and egress, or any enlargement to or diminution of a building or structure, or the moving from a building from one location to another.

Aquifer: A water-bearing layer of rock that will yield water in a usable quantity to a well or spring.

Best Management Practices (BMPs): Schedule of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of "waters of the United States". BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

Carbonate: A sediment formed by the organic or inorganic precipitation of mineral compounds characterized by the fundamental chemical ion CO_3, the principal element in limestone and dolomite strata.

Closed or Undrained Depression: In a Karst geologic area, a distinct bowl-shaped depression in the land surface; size and amplitude are variable; drainage is internal. It differs from a sinkhole in that the ground surface is unbroken and usually occurs in greater density per unit area.

Community On-Lot Sewage Disposal System: Any system, whether publicly or privately owned, for the collection of sewage from two or more lots or uses, or two or more equivalent dwelling units, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

Detention Basin: An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Dolomite: A rock that contains a variable portion of magnesium carbonite and calcium carbonite.

Existing Use: The use of a property as of the date this ordinance was adopted.

Expansion: An increase in the size of an existing structure or use, including the physical size of the property, building, parking and other improvements.

Facility Profile Sheet: An information sheet, provided by the applicant, that contains zoning and property data, hazardous material use, storage and disposal detail, permits held and a list of regulated substances found on the premises submitted to Ferguson Township.

Fracture Trace: Natural, linear-drainage, soil-tonal and topographic alignments, usually visible on aerial photographs, which are commonly the surface manifestations of corresponding zones of fracture concentration within underlying bedrock. Particularly in soluble rocks (e.g., limestone and dolomite), fracture zones cause increased bedrock porosity and permeability, resulting in rates of groundwater movement that are greater than the surrounding bedrock.

Groundwater Recharge: Replenishment of existing natural underground water.

Hazardous Material: Materials, which are classified by the U.S. Environmental Protection Agency and the Pennsylvania Department of Environmental Protection, as having the potential to damage health, impair safety or pose a significant actual or potential hazard to water supplies if such material were discharged into land or water of the Township. Hazardous materials, including, but are not limited to, inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, pesticides, herbicides, solvents, thinners, fertilizers and radioactive material. More specifically, hazardous materials, as defined herein, are those substances listed on the Hazardous Substance List, Chapter 323 of the Pennsylvania Code, including the automatic additions referenced in Chapter 323.

Impermeable: Impervious, impenetrable to moisture.

Integrated Pest Management Plan: A plan which provides for the use of multiple pest management tactics which minimize the risk of undesirable environmental and health effects.

Intermittent or Vernal Pond: Transient surface water bodies formed in closed depressions after heavy precipitation, due to poor internal drainage. This poor drainage may be due to residual clay.

Junked Materials: The accumulation of used and/or discarded materials with the potential for leaching pollutants into the groundwater, including, but not limited to, trash, appliances, machinery, vehicles, or parts thereof, whether on the land surface, into a sinkhole or into a stream, wetland or other water body.

Karst: A type of topography that is formed over limestone, dolomite, or gypsum by bedrock solution, and that is characterized by closed depressions, sinkholes, caves, and underground conduit drainage.

Land Development: (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (ii) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features. (2) A subdivision of land. (3) Development in accordance with § 503 (1.1) of the PA Municipalities Planning Code.

Limestone: A rock that by chemical precipitation or the accumulation of organic remains consisting mainly of calcium carbonate.

Nutrient Management Act: The PA Nutrient Management Act of 1993, which is applicable to agricultural operations with over 2,000 pounds of animal weight per acre which generate or utilize manure. The act requires the development of a plan demonstrating that nutrients which are land applied do not exceed crop uptake.

Nutrient/Manure Management Plan: A plan prepared by a qualified professional establishing application rates for manure/fertilizer on agricultural lands to achieve a proper balance of nutrients and minimize nutrient contamination of groundwater.

Open-Loop Geothermal System: A type of geothermal heating and/or cooling system that utilizes a water-supply well and a water pump to deliver ground water to a water-source heat pump. The discharge water from the water-source heat pump may be returned to the subsurface through a recharge well or infiltration bed, or may be discharged into a pond, lake, or stream. A spring may also be the source of the ground water supply.

Regulated Substance: A product or waste, or combination of substances that, because of the quantity, concentration, physical, chemical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a substantial present or potential threat to public health through direct or indirect introduction into groundwater resources and the subsurface environment. Such hazardous substances include, but are not limited to, substances regulated under Federal or State environmental, pollution control, hazardous substances, and drinking water laws and regulations.

Release: The spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of one or more Regulated Substances upon or into any land or water within the Sourcewater Protection Overlay District. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, swale, drainage way.

Retention Basin: An impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

Secondary Containment Area: An additional layer of impervious material creating a space in which a release of a regulated substance from a storage tank may be detected before it enters the environment. This space permits a monitoring zone for leak detection methods.

Sinkhole: A localized, gradual or rapid sinking of the land surface to a variable depth, occurring in areas of carbonate bedrock; generally characterized by a roughly circular outline, a distinct breaking of the ground surface and downward movement of soil into bedrock voids.

Sourcewater Protection Area: The surface and subsurface area surrounding a water well, well field, spring or infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water source. The Sourcewater Protection Area shall consist of the following zones:

A. **Zone I**: The protective zone immediately surrounding a well, spring or infiltration gallery which shall be a one-hundred (100') to four-hundred (400') foot radius depending on site-specific source and aquifer characteristics.
B. **Zone II**: The zone encompassing the portion of the aquifer through which water is diverted to a well or flows to a spring or infiltration gallery. Zone II shall be one-half (1/2) mile radius around the source unless a more detailed delineation is approved.
C. **Zone III**: The zone beyond Zone II that contributes surface water and groundwater to Zones I and II.
D. For the purpose of this Ordinance, the Ferguson Township Sourcewater Protection Overlay District encompasses the entire area of Ferguson Township.

Sourcewater Protection Overlay District: The area encompassed by the Sourcewater Protection Overlay District is the entire area of the Township.

Preparedness, Prevention and Contingency (PPC) Plan: A written plan that identifies an emergency response program, material and waste inventory, spill and leak prevention and response, inspection program, housekeeping program, security and external factors, and that is developed and implemented to control potential discharges of pollutants other than sediment into waters of this Commonwealth. (See Section 12).

Storage Tank: Any Aboveground (AST) or Underground (UST) storage tank which is used for the storage of any regulated substance.

Storage Tank – Aboveground (AST): One or a combination of stationary tanks with a total capacity in excess of 250 gallons, including underground pipes and dispensing systems connected thereto within the emergency containment area, which is or was used to contain an accumulation of regulated substances, and the volume of which, including the volume of piping within the storage tank facility, is greater than 90% above the surface of the ground. The term includes tanks which can be visually inspected, from the exterior, in an underground area. The term does not include the following, or pipes connected thereto:

A. A tank of 1,100 gallons or less capacity used for storing motor fuel or motor oil for noncommercial purposes.

B. A tank used for storing heating oil for consumptive use on the premises where stored.
C. A pipeline facility, including gathering lines, regulated under:
   (i) The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C.A. App. §§1671 – 1687).
   (ii) The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C.A. §§ 2001 – 2015.
   (iii) An interstate or intrastate pipeline facility regulated under State laws comparable to the provisions of law referred to in clause (A) or (B).
D. A surface impoundment, pit, pond, or lagoon.
E. A stormwater or wastewater collection system.
F. A flow-through process tank, including, but not limited to, a pressure vessel and oil and water separators.
G. A nonstationary tank liquid trap or associated gathering lines directly related to oil and gas production or gathering operations.
H. Tanks which are used to store brines, crude oil, drilling or frac fluids and similar substances or materials and are directly related to the exploration, development or production of crude oil or natural gas regulated under the Oil and Gas Act (58 P.S. §§601.101 – 601.605).
I. Tanks regulated under the Surface Mining Conservation and Reclamation Act (52 P.S. §§1396.1 – 1396.31).
J. Tanks used for the storage of products which are regulated under the Federal Food, Drug and Cosmetic Act (21 U.S.C.A. §§6018.101 – 6018.1003).
K. Tanks regulated under the Solid Waste Management Act (35 P.S. §§ 6018.101 – 6018.1003) including, but not limited to, piping, tanks, collection and treatment systems used for leachate, methane gas and methane gas condensate management.
L. A tank of 1,100 gallons or less in capacity located on a farm used solely to store or contain substances that are used to facilitate the production of crops, livestock and livestock products on the farm.
M. Tanks which are used to store propane gas.
N. Tanks containing radioactive materials or coolants that are regulated under the Atomic Energy Act of 1954 (42 U.S.C.A. §§2011-2297).
O. Tanks regulated under the act of May 2, 1929 (P.L. 1513, No. 451), known as the Boiler Regulation Law (35 P.S. §§1301 – 1500).
P. Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.
Q. A tank that contains a de minimis concentration of regulated substances.
R. An emergency spill or overflow containment tank that is expeditiously emptied after use.
S. Other tanks excluded by regulations promulgated under the Act.

Storage Tank - Exempted: Any tank or container which contains hazardous or petroleum substances, either above or underground, which is otherwise unregulated by the Storage Tank and Spill Prevention Act (STSPA), as amended. For the purpose of this ordinance, exempted tanks are limited to the following: on-premise heating fuel tanks, farm or residential motor fuel tanks with a capacity of 1,100 gallons or less, and tanks, drums or containers with a capacity of less than 110 gallons which contain hazardous substances.

Storage Tank Facility: One or more stationary tanks, including any associated intrafacility pipelines, fixtures, monitoring devices and other equipment. A facility may include aboveground tanks, underground tanks or a combination of both. The associated intrafacility pipelines, fixtures, monitoring devices and other equipment for an aboveground storage tank shall be that which lies within the secondary containment area.

Storage Tank – Underground (UST): Any one or combination of tanks (including underground pipes connected thereto) which are used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is 10% or more beneath the surface of the ground. The term shall not include:

A. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.
B. Tanks used for storing heating oil for consumptive use on the premises where stored unless they are specifically required to be regulated by Federal law.
C. A septic or other subsurface sewage treatment tank.
D. A pipeline facility (including gathering lines) regulated under:
   (i) The Natural Gas Pipeline Safety Act of 1968 (Public Law 90-481, 82 Stat. 720, 49 U.S.C. App. § 1671 et seq.).
   (ii) The Hazardous Liquid Pipeline Safety Act of 1979 (Public Law 96-129, 93 Stat. 989, 49 U.S.C. § 2001 et seq.).
E. An interstate or intrastate pipeline facility regulated under State laws comparable to the provisions of law in paragraph (4).
F. Surface impoundments, pits, ponds or lagoons.
G. Storm water or wastewater collection systems.
H. Flow-through process tanks.
I. Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations.
J. Storage tanks situated in an underground area (such as a basement, cellar, mine working, drift, shaft or tunnel) if the tank is situated upon or above the surface of the floor.
K. Except for tanks subject to the requirements of 40 CFR 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks (UST), tanks regulated pursuant to the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, including, but not limited to, piping, tanks, collection and treatment systems used for leachate, methane gas and methane gas condensate management.
L. Any underground storage tank system whose capacity is 110 gallons or less.
M. Any other tank excluded by policy or regulations promulgated pursuant to this act. (Def. amended May 10, 1996, P.L.171, No.34)

Underground Injection Well: A bored, drilled, driven or dug well for the emplacement of fluids into the ground (except open loop geothermal heat pump systems).

Vertical Closed-Loop Borehole: A borehole which is constructed to receive heat exchanger loop pipes and grout material. Fill material may be used below a minimum depth of 20 feet below grade as the subsurface conditions warrant.

Water-Source Heat Pump: A heat pump that uses a water-to-refrigerant heat exchanger to extract heat from the heat source.

Water Table: Upper surface of the zone of saturation in soil or rock.

Wetland: Those areas that are inundated or saturated by surface or ground water at frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of

vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas.

SECTION 4. APPLICABILITY

A. This ordinance applies to land uses located or proposed within the area delineated as the Sourcewater Protection Overlay District and to those land uses on parcels located with a Sourcewater Protection Overlay District that use or store hazardous materials in quantities meeting or exceeding established quantity thresholds, except those uses noted below under C., D. and E.

B. Whenever a provision of this ordinance is inconsistent with another provision of this ordinance or any other ordinance, regulation, or statute, the more restrictive provision shall control.

C. Both existing and proposed Agricultural Operations and/or Service Businesses defined under Section 3 shall be exempt from this ordinance, provided that individual farmers coordinate and implement best management practices through Conservation, Manure Management, Agricultural Erosion & Sedimentation and Nutrient Management Plans and any other applicable county, state or federal regulations. However, Agricultural Activities are not exempt from Section 7, Reporting Requirements, and shall provide in the manner prescribed the Township with a Facility Profile Sheet.

D. On-site sewage disposal systems, both existing and proposed, must participate and fulfill requirements outlined in the regional Act 537 Plan and comply with the Ferguson Township Chapter 18, Sewers and Sewage Disposal, Part 5, Sewage Management Program.

E. Silvicultural and timber harvesting operations and activities shall comply with the Commonwealth's Chapter 102 regulations for Erosion & Sedimentation control and Chapter 105 permits for wetlands and streams through the Centre County Conservation District.

SECTION 5. ESTABLISHMENT AND DELINEATION OF SOURCEWATER PROTECTION OVERLAY DISTRICT AND WELLHEAD PROTECTION ZONES

The "Sourcewater Protection Overlay District" shall be defined as the entire area within the boundaries of Ferguson Township as set forth on the map marked as **Appendix A** and incorporated herein by reference thereto. Sourcewater Protection zones have been established by the State College Borough Water Authority under the "*Sourcewater Protection Report, January 2007 (Revised in May 2017)*" for **Zones I** and **II**, and the Pennsylvania State University for **Zone II**. The Rock Springs Water Company retains established well locations within western Ferguson Township, as the Overlay Map includes a prescribed **Zone I** delineation around the well site.

A. **Zone I**: A protective area immediately surrounding a public water supply with a radius defined by the most recently adopted State College Borough Water Authority "Sourcewater Protection Report", as amended:

1. **DeArmit Well Field**: Wells 1, 2 & 3 = 400'
2. **Wellfield #4 (Nixon)**: Wells 41, 43 & 53 = 400'
3. **Wellfield #5 (Chestnut Ridge)**: Well 55 = 135' and Well 57 = 140'
4. **Wellfield #7 (Kocher)**: Wells 71, 73 & 78 = 400' and Well 79 = 140'
5. **Wellfields #1 and #3 (Thomas/Harter)**: No wells located within township boundary
6. **Penn State University Wellfields**: No wells located within the township boundary
7. **Rock Springs Water Company**: 400' radius around existing wells

B. **Zone II**: The area encompassing the portion of the aquifer through which water is diverted into a well and typically defined by DEP as a ½ mile radius around a well unless a more detailed delineation is conducted. Detailed delineation was conducted as part of the State College Borough Water Authority under the "*Sourcewater Protection Report, January 2007 (Revised in May 2017)*" and outlined as the Sourcewater Protection Overlay District in **Appendix A**.

C. Consistent with the Safe Drinking Water Act, for all construction permit applications accepted by the Department of Environmental Protection after October 9, 1995, a water supplier who is developing a community water system well, spring or infiltration gallery that is installed for a new system or as an expansion of an existing system shall:

1. Own or substantially control through a deed restriction or other methods acceptable to the Department, the Zone I wellhead protection area in order to prohibit activities within Zone I that may have a potential adverse impact on source quality or quantity.
2. Discontinue the storage, use or disposal of a potential contaminant within the Zone I wellhead protection area unless the chemical or material is used in the production or treatment, or both, of drinking water.
3. Eliminate the storage of liquid fossil fuel within the Zone I wellhead protection area except for providing auxiliary power to the public water system to ensure the uninterruption of essential services during power failures or as a primary heating source only when the use of natural gas or propane gas is not a viable option.
4. Construct any new and replacement liquid fossil fuel tanks that are within the Zone I wellhead protection area aboveground within the pump house or an enclosed, locked structure using an impermeable secondary containment structure of greater capacity than the fuel storage tank.

SECTION 6. BOUNDARY INTERPRETATION

Each application for a subdivision, land development or zoning permit required for a Regulated Land Use and Activity (Table 1) containing land within the Sourcewater Protection Overlay District shall be submitted in accordance with such other applicable provisions of Ferguson Township ordinances. Any area of the Sourcewater Protection Overlay District that falls within the subject lot or lots shall be shown on the site plan through shading of such area or areas and identification of the impacted wellfield.

Any applicant seeking subdivision, land development or zoning permit approval for a Regulated Land Use and Activity (Table 1) in a Sourcewater Protection Zone shall have the burden to present evidence of the boundaries of the District in the area in question. This evidence must include applicable geographic data

with respect to the property and any other pertinent documentation for consideration. The Township's qualified design professional and Planning & Zoning staff shall evaluate the information and shall make determination regarding the boundaries of lands within a particular Sourcewater Protection Zone. This information shall include:

1. All plans shall be on sheet sizes consistent with (the Township subdivision and land development ordinance).
2. Proposed name or identifying title of project.
3. Name and address of the landowner and developer of the project site.
4. Plan date and date of the latest revision to the plan, north point, graphic scale and written scale. All plans shall be at a scale of one hundred (100') feet to the inch.
5. Total acreage and boundary lines of the project site and the tract of land on which the project site is located.
6. A location map, for the purpose of locating the project site to be developed, at a minimum scale of two thousand (2,000') feet to the inch, showing the relation of the tract to adjoining property and to all highways, streets, Township boundaries, and other identifiable landmarks existing within one thousand (1,000) feet of any part of the tract of land on which the project site is proposed to be developed. Map should also include Sourcewater Protection Zones along with the most recent aerial photography.

SECTION 7. REPORTING REQUIREMENTS

A. As to each lot or tract of land located within the Sourcewater Protection Overlay District upon which there is a conducted Regulated Land Use and Activity, the owner of record thereof shall submit, or cause to be submitted, to the Zoning Administrator the following records and information in the manner prescribed:

1. **Facility Profile Sheet**: Information to be submitted is as provided for on the Facility Profile Sheet, marked **Appendix B** and incorporated herein by reference. The Facility Profile Sheet must be completed on the form provided by the Township, and available at the Ferguson Township Offices, within 90-days of the enactment of this ordinance or prior to commencement of any activity or land use listed within this ordinance. Any change in information provided on the Facility Profile Sheet shall result in a new or revised submission of the Facility Profile Sheet to the Township. Ferguson Township Planning & Zoning staff shall submit completed Facility Profile Sheets to the Centre County 9-1-1 Department, Alpha Fire Company and the appropriate water supplier for their record in the event of an emergency.

2. Copies of all federal, state and county operational approvals, certificates, permits and applications, on-going environmental reports and monitoring results, relating to environmental, pollution control, hazardous substance and drinking water laws and regulations pertaining to such lot or tract of land, as and when required to be submitted to federal, state and county governments authorities.

3. In the event that any contaminants and/or substances regulated under federal, state or county environmental, pollution control, hazardous substance and drinking water laws and regulations are released on or from any lot or tract of land within the Sourcewater Protection

Overlay District, copies of any and all notices, reports and documents which such owner filed, or caused to be filed, with any federal, state and/or county governmental authorities which provide notice of or relate to such release, as when such notices, reports and documents are required to be filed with such governmental authorities; and

4. Copies of all notices, orders, rules, decisions, recommendations, enforcement actions and similar documentation, as and when received by or on behalf of such record owner or the occupant of any such lot or tract of land from any federal, state or county governmental authority in connection with the enforcement of environmental, pollution control, hazardous substance and drinking water laws and regulations.

SECTION 8. PUBLIC WATER SUPPLIER REVIEW

A. Prior to the commencement of any subdivision, land development or new Regulated Land Uses and Activities, as outlined in Table 1. below, the Ferguson Township Department of Planning and Zoning shall furnish a copy of plans or proposed permit application information to public water suppliers such as the State College Borough Water Authority, the Pennsylvania State University, Borough of Bellefonte or the Rock Springs Water Company under the following requirements:

   1. The owner/applicant shall submit all pertinent information to demonstrate to the Public Water Supplier the following:

      a. The subdivision, land development or new Regulated Land Uses and Activities is permitted in the underlying zoning district.
      b. The owner/applicant agrees to the reporting requirements listed in § 7.1. through § 7.4.
      c. The owner/applicant meets the provisions for Regulated Land Uses and Activities in Table 1.

   2. It shall be the responsibility of the public water supplier to provide written comment within 45- days on a proposed subdivision and/or land development. The public water supplier may waive further review of the proposed development plan, depending upon the physical location of the proposed project.

B. Subdivision and/or land development approval, in addition to a zoning permit approval, shall not be granted until a public water supplier has reviewed and submitted comments to the Township regarding the owner/applicant's activity if the allotted review time noted above has passed. Extraordinary development proposals may necessitate an extension of public water supplier review time which may prompt a public water supplier request to extend the 45-day review.

SECTION 9. REGULATED LAND USES AND ACTIVITIES

The Regulated Land Uses and Activities, under Table 1. contained in this section, sets forth various Regulated Land Uses and Activities to the extent of regulation permitted in each of the zones in the Sourcewater Protection Overlay District. In the event of judicial decision affecting any of the Land Uses

and Activities or regulations set forth herein, it is the intent of this Ordinance that any provision found to be illegal shall be stricken, and the remaining provisions shall remain in full force and effect.

Full authority for the administration/application of all criteria, terms and conditions of this section shall be with the Zoning Administrator. Land uses and activities shall be regulated as follows:

TABLE 1.
REGULATED LAND USES AND ACTIVITIES

	LAND USE AND ACTIVITIES	**ZONE I**	**ZONE II and TOWNSHIP-WIDE PROTECTION ZONE II**
1.	Kennels	NOT PERMITTED	**A.** Proof of a manure management plan and manure storage areas shall be designed in a manner to contain any accidental releases and provide optimal protection of groundwater resources. **B.** Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage. **C.** A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used. **D.** Site map location of where hazardous substances are stored, handled and used.
2.	Pet Care/Daycare Facilities	NOT PERMITTED	
3.	Veterinary Office/Clinic	NOT PERMITTED	
4.	Mining and Quarrying [Special Exception]	NOT PERMITTED	**A.** Location map and site plan, drawn to scale not less than 1"=100', showing property boundaries, stockpile areas, existing reclaimed and unreclaimed lands, proposed maximum acreage of all affected lands, erosion and sedimentation control all applicable private drinking water supplies or public drinking water sources and all existing or proposed solid waste disposal areas. **B.** A detailed report by a Certified Geologist with experience in hydrogeology attesting to the depth of the seasonal water table, and plan showing benchmarked elevations for depth of excavation.
5.	Regional Civic- or Faith-Based Place of Assembly	NOT PERMITTED	**A.** Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage. **B.** A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used. **C.** Site map location of where hazardous substances are stored, handled and used.
6.	Regional Business-Based Place of Assembly	NOT PERMITTED	
7.	Bed and Breakfast having four to ten rooms as an accessory use to an owner-occupied single-family dwelling unit	NOT PERMITTED	
8.	Farm Café	NOT PERMITTED	
9.	Commercial Cemeteries [Special Exception]	NOT PERMITTED	**A.** All caskets shall be encased in concrete grave liners as defined by the Federal Trade Commission in regulations at part 453, as amended.
10.	Mortuaries [Special Exception]	NOT PERMITTED	**A.** Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage. **B.** A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used. **C.** Site map location of where hazardous substances are stored, handled and used.
11.	Convenience Food Stores	NOT PERMITTED	
12.	All Retail Establishments for the sale, service and rental of goods, except: aircraft, boat and marine supplies, contractors' and farm equipment, lumber yards, mobile homes and accessories, motor vehicles, glass and swimming pools	NOT PERMITTED	

13.	Barbers and beauticians, caterers, health clubs, photographic equipment and processing, reading rooms, shoe repair, tailors and laundromats	NOT PERMITTED	
14.	Eating and Drinking Establishments	NOT PERMITTED	
15.	Automobile Service Stations and Garages	NOT PERMITTED	
16.	Horse Riding Stables/Riding Academy	NOT PERMITTED	**A.** Proof of a manure management plan and manure storage areas shall be designed in a manner to contain any accidental releases and provide optimal protection of groundwater resources. **B.** Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage. **C.** A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used. **D.** Site map location of where hazardous substances are stored, handled and used.
17.	Hotels and Motels	NOT PERMITTED	**A.** Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage. **B.** A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used. **C.** Site map location of where hazardous substances are stored, handled and used.
18.	Public and Private Garages for the storage and maintenance of motor vehicles	NOT PERMITTED	
19.	Storage and display of motor vehicles, motorcycles, mobile homes, passenger vehicles and light trucks, recreational vehicles, boats and marine craft held for sale or rental	NOT PERMITTED	
20.	Archery, pistol, shotgun and skeet ranges [Special Exception]	NOT PERMITTED	**A.** Mitigation plan for the abatement of lead contamination within range lanes and trap access.
21.	Printing Establishments	NOT PERMITTED	**A.** Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage. **B.** A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used. **C.** Site map location of where hazardous substances are stored, handled and used.
22.	Incinerators	NOT PERMITTED	NOT PERMITTED
23.	The manufacture, processing or bulk storage of natural gas, petroleum, gasoline and other petroleum derivatives and explosives	NOT PERMITTED	NOT PERMITTED
24.	Wholesale Distribution and Warehouses	NOT PERMITTED	**A.** Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage. **B.** A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used. **C.** Site map location of where hazardous substances are stored, handled and used.
25.	Auto Wrecking, Junk, and Scrap Establishments	NOT PERMITTED	NOT PERMITTED
26.	Any production, manufacturing, assembly, processing, cleaning, repair, storage or distribution of goods,	NOT PERMITTED	**A.** Provide a detailed description of the storage, handling, use of Regulated Substances and

	equipment materials, foodstuffs and other products not involving a retail activity except as an accessory use		description of the containment structures for hazardous material storage. **B.** A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used. **C.** Site map location of where hazardous substances are stored, handled and used.
27.	Light manufacturing, assembly, processing, fabrication and packaging of components into finished or remanufactured products, where all work occurs inside the building and all raw products and finished products are stored within the building	NOT PERMITTED	
28.	Research engineering or testing laboratories and fabrication of models or test equipment used in research	NOT PERMITTED	
29.	Manufacture, use and storage of Hazardous Substances as a Principal Activity	NOT PERMITTED	NOT PERMITTED
30.	Open Burning of Materials Containing Hazardous Substances	NOT PERMITTED	NOT PERMITTED
31.	Sanitary Landfills	NOT PERMITTED	NOT PERMITTED
32.	Collection and Transfer Facilities for Solid Waste or Hazardous Substances, including battery or Drum Recycling and Reprocessing	NOT PERMITTED	NOT PERMITTED
33.	Commercial Truck or Rail Tanker Cleaning Operations where Hazardous Substances are involved	NOT PERMITTED	NOT PERMITTED
34.	Commercial Slaughtering Facilities	NOT PERMITTED	**A.** Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage. **B.** A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used. **C.** Site map location of where hazardous substance are stored, handled and used.
35.	Rendering and Tanning Facilities	NOT PERMITTED	NOT PERMITTED
36.	Land Application of Bio-Solids	UNDER PA DEP PERMIT CONDITIONS OF APPROVAL	
37.	Underground Injection Wells	NOT PERMITTED	NOT PERMITTED
38.	Liquid Petroleum Transmission Lines	NOT PERMITTED	NOT PERMITTED
39.	Commercial or Municipal Composting Facilities	NOT PERMITTED	**A.** Storage facilities shall be designed to have an impervious storage and loading surface, prevent infiltration of rain and surface water into storage areas and provide diking to prevent runoff from storage & loading areas.
40.	Golf Course	NOT PERMITTED	**A.** All herbicides and pesticides shall be applied in accordance with label directions, and must be applied in accordance with an approved Nutrient Management Plan. **B.** Irrigation schedules shall be coordinated with pesticide and nutrient application to minimize the possibility of leaching/runoff. **C.** Coordination with the Penn State Cooperative Extension Service to develop and implement an Integrated Pest Management Plan.
41.	Geothermal Exchange Systems (Open and Closed Loop)	NOT PERMITTED	**A.** Placement of such systems shall comply with the standards set forth in Chapter 10 – Well Drilling of the Centre Region Building Safety & Property Maintenance Code.
42.	Storage Tanks-Aboveground (AST)	NOT PERMITTED	**A**. No Aboveground Storage tanks permitted within (200') feet of Zone 1 boundary.

			B. Submittal of an approved registration form indicating compliance with the Storage Tank and Spill Prevention Act (STSPA) standards. **C.** All leaking tanks must be immediately emptied by the owner or operator and all released substances removed within 7-days of detection, or sooner if required by DEP. **D.**Spill kits shall be placed in a conspicuous location. **E.** Perimeter drains or other types of stormwater inlets and collection systems shall be required which will convey the runoff from the entire fuel dispensing area to a collection area where the runoff can be treated through the use of an oil-water separator prior to discharge to the environment **F.** Physical barriers with a minimum height of thirty (30") inches and capable of resisting a horizontal force of twelve thousand (12,000 lbs.) pounds anywhere on its surface and in any direction. The physical barrier shall be placed around each outdoor above-ground storage tank and the portions of underground storage tanks which extend above the ground.
43.	Storage Tanks-Underground (UST)	NOT PERMITTED	NOT PERMITTED
44.	Exempted Storage Tanks (except potable water sources)	NOT PERMITTED	**A.** Aboveground tanks shall: 1) be stored; 2) be enclosed by a permanent dike of impermeable construction, the volume of which shall be equal to or greater than the capacity of the tanks within the dike, and 3) be covered by a roof adequate to prevent rainwater from entering the dike. **B.** All leaking tanks must be immediately emptied by the owner or operator and all released substances removed within 7 days of detection. **C.** Only farm and commercial motor fuel tanks and commercial on-premise heating fuel tanks are permitted as Aboveground (AST) tanks; these shall 1) be double-hulled steel or fiberglass encased, 2) be enclosed by a concrete vault, the volume of which shall be equal to or greater than the capacity of the tanks within the vault, and 3) utilize piping that is protected from internal and external corrosion.
45.	Storage of Road Salt and De-Icing Materials	NOT PERMITTED	**A**. All salt and associated sand mix piles must be stored on an impermeable surface and covered with a waterproof material. Stockpiles shall not be located near surface waters, in flood plains, or areas with steep slopes, and shall be designed to prevent surface water runoff. Snow containing road salt shall not be brought to sites within (200') of Zone 1 for disposal. Environmentally friendly snow and ice removal products and procedures are encouraged.
46.	Application of Road Salt and De-Icing Materials	NOT PERMITTED	**A.** Township shall monitor and record amounts of salts or de-icing materials for each storm event.
47.	Withdrawal or diversion of 10,000 gpd for any consecutive 30-day period from ground or surface water sources	**A.** Registration of the amount of the water withdrawal is required by the Susquehanna River Basin Commission.	
48.	Abandonment of Wells	**A.** Abandonment of Wells shall comply with the standards set forth in Chapter 10 – Well Drilling of the Centre Region Building Safety & Property Maintenance Code.	
49.	Well Building/Water Production Facilities	**A.** Provide a detailed description of the storage, handling, use of regulated substances and description of the containment structures for hazardous material storage.	

		B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used. **C.** Site map location of where hazardous substances are stored, handled and used.	
50.	Freight or Truck Terminals	NOT PERMITTED	**A.** Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage. **B.** A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used. **C.** Site map location of where hazardous substances are stored, handled and used.
51.	Medical Marijuana Growing and Processing Facility	NOT PERMITTED	**A.** Provide a detailed description of the storage, handling, use of regulated substances and description of the containment structures for hazardous material storage. **B.** A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used. **C.** Site map location of where hazardous substances are stored, handled and used.

SECTION 10. ADMINISTRATION

A. The Zoning Administrator is hereby designated as the Township official responsible for the administration and enforcement of this Ordinance. The Ferguson Township Zoning Hearing Board shall hear variances and/or appeals from the written determinations and orders of the Zoning Administrator regarding applications, enforcement notices, cease and desist orders and other matters, and shall also hear substantive and procedural challenges to the validity of this Ordinance.

B. Uses of lots or tracts of land in existence on the date of enactment of this Ordinance which are Regulated Land Uses and Activities shall be deemed to be "Nonconforming Uses" of land under the terms of this Ordinance. Such Nonconforming Uses of land may be continued by the present or any subsequent owner as long as:

1. Such use is and remains otherwise lawful and in compliance with all federal, state and county environmental, pollution control, hazardous substance and drinking water laws and regulations;

2. Such Non-Conforming use has not been and is not discontinued for a period of twelve (12) consecutive months;

3. Such Nonconforming Use is not, after the date of enactment of this Ordinance, materially altered, changed or expanded;

4. Such Nonconforming Use is not an actual known source of groundwater contamination as a result of a specific violation notice from the PA Department of Environmental Protection, the

United States Environmental Protection Agency or any other pertinent county, state or federal regulatory agency;

5. A Facility Profile Sheet is submitted to the Township biennial as described under Section 7.A.

6. Such use shall upgrade its technology on a regular basis, as the technology required by applicable law is changed, or upon request of the Township, in order to minimize the risks associated with such use to the community water resources. Such upgrades shall be a necessary to support the right to continue with the Nonconforming Use.

C. A Regulated Land Uses and Activity under Table 1 shall be deemed to be new or materially altered, changed or expanded if:

1. The land use which constitutes the Regulated Land Use and Activity was not previously present and conducted upon the lot or tract of land in question;

2. The production and/or storage capacity of the Regulated Land Use and Activity is increased;

3. The types of any substances which give rise to the Regulated Land Use and Activity is changed;

4. The number of types of substances which give rise to the Regulated Land Use and Activity is changed;

5. The quantity of any substances which give rise to the Regulated Land Use and Activity is materially increased; or

6. The land area subject to the Regulated Land Use and Activity is enlarged in any respect.

D. Application for a Special Exception shall be made to the Ferguson Township Zoning Hearing Board in writing on such form as may be prescribed by the Zoning Administrator and such application shall include, at a minimum, a detailed description of each of the activities to be conducted upon the lot or tract of land in question which constitute a Regulated Land Use and Activity, including a listing of all substances which are to be stored, handled, used or produced in connection with each Regulated Land Use and Activity being proposed and which substances are subject to regulation by federal, state and/or county governmental authorities.

E. The Ferguson Township Zoning Hearing Board shall issue a written determination approving or disapproving the application for a Special Exception, or conditioning the granting of the Special Exception upon adherence to any or all of the following requirements by the applicant for the Special Exception, where the Zoning Hearing Board has found that such adherence is reasonably necessary to fulfill the groundwater protection purposes of this Ordinance:

1. The installation of containment facilities and systems so as to prevent the contamination of groundwater by substances regulated by federal, state and/or county governmental authorities.

2. The preparation and filing (with the Zoning Administrator) of a Spill Contingency Plan addressing the means by which any potential contamination of groundwater will be

controlled, collected and remediated, including emergency contacts and identification of potential contaminants;

3. Regular inspection and/or monitoring by the owner, occupant, the Zoning Administrator and/or third parties, of the Regulated Land Use and Activity area;

4. Compliance by the applicant with the provisions of the Ferguson Township Subdivision and Land Development Ordinance in effect pertaining to sanitary sewage disposal, water supply, storm water management and easements.

F. A Facility Profile Sheet is submitted to Ferguson Township biennially as described under Section 7.A.

G. Other items that may be required to characterize environmental or physical conditions of the subject property.

SECTION 11. LAND DEVELOPMENT DESIGN STANDARDS

A. General Requirements

1. The subdivision of land within Zone I for any purpose other than for the specific protection of the groundwater within this area shall be prohibited.

2. In Zones II and the Township-Wide Protection Zone II, land development projects shall comply with the following requirements:

   A qualified design professional shall review aerial photos, soils, geologic and other available related data including any Sourcewater Protection Study or Report, as the data relates to the subject property. The qualified design professional shall also conduct a site inspection of the property. Based on the above information, the professional shall prepare a map of the site showing the following:

   a. Closed depressions
   b. Open Sinkholes
   c. Outcrops of bedrock
   d. Seasonal High Ponds and Streams Perennial?
   e. Intermittent Streams
   f. Non-Intermittent bodies of water or streams Perennial?
   d. Surface drainage patterns
   e. Intermittent or Vernal Ponds
   f. Lineaments, faults and fracture traces
   g. Excavations and quarries

3. Based on the map prepared pursuant to Section 11, paragraph A.2. above, and in conjunction with other mapping and information submitted for compliance with the requirements of the Subdivision and Land Development Ordinance, the registered design professional shall

prepare a report demonstrating compliance with the requirements of this section, including any recommended mitigating measures designed to ensure compliance.

4. The Ferguson Township qualified design professional, or other appointed agent, shall review the information and recommendations made by the applicant's qualified design professional and shall then report to the Ferguson Township Planning Commission and the Board of Supervisors whether the proposal meets the design requirements of this section.

5. During construction activity, all excavations shall either be protected against storm water ponding or backfilled daily. What about rain or snow falling into the excavation?

6. All buildings, structures, impervious surfaces and utilities shall be situated, designed and constructed so as to minimize the risk of new sinkhole formation and of the accelerated introduction of contaminants and pollution into the old term wellhead protection area through existing or future sinkholes.

7. Buildings, structures, impervious surfaces, utilities and swimming pools shall not be located within fifty (50) feet of any features identified in Section 11, paragraph A.2. b. and c.

8. Salt or de-icing storage areas, gasoline or other chemical storage areas shall not be located within one hundred (100') feet of any features identified in Section 11, paragraph A.2.

9. Storm water facilities, including, but not limited to, detention basins, shall not be located within fifty (50') feet of any features identified in Section 11, paragraph A.2.

10. Storm water retention facilities, French drains, and other areas of concentrated infiltration of storm water shall be in compliance with Chapter 26, Part 1, Stormwater.

11. Storm water shall not be directed into a sinkhole or closed depression.

SECTION 12. ENVIRONMENTAL EMERGENCY RESPONSE PLANS

Ferguson Township contains a variety of land uses and activities with the potential for additional development throughout the township. Some activities can pose moderate to high risk causing environmental degradation or the endangerment of public safety through active releases of toxic, hazardous or other pollutant materials. It is the intent of this ordinance to require such activities to follow the PA Department of Environmental Protection "***Guidelines for the Development and Implementation of Environmental Emergency Response Plans***" that encourages the consolidation of State and Federal pollution incident prevention and emergency response programs into a single plan. The Guideline has been made part of this Ordinance as Appendix C.

The Board of Supervisors of the Township of Ferguson herby ordains:

ORDAINED AND ENACTED THIS _____ DAY OF _____, 2017.

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

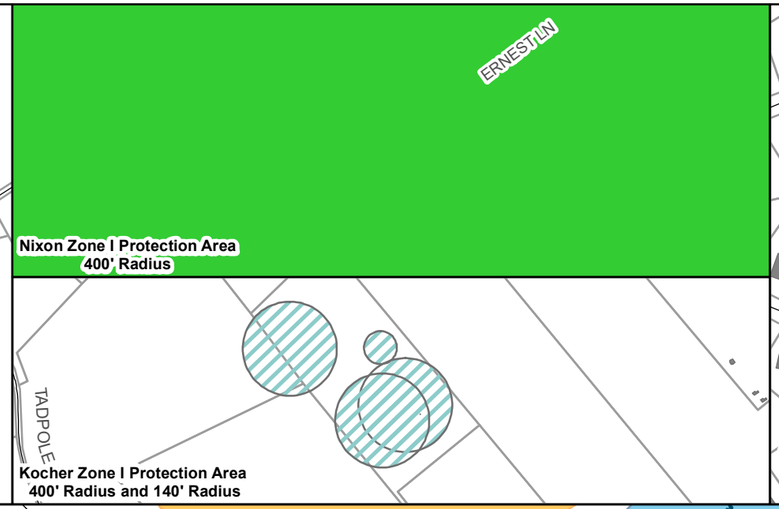
_____

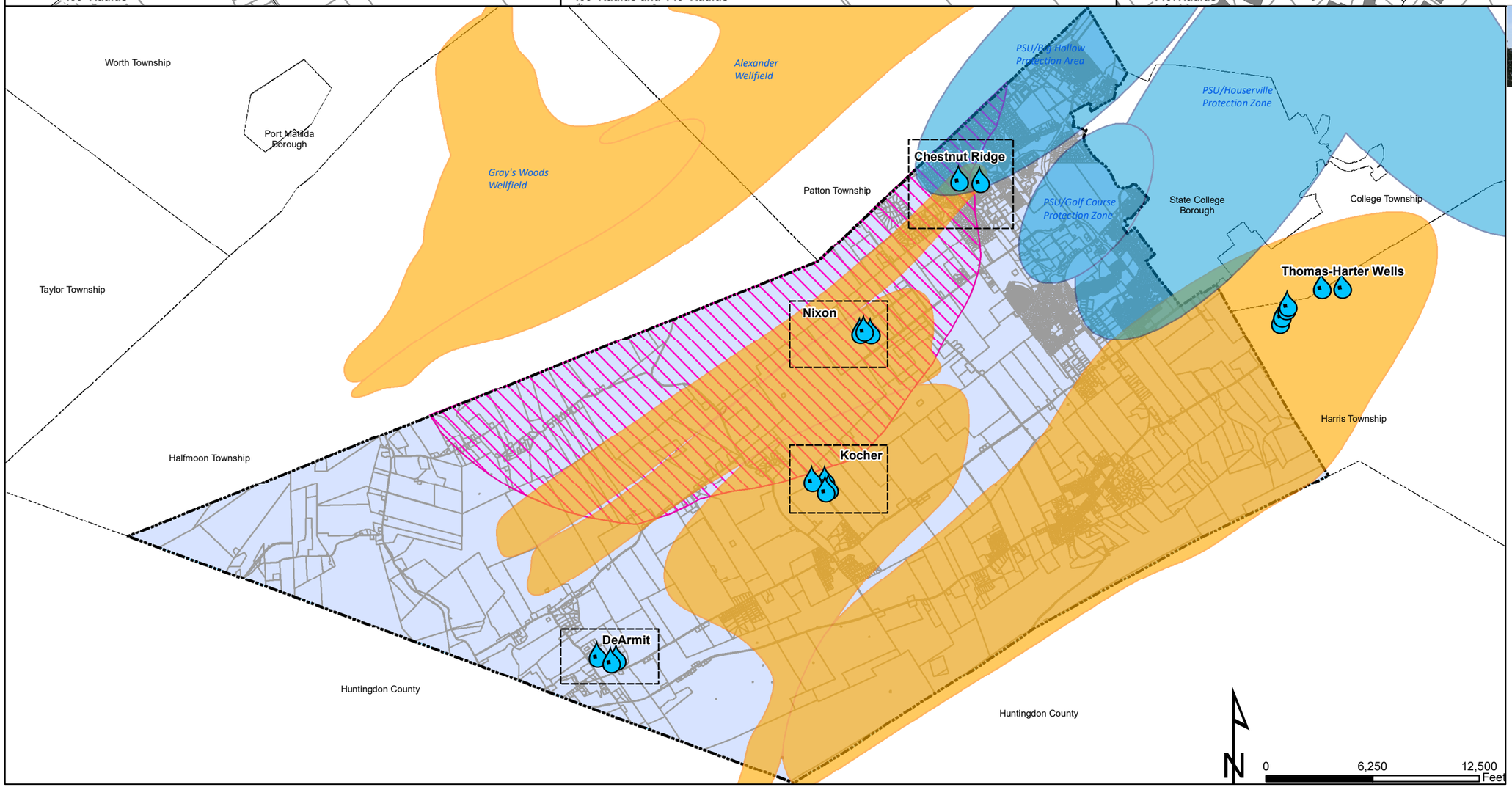
Steve Miller, Chairman

ATTEST:

_____

David Pribulka, Secretary





DRAFT Sourcewater Protection Overlay District Map July 31, 2017

Legend

- Existing Wells
- PSU Protection Zone II
- SCBWA Protection Area Zone II
- Bellefonte Protection Area Zone II/Big Spring
- Township-wide Protection Overlay District Zone II

- Existing Wells include those on-line and not on-line.
Data gathered by Ferguson Township Staff.
- Source Water Protection Zone II (PSU & SCBWA)
Penn State University & State College Borough Water Authority
- Source Water Protection Zone II (Bellefonte & Rock Springs)
Todd Giddings, PD.D., P.G.
- Municipal Features
Centre GIS

TOWNSHIP OF FERGUSON
3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

"EXHIBIT B"

Facility Profile Sheet
Sourcewater Protection Overlay District
Reporting Requirements

1. Name of Business / Industry: _____

2. Tax Parcel ID: _____ Impervious Coverage: _____ ft.^{2}

3. Designated Zoning District (Please Check):

- ☐ Agricultural Research (AR)
- ☐ General Commercial (C)
- ☐ Forest/Gamelands (FG)
- ☐ General Industry (I)
- ☐ Light Industry, Research & Development (IRD)
- ☐ Mobile Home Park (MHP)
- ☐ Office Commercial (OC)
- ☐ Planned Residential Development (PRD)
- ☐ Single Family Residential (R1)
- ☐ Suburban Single Family Residential (R1B)
- ☐ Two Family Residential (R2)
- ☐ Townhouse Residential (R3)
- ☐ Multi-Family Residential (R4)
- ☐ Rural Agricultural (RA)
- ☐ Rural Residential (RR)
- ☐ Terraced Streetscape District (TSD)
- ☐ Traditional Town Development (TTD)
- ☐ Village (V)

4. Sourcewater Protection Zone Designation (Please Check):

☐ Zone I ☐ Zone II ☐ Township-wide Zone II

5. Owner of Record: _____

   Contact (Name): _____

   Address: _____

   Telephone: ( ) _____ - _____ Email: _____

6. Site Activity Summary: (*Please provide a brief written summary describing all current property uses, including type of business/industry, number of employees, nature of site activities*):

_____

_____

_____

_____

_____

_____

7. Hazardous Materials Use, Storage and Disposal Facilities:

Type of Facility	**Number on Site**	**Product(s) Stored**	**Total Capacity**
Underground Storage Tanks			
Above Ground Storage Tanks			
Interior Storage Tanks			
Hazardous Waste Storage Areas			
Other			

8. List of Permits Held:

Type of Permit	**Issuing Agency**	**Issue Date**	**Expire Date**

9. List of Regulated Substances Used on Premise:

Product Name	**Regulated Component(s)**	**Maximum Quantity Stored on Site**

Ferguson Township Action

Prepared By: _____ Date Received: _____

☐ Pre-Existing Use ☐ New Use

Zoning Administrator Signature: _____

COMMONWEALTH OF PENNSYLVANIA
Department of Environmental Protection

Guidelines for the Development and Implementation of Environmental Emergency Response Plans

400-2200-001

PA Department of Environmental Protection
PO Box 2063
Harrisburg, PA 17105-2063

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCUMENT ID:	400-2200-001
TITLE:	Guidelines for the Development and Implementation of Environmental Emergency Response Plans
EFFECTIVE DATE:	April 2001 Minor changes were made throughout the document on September 7, 2004 Minor changes were made throughout the document on August 6, 2005
AUTHORITY	The Federal Clean Water Act, the Pennsylvania Clean Streams Law (35 P.S. §§691.1-691.1001), the Pennsylvania Solid Waste Management Act, the Pennsylvania Storage Tank Act, the Oil Pollution Act and regulations promulgated thereunder.
POLICY:	To plan and provide effective and efficient response to emergencies and accidents for any situation dealing with the public health, safety and the environment.
PURPOSE:	To improve and preserve the purity of the Waters of the Commonwealth by prompt adequate response to all emergencies and accidental spills of polluting substances for the protection of public health, animal and aquatic life and for recreation.
BACKGROUND:	This document is being revised to add regulatory references in Table 1 and Procedures, Item A. Revisions were made to Procedures, Items A, C, D and F. Some telephone contact names, telephone contact numbers and bureau names have been updated in Appendices IV and V. Bureau and division names have been changed on the cover page of the Addendum.
APPLICABILITY:	This document provides a one stop requirement to comply with the state and federal laws and regulations dealing with emergency planning and response and pollution prevention and contingency planning requirements (plans such as PIP, SPCC, SWPPP, etc.) for all activities to be carried out in the Commonwealth.
DISCLAIMER:	The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements. The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.
PAGE LENGTH:	48 Pages
LOCATION:	Vol. 33, Tab 56

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Guidelines for the Development and Implementation of Environmental Emergency Response Plans

This document (400-2200-001) provides a one stop requirement to comply with the state and federal laws and regulations dealing with emergency planning and response and pollution prevention and contingency planning requirements (i.e., PIP, SPCC, SWPPP, etc) for all activities to be carried out in the Commonwealth.

The use of the document and compliance with it are required as part of applying for any permit or requesting approval of any action that has a potential to cause pollution of the Commonwealth's air, water and land resources. The manual is also available to download from the DEP website at: www.dep.state.pa.us.

The document may be revised from time to time or as the need arises due to changes in state/federal laws and regulations. If you have suggestions for improvement to this document or desire that future revisions be sent to you, please provide the following information to the Department.

Date this request made: _____

Name _____

Street or Route _____

City _____

State _____ Zip Code _____

Telephone _____ E-mail _____

This manual could be improved by _____

_____

_____

_____

_____

_____

☐ Yes, send me future revisions to the manual

☐ Yes, please notify me of any revisions for downloading from DEP web site.

Send to: Director, Environmental Emergency Response
Pennsylvania Department of Environmental Protection
Field Operations Deputate, RCSOB 16th Floor
P.O. Box 2063
Harrisburg, PA 17105-2063

Guidelines for the Development and Implementation of Environmental Emergency Response Plans

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Guidelines for the Development and Implementation of Environmental Emergency Response Plans

INTRODUCTION

A wide variety of industrial activities, both manufacturing and commercial, exist in Pennsylvania. Many of these activities have the potential for causing environmental degradation or endangerment of public health and safety through accidental releases of toxic, hazardous, or other pollutional materials.

In recognition of this fact, several State and Federal regulatory programs have been developed to encourage the use of preventive approaches to deal with unwarranted releases of toxic, hazardous, or other pollutants to the environment.

Table 1 lists these programs and defines the statutory and regulatory basis for each. A more detailed summary of each program is shown in Table 2 which illustrates the similarities among them. A review of the regulations and guidelines pertaining to each program more clearly illustrates these similarities. The main differences between the programs are the types of industrial activities and the nature of the polluting materials addressed.

The Department's objective is to consolidate the similarities of the State and Federal pollution incident prevention and emergency response programs into one overall program. Industrial and commercial installations which have the potential for causing accidental pollution of air, land or water, or the endangerment of public health and safety are required to develop and implement **Preparedness, Prevention and Contingency (PPC) Plans** which encompass the other Departmental program requirements.

A PPC Plan is required for any NPDES Application for Storm Water Discharge General Permits or Water Management Permits. A special addendum has been added to the document for NPDES Stormwater discharge applicants.

In the case of regulated storage tank facilities, with an aggregate aboveground storage capacity > 21,000 gallons, a **Spill Prevention Response (SPR)** plan is required. This SPR plan, in **addition to the contents** of a PPC plan, requires a specific downstream notification requirement. Those storage tank facilities that already have a PPC plan need only update the PPC plan and include the downstream notification requirement.

The Department strongly recommends that regulated facilities consolidate all required plans into one single document. For those facilities required to develop plans under SARA Title III, the Department will support deviation from the format suggested in this guidance document to ensure consistency with the SARA Title III plans provided that all required information is included in the one plan.

TABLE 1
STATE AND FEDERAL POLLUTION INCIDENT
PREVENTION AND EMERGENCY RESPONSE PROGRAMS

Plan	Implemented By	State and Federal Laws Which Apply	State and Implementing Regulations	Effective Date of Regulations
Spill Prevention Control and Countermeasure (SPCC)	U.S. EPA*	Federal Clean Water Act	40 CFR 112	1973
Preparedness, Prevention, and Contingency (PPC), or Contingency Planning	Pa. DEP as part of the Hazardous Waste Program	Pa. Solid Waste Management Act	25 Pa. Code Ch. 262a, 264a, 265a, 266a	5/01/99
	Pa. DEP as part of the Residual Waste Program	Pa. Solid Waste Management Act	25 Pa. Code Ch. 287, 288, 289, 293, 295 and 297	7/4/92
	Pa. DEP as part of the Municipal Waste Program	Pa. Solid Waste Management Act	25 Pa. Code Ch. 273, 277, 279, 281, 283 and 284	4/9/88
	Pa. DEP as part of the Oil and Gas Program[1]	Pa. Clean Streams Law, Pa Solid Waste Management Act	25 Pa. Code Ch. 91.34, 25 Pa. Code Ch. 78	1971
	Pa. DEP as part of the Water Quality Program.	PA Clean Streams Law	25 PA Code Chapter 91.34	1971
	Pa. DEP and US EPA as part of the NPDES Program	Federal Clean Water Act.	40 CFR 125 Subpart K	5/19/80
Spill Prevention Response (SPR) Plan	Pa. DEP as part of the Storage Tank Program	Pa. Storage Tank and Spill Prevention Act	Act 32-1989	8/89
Facility Response Plan (FRP)	US EPA* US Coast Guard	Oil Pollution Act	40 CFR 112	1990

(1) Complete information on PPC Plans required under the Oil and Gas Program can be found in the ***Oil & Gas Operators Manual*** available from the Bureau of Oil and Gas Management.

* Additional information is available from US EPA Region III, Philadelphia, PA, (215) 814-3292.

TABLE 2
COMPARISON OF STATE AND FEDERAL POLLUTION
INCIDENT PREVENTION AND EMERGENCY RESPONSE PROGRAMS

Aspect	Preparedness, Prevention, and Contingency (PPC) (Water)	Preparedness, Prevention, and Contingency (PPC) (Waste)	Spill Prevention Response (SPR) Plan	Spill Prevention Control, and Countermeasures (SPCC)
Purpose	Prevention/Control of accidental discharge of polluting materials to surface waste or groundwater	To minimize and abate hazards to human health and the environment from fires, explosions, or release of solid wastes to air, soil, or surface water	Prevention/Control of accidental discharge of regulated substances and downstream notification requirements	Prevention of accidental discharges of oils and hazardous substances into the waters of the United States
Types of Industrial Activities Affected	All industrial activities having potential for accidental pollution	Activities which generate, store, recycle, treat, transport, or dispose of solid wastes, activities associated with drilling and operating oil and gas wells	Activities pertaining to above ground storage facilities with >21,000 gallons of regulated substances	Non-transportation related activities with potential for discharge of oil and hazardous substances
Activities Covered?	Transportation, storage, processing of raw materials, intermediates, products, fuels, wastes	Generation, storage, transport, recycle, treatment, disposal of hazardous wastes; processing and disposal of residual or municipal wastes; road spreading operations, brine disposal	Storage and handling of regulated substances	Production, storage, processing, refining, handling, transferring, distributing
What Pollution Materials are Addressed?	All polluting materials	Any hazardous, residual, municipal, or medical wastes	Hazardous Substances and Petroleum	Oil and hazardous substances defined pursuant to Sec. 311 of the Clean Water Act

TABLE 2 (Cont.)
COMPARISON OF STATE AND FEDERAL POLLUTION
INCIDENT PREVENTION AND EMERGENCY RESPONSE PROGRAMS

Aspect	Preparedness, Prevention, and Contingency (PPC) (Water)	Preparedness, Prevention, and Contingency (PPC) (Waste)	Spill Prevention Response (SPR) Plan	Spill Prevention Control, and Countermeasures (SPCC)
Hazards Addressed	Container leaks, ruptures, spills, floods, power failures, mechanical failure, human error, strikes, vandalism	Same plus fires and explosions	Same	Same
Plan Includes	Study of past incidents, training, preventive maintenance, housekeeping, security, backup equipment, internal, external communicator, spill containment, drainage controls, inspections	Same plus additional local notification, emergency coordination, and evacuation requirements	Same, plus downstream notification requirement	Same
Amendments to Plan Required for Significant Facility or Operational Changes?	Yes	Yes	Yes	Yes
Emergency Incident Report Required?	Yes	Yes	Yes	Yes
Annual Notification/Updated	No	No	Yes	No

I. PROCEDURES FOR DEVELOPMENT AND REVIEW OF ENVIRONMENTAL EMERGENCY RESPONSE PLANS

A. Who Must Develop These Plans?

PPC

In general, any manufacturing or commercial installation which has the potential for causing accidental pollution of air, land, or water or for causing endangerment of public health and safety through accidental release of toxic, hazardous, or other polluting materials must develop, maintain, and implement a PPC Plan.*

Manufacturing or commercial waste water dischargers, which are required to obtain NPDES permits, must develop PPC plans in order to satisfy the requirements of Chapter 101 of the Department's Rules and Regulations. In addition to NPDES discharges there are a variety of other non-NPDES manufacturing or commercial installations which may be directed by the Department to develop PPC plans on a case-by-case basis.

Manufacturing or commercial installations which generate hazardous waste, or which involve treatment, recycling, storage, or disposal of hazardous waste must develop PPC plans in conformance with Chapter 262a, 264a, and 265a of the Department's regulations. Generators, of between 100 and 1,000 kilograms of hazardous waste per month, may not be required to have a PPC plan if they comply with the Preparedness and Prevention requirements in the regulations. (Note: hazardous waste transporters must also develop PPC plans under Chapter 263a. A separate PPC guidance document has been developed for transporters.)

A person who owns or operates a residual waste disposal or processing facility must develop a PPC plan under Chapters 287, 288, 289, 293, 295, and 297 of the residual waste regulations.

A person who owns or operates a municipal waste disposal or processing facility must develop a PPC plan under Chapters 273, 277, 279, 281, 283, and 284 of the municipal waste regulations.

In regards to the Oil and Gas Program, PPC Plans are required under the Clean Streams Law for approval of road spreading operations, drilling and operating oil and gas wells, and brine disposal wells. These plans are required under 25 Pa. Code Chapters 91.34 and 78.55. In addition, PPC Plans are required for NPDES and Part II Water Quality Management Permits. The Plan requirements are contained in the Oil and Gas Operators Manual

SPR

Facility owners with aboveground storage tank aggregate capacity > 21,000 gallons of a regulated substance.

*Note: PPC plans developed by hazardous waste generators and/or treatment, recycling, storage or disposal facilities, which would not otherwise be required to obtain NPDES or Water Quality Protection Part II permits, generally need only to address the PPC planning requirements as they pertain to their hazardous waste activity (unless otherwise directed by the Department).

B. How Do Existing Emergency Response Plans Fit in With Newer Program Requirements?

It should be noted that oil-related Spill Prevention, Control, and Countermeasure (SPCC) plans, which are or have been developed pursuant to EPA's oil-related SPCC regulations, should also be considered as part of an installation's overall PPC plan. Some installations may elect to integrate their oil-related SPCC plan with the PPC or SPR plan elements, or may elect to keep it as a separate chapter, or appendix, to the PPC or SPR plan.

Likewise, the additional downstream notification requirement of an SPR plan can be added to an existing plan to satisfy the "Storage Tank and Spill Prevention Act," providing all required elements of a SPR plan are completed for the existing plan.

Other types of existing emergency response plans should be handled in a similar manner.

C. Development and Submission of Plans for Review and Approval.

The plan must be developed in accordance with good engineering practice by someone who is familiar with the day-to-day operations at the site. If an outside consultant is employed for this purpose, he must be authorized to conduct a thorough study of the material storage, handling, usage, disposal, and waste management practices conducted at the installation.

Section II outlines the general content and format of PPC and SPR plans.

In general, plans should be submitted for review and approval by the Department in conjunction with applications for NPDES Water Quality Management, Storage Tank, Residual Waste Management, Municipal Water Management, or Hazardous Waste Management permits, as follows:

1. NPDES dischargers should submit (2) copies of the PPC plan for review, along with the NPDES application materials. All Stormwater General Permit applicants must complete and implement the Plans before or at the same time as application submission.

   Facilities which are not required to obtain NPDES permits, but which must obtain Water Quality Protection Part II permits, should submit (2) copies of the PPC plan for review, along with the Part II permit application.

2. Residual waste disposal/processing/transfer/composting facilities are required to develop and submit a PPC Plan as part of the residual waste permit application. Facilities permitted under permit-by-rule are required to develop PPC Plans and maintain them on site.

3. Municipal waste disposal/processing, transfer/composting facilities are required to develop and submit a PPC plan as part of the municipal waste permit application. Facilities permitted under permit-by-rule are required to develop PPC plans and maintain them on site.

   Other facilities which are not normally required to obtain NPDES or WQM Part II permits may also be required to develop and submit a PPC Plan, should conditions warrant, pursuant to Chapter 92 of the Department's regulations.

4. Hazardous waste generators are required to develop PPC plans and to maintain them on site. They are required to submit PPC plans to the Department for review upon request by the Department.

5. Hazardous waste treatment, recycling, storage, or disposal facilities should submit one copy of the PPC plan for each copy of the Hazardous Waste Part B permit application being submitted. In these situations the PPC plan is considered as part of the overall Hazardous Waste Part B permit application. Final PPC plan approval will accompany the issuance of a Hazardous Waste Management permit.

6. Aboveground storage tank facilities (with aggregate capacity >21,000 gallons) are required to submit one copy of the SPR plan to the appropriate regional DEP office for review. This plan must be developed in consultation with county and municipal emergency management agencies. Facilities that already have a PPC plan can update the PPC plan with the downstream notification requirement to satisfy this obligation.

7. Oil and gas well operators must prepare and implement a plan describing the measures to prevent pollution of the surface water and groundwater and for the control and disposal of pollutional substances and waste. A copy of the plan must be provided to the Department upon request.

D. Distribution of the Plan

A copy of the plan and any subsequent revisions must be maintained on-site. All members of the installation's organization for developing, implementing, and maintaining the plan and all emergency coordinators must review the plan and be thoroughly familiar with provisions.

In addition to the site copy and the copy submitted to the Department, other facility plans should be made available to the following agencies, to the extent which they may become involved in an actual emergency (see Description of PPC Plan Elements, Part E.1.):

Submission of copies to all of these entities is a legal requirement for hazardous waste facilities. Bulk aboveground storage tank facilities are required to submit copies to emergency management agencies, as noted below.

1. County and local Emergency Management Agencies. (This is a legal requirement for storage tank facilities with >21,000 gallons of above ground storage.)

2. Local Fire Service Agencies and/or Hazmat Team

3. Local Emergency Medical Service Agencies

4. Local Police

E. Implementation of the Plan

The provisions of the plan must be carried out whenever emergency situations arise which endanger public health and safety, or the environment.

F. Revisions of the Plan

The PPC Plan must be periodically reviewed and updated, if necessary. At minimum, this must occur when:

1. Applicable Department regulations are revised;

2. The plan fails in an emergency;

3. The installation changes in its design, construction, operation, maintenance, or other circumstances, in a manner that materially increases the potential for fires, explosions or releases of toxic or hazardous constituents; or which changes the response necessary in an emergency;

4. The list of emergency coordinators changes;

5. The list of emergency equipment changes; or

6. As otherwise required by the Department.

In addition to the above, the SPR or PPC plans must also be revised upon the removal or addition of a storage tank(s).

II. PLAN CONTENT AND FORMAT

General Instructions

A. Table 3 outlines the basic elements of a PPC and SPR Plan. Each of these elements is further described in this guidance document. Certain plan elements may not be entirely applicable or appropriate for a specific manufacturing or commercial installation. In these cases the person preparing the plan should act accordingly and should provide a brief explanation as to why the plan element(s) in question is not applicable or appropriate.

B. The most important thing to remember in developing your plan is that the actual effectiveness of the plan will depend upon its simplicity and readability.

Plans which are composed of several volumes of overly detailed narrative discussions and specifications tend to discourage the reader or user. Diagrams, charts, tables, maps, and plans must be easily readable and understandable, particularly in times of an actual emergency.

The plan should additionally be indexed or tabbed in such a way that the key portions which pertain to emergency response can be quickly referred to.

TABLE 3

ELEMENTS AND FORMAT OF A PPC AND SPR PLAN

A. Description of Facility

1. Description of the Industrial or Commercial Activity
2. Description of Existing Emergency Response Plans
3. Material and Waste Inventory
4. Pollution Incident History
5. Implementation Schedule for Plan Elements Not Currently in Place

B. Description of How Plan is Implemented by Organization

1. Organizational Structure of Facility for Implementation
2. List of Emergency Coordinators
3. Duties and Responsibilities of the Coordinator
4. Chain of Command

C. Spill Leak Prevention and Response

1. Pre release Planning
2. Material Compatibility
3. Inspection and Monitoring Program
4. Preventive Maintenance
5. Housekeeping Program
6. Security
7. External Factor Planning
8. Employe Training Program

D. Countermeasures

1. Countermeasures to be Undertaken by Facility
2. Countermeasures to be Undertaken by Contractors
3. Internal and External Communications and Alarm Systems
4. Evacuation Plan for Installation Personnel
5. Emergency Equipment Available for Response

E. Emergency Spill Control Network

1. Arrangements with Local Emergency Response Agencies
2. Notification Lists
3. Downstream Notification Requirement for Storage Tanks

DESCRIPTION OF PLAN ELEMENTS

A. Description of Facility

1. Description of the Industrial or Commercial Activity

- Briefly describe the nature of the industrial or commercial activity which occurs at the site. Include a general discussion of products manufactured, manufacturing processes used, wastes generated, etc.
- On a copy of a 7 1/2 minute USES map show the following:
  - Facility location
  - Facility name
  - Facility ID #
  - Name of 7 1/2 minute USES quadrangle
  - County
  - Location of facility site and site boundaries
  - Location of each storage tank
  - Location of surface drainage courses leading away from the site, and major surface streams and tributaries near the site
  - Location of any known public and private surface water intakes downstream from the site
- Include a drawing which shows the following:
  - General layout of the site
  - Property boundaries
  - Areas occupied by manufacturing or commercial activities
  - Raw materials and product storage
  - Loading and unloading operations
  - High risk areas where spills and leaks most likely would occur
  - Waste handling, storage, and treatment facilities
  - Drains, pipes, and channels which lead away from potential leak or spill areas
  - Outfall pipes which discharge to surface streams or drainage channels
  - Secure and open-access areas
  - Entrance and exit routes to the site

2. Description of Existing Emergency Response Plans

- Briefly describe any existing plan, which has been previously developed by the installation, for the purpose of pollution incident prevention or emergency response preparedness. If the plan has previously been

approved by the Department, this should also be noted, along with the date of approval.

- Provide a brief discussion as to how the existing plan relates to the overall PPC or SPR Plan being developed. The degree to which the existing plan encompasses some, or all, of the PPC/SPR Plan elements should also be noted. When the PPC has been developed and an SPR plan is needed, the downstream notification requirement information can be added as an addendum.

  Similar plans which have been prepared for agencies other than DEP should also be described and cross-referenced to the maximum extent possible to the PPC Plan elements so as to minimize rewriting. For example, an oil related Spill Prevention Control and Countermeasure (SPCC) Plan which has been developed to comply with EPA's regulations 40 CFR 112, may be treated as an appendix, or as a separate chapter, to the overall PPC/SPR Plan for an installation.

3. Material and Waste Inventory

- Identify and list by common chemical name and trade name, the locations, sources and quantities of raw chemical materials, commercial chemical products, manufacturing chemical intermediates, and process wastes managed at the installation which have the potential for causing environmental degradation or endangerment of public health and safety through accidental releases. Requests for confidentiality of this information will be handled in accordance with Department regulations.

  Detailed descriptions must be available for materials that have a high potential for spills, discharges, explosions, or fires (such as those stored in bulk storage). Materials that have a low potential for spills, discharges, explosions, or fires (such as those used and stored in small quantities in a laboratory) should be minimally detailed.

  This information should be used to evaluate the prevention, containment, mitigation, cleanup, and disposal measures which would be used in the event of a spill, discharge, explosion, or fire. As new materials are added to the list, their pollution potential should be evaluated.

- Attach to this plan the Material Safety Data Sheet (MSDS) for each material in storage (the MSDS must be completed to the extent it meets the requirements of 29 CFR 1910.1200(9) Hazardous Communications Standard Requirements).

4. Pollution Incident History

- List the previous pollution incidents, the date, the material or waste spilled, approximate amount spilled, environmental damage, and action taken to prevent a recurrence.

  An important criteria in determining the effectiveness of the plan and its implementation is the history of incidents at the installation. A history of no incidents suggest that the practices and procedures at the site are effective. For a site with a history of incidents, it is important to

investigate the reasons for the spills and the response of the company in minimizing the potential for their recurrence.

5. Implementation Schedule for Plan Elements Not Currently in Place

- Provide a list of any missing or incomplete aspects of the plan and a time schedule when they will be implemented.

  An implementation schedule, or any elements of the plan not currently in place, must be developed. Each missing or incomplete aspect of the plan should be addressed and discussed within the applicable elements of the plan. Missing or incomplete aspects must be implemented as soon as possible and in conformance with all Department regulations and requirements.

B. Description of How Plan is Implemented by Organization

1. Organizational Structure of Facility for Implementation

- Describe the organizational structure for implementation of the plan.
- Describe the duties and responsibilities of the individuals within the organization that will implement the plan.

  Each installation must develop a permanent organizational structure for developing, implementing, and maintaining the plan. The exact nature and make-up of this structure will vary considerably, depending upon the size and complexity of the installation.

  For example, a large manufacturing company may either establish a formal preparedness-response committee, or it may assign this responsibility to an existing organization within the company, such as a safety committee or a preventive maintenance group. A small manufacturing or commercial facility may only have one or two individuals responsible for developing and implementing the plan. However, the preparedness-response organization, regardless of its size, must be given both the responsibility and authority by management for developing, implementing, and maintaining the plan.

  The main duties and responsibilities of the preparedness-response organizational structure should include identification of materials and wastes handled (materials inventory), identification of potential spill sources (risk assessment), establishment of spill-reporting procedures, visual inspection programs review of past incidents and spills, and countermeasures utilized. In addition, the preparedness-response organizational structure should be responsible for coordination needed to implement the goals of the plan, coordination of the activities for spill cleanup, notification of authorities and establishment of training and educational programs for installation personnel.

  The preparedness response organizational structure should have the overall responsibility for periodically reviewing and evaluating the plan and instituting appropriate changes at regular intervals. The organizational structure should also be responsible for the review of new construction and process changes at an installation relative to the plan.

The organizational structure should also evaluate the effectiveness of the overall plan and make recommendations to management on related matters.

2. List of Emergency Coordinators

- Provide an up-to-date list of names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator. Where more than one is listed, one must be named as the primary coordinator, and others shall be listed in the order in which they will assume responsibility as alternates.

  At all times there must be at least one employee either on the installation's premises or on-call with the responsibility for coordinating all emergency response measures. The emergency coordinator must be thoroughly familiar with all aspects of the plan, all operations and activities, the location and characteristics of all materials handled, the location of all records and the lay out of the installation. In addition, this individual should have the authority to commit the resources necessary to carry out the plan.

3. Duties and Responsibilities of the Coordinator

- Describe the duties and responsibilities of the emergency coordinator specific to your installation or activity in the event of an imminent or actual emergency.

  During an emergency, the emergency coordinator should activate alarm systems, notify emergency response agencies, identify the problem, assess the health or environmental hazards, and take all reasonable measures to stabilize the situation. The emergency coordinator should also be responsible for follow-up activities after the incident such as treating, storing, or disposing of residues and contaminated soil, decontamination and maintenance of emergency equipment, and submission of any reports. Appendix I describes some example duties and responsibilities of the emergency coordinator.

4. Chain of Command

- Provide an internal list, by position, of key employees that must be contacted in the event of an emergency or spill.

  List the positions, office telephone extensions, and home phone numbers (if applicable) of key employees, in the order of responsibility that would be contacted in the event of an emergency or spill.

  This list, along with the notification procedure, should be posted on bulletin boards or other conspicuous locations around the installation.

C. Spill Leak Prevention and Response

1. Pre-release Planning

- Describe the sources and areas where potential spills and leaks may occur, the direction of flow of spilled materials, and the pollution incident prevention practices (see Appendix II) specific to the source or area.

- Provide separate drawings, plot plans (or include in the general layout drawings), showing sources and quantities of materials and wastes. Sources and areas where potential spills may occur, and pollution incident prevention practices (see Appendix II).

  The plan should include a prediction of the direction of the flow of materials spilled as a result of equipment failure, accident, or human error. Particular care and attention should be paid to evaluating the following: raw materials storage, in plant transfer, process and materials handling, intermediary and product storage (if applicable), truck and rail car loading and unloading, and waste handling and storage. Describe and identify valving for the storage tank and system to be used to partition off each storage tank in case of a release.

  Liquid storage areas must have containment capacity sufficient to hold the volume of the largest single container or tank, plus a reasonable allowance for precipitation based on local weather conditions and plant operations. Containment systems must be sufficiently impervious to contain spilled material or waste until it can be removed or treated. Tank or container materials must be compatible with the material or waste stored.

  Pollution incident prevention practices to eliminate contaminated runoff, leaching, or windblowing must be implemented in non liquid storage areas. Provisions must be made to contain or manage contaminated run-off or leachate from these areas.

  Piping, processing, and materials handling equipment at in-plant transfer, process, and materials handling areas must be designed and operated so as to prevent spills. Containment practices should be instituted at processing and handling areas including floor drains, storm sewers, or drainage swales to prevent an accidental discharge. Protection such as covers or shields to prevent windblowing, spraying, and releases from pressure relief values from causing a discharge should be provided as appropriate.

  Truck and rail car loading and unloading areas must have sufficient containment capacity to hold the volume of the largest tank truck or rail car loaded or unloaded at the installation, plus a reasonable allowance for precipitation. Any overhead piping must have adequate clearance over roadways. Containment systems must be sufficiently impervious to contain spilled material or waste until it can be removed or treated.

2. Material Compatibility

- Summarize the engineering practices followed with regard to material compatibility such as materials of construction, corrosion, etc.

  Engineering practices with regard to material compatibility normally consist of an appraisement of the compatibility of construction materials of tanks, pipelines, etc., with their contents; the reaction of materials or wastes when intentionally or inadvertently mixed or combined; and, the compatibility of a container such as a storage tank or pipeline with its environment.

Specific consideration should be given to the procedures and practices delineating the mixing of materials and prohibiting mixing of incompatible materials which may result in fire, explosion, or unusual corrosion. Thorough cleaning of storage vessels and equipment before reuse should be standard practice to ensure that there is no residual incompatible with the next or later materials used. Coatings or cathodic protection should be considered for protecting buried pipelines or storage tanks from corrosion.

3. Inspection and Monitoring Program

- Describe the type and frequency of inspections and monitoring for leaks or other conditions that could lead to spills or emergency situations.

  Typical inspections include the following: pipes, pumps, values, and fittings for leaks; tanks for corrosion; tanks supports and foundations for deterioration; chemical material piles for windblowing; evidence of spilled materials along drainage ditches; effectiveness of housekeeping practices; damage to shipping containers; leaks, seeps, or overflows at waste treatment, storage, or disposal sites; etc. Areas that should be inspected include the following: storage, loading and unloading, transfer pipelines, waste treatment facilities, and disposal sites. The use of an inspection checklist may be useful in an inspection and monitoring program.

  Routine monitoring should be performed to determine the physical conditions and liquid levels in tanks, the quality of plant site runoff in diked areas, etc., either by manual testing or in-situ instrumentation. Monitoring should be used to initiate a warning of the need for immediate corrective action to prevent a spill or other emergency condition. Monitoring systems should be used in conjunction with a communications or alarm system to immediately notify personnel of abnormal conditions.

  An inventory system should also be considered for keeping track of those materials having the greatest potential for causing problems due to leaks, spills, or mishandling.

  As a minimum, the frequency of inspection and monitoring must be in accordance with the applicable Department regulations and permits. Appendix II includes some additional inspection and monitoring examples.

4. Preventive Maintenance

- Describe the aspects of the preventive maintenance program for equipment and systems relating to conditions that could cause environmental degradation or endangerment of public health and safety.

  Describe the procedures for the correction of those conditions by adjustment, repair, or replacement before the equipment or system fails.

  A good preventive maintenance program includes the following: (1) identification of equipment and systems to which the program should apply; (2) periodic inspections of identified equipment and systems; (3) periodic testing of equipment and systems, (such as routine calibration

of environmental monitoring equipment); (4) appropriate adjustment, repair, or replacement of parts; and (5) complete recordkeeping of the preventive maintenance activities, inspection and test results, calibration dates, repairs, replacement, and adjustments to the applicable equipment and systems.

5. Housekeeping Program

- Identify the areas and the type of housekeeping practices that should apply to reduce the possibility of accidental spills and safety hazards to plant personnel.

  Examples of good housekeeping include the following: neat and orderly storage of chemicals; prompt removal of small spillage; regular refuse pickup and disposal; maintenance of dry, clean floors by use of brooms, vacuum cleaners, or cleaning machines; and, provisions for the storage of containers or drums to keep them from protruding into open walkways, pathways, or roads.

  Dry chemicals should be swept or cleaned up to prevent possible washdown to drains and drainage ditches or windblowing of the material to other areas of the plant. Small liquid accumulations on the ground or on a floor in a building should be cleaned up to prevent discharge or transport to other areas. See Appendix I for additional examples.

6. Security

- Describe the security procedures employed at the installation to prevent accidental or intentional entry that could result in a violation of Departmental regulations, or injury to persons or livestock.

  Security systems described in the plan should address, as necessary: fencing; lighting; vehicular traffic control; access control; visitors passes; locked entrances; vandalism; locks on drain valves and television monitoring. Security procedures must be in accordance with applicable Department regulations.

7. External Factor Planning

- Describe the possible effects of power outages, strikes, floods, snowstorms, etc., and the action to be taken to alleviate any resulting effects to public health and safety or the environment.

8. Employe Training Program

- Summarize the training program given to employees which will enable them to understand the processes and-materials with which they are working, the safety and health hazards, the practices for preventing, and the procedures for responding properly and rapidly to spills.

  At a minimum, the training program must be designed to ensure that personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment systems including, where applicable: procedures for using, inspecting, repairing, and replacing emergency and monitoring equipment; key parameters for

automatic cut-off systems; communications and alarm systems; response to fires and explosions; site evacuation procedures; and shut down of operations.

In addition the employee training program should address other aspects of the preparedness-response program such as preventive maintenance, inspection and monitoring, housekeeping practices, etc. The training program must be designed and conducted in accordance with applicable Department regulations. Records of the employes' attendance in the training program should be included in personnel files.

D. Countermeasures

1. Countermeasures to be Undertaken by Facility

- Provide specific countermeasures which will be undertaken by facility personnel in the event of a release. Include valve activations, equipment isolations, flow diversions, boom deployment, and any other activities which will be undertaken to halt the migration of the contaminant off site and to mitigate the consequence of the release.

2. Countermeasures to be Undertaken by Contractors

- Provide a list of emergency response contractors, phone numbers, and the services they will provide.

  The services of nearby contractors should be investigated and arrangements made for the prompt performance of contractual services on short notice. Equipment suppliers should be contacted to determine the availability and means of delivery of equipment needed for removing pollution or hazards to the public health and safety. Describe arrangements with these contractors and the time frame in which they can respond with required equipment.

3. Internal and External Communications and Alarm Systems

- Describe the internal communications or alarm used to provide immediate emergency instruction (voice or signal) to installation personnel.
- Describe the external communications or alarm system used to summon emergency assistance from local police or fire departments.

  Examples of communications or alarm systems are: hand held two way radios; CB radios; telephones; fire or police alarms; PA systems; beeper or voice pagers, etc.

4. Evacuation Plan for Installation Personnel

- Describe the evacuation plan for facility personnel where there is a possibility that evacuation could be necessary.

  The plan must describe signals to be used to begin evacuation, primary evacuation route, and alternate evacuation routes (in cases where primary routes could be blocked by releases of hazardous materials, wastes, gases, or fires). Periodic drills should be conducted to evaluate the effectiveness of the plan.

5. Emergency Equipment Available for Response

- Provide an up-to-date list of available emergency equipment. The list must include the location, a physical description, and a brief description of the intended use and capabilities of each item on the list.
- Describe the procedures for maintenance and decontamination of emergency equipment.

  All installations should have equipment available to allow personnel to respond safely and quickly to emergency situations. Some examples of emergency equipment are portable fire extinguishers, fire control equipment (including special extinguishing equipment such as that using foam, inert gas, or dry chemicals), spill control equipment, decontamination equipment, self contained breathing apparatus, gas masks, and emergency tool and patching kits. See Appendix III for more examples.

  All equipment must be tested and maintained as necessary to assure its proper operation in time of emergency. After an emergency, all equipment must be decontaminated, cleaned, and fit for its intended use before normal operations resume.

E. Emergency Spill Control Network

1. Arrangements with Local Emergency Response Agencies and Hospitals

- Provide a list of local emergency response agencies and hospitals. Include the phone numbers and describe arrangements concerning the emergency services they will provide.

  Arrangements must be made, as appropriate, to inform local emergency response agencies, and hospitals concerning the type of materials or wastes handled at the installation and the potential need for services. Arrangements should be made which will designate who will be the primary emergency response agency and who will provide support services during emergencies.

  Efforts should be made to familiarize police, fire departments, emergency response teams, and the County Emergency Management Coordinator with the layout of the installation, the properties and dangers associated with the hazardous materials handled, places where personnel would normally be working, entrances to roads inside the facility, and the possible evacuation routes. At a minimum, this requirement must be in accordance with applicable Department regulations.

2. Notification Lists

- Provide a list of agencies and phone numbers that must be contacted in the event of an emergency or spill.

  A list must be developed for notifying State, local, and Federal regulatory agencies of all spills. Such a list should include, as applicable: PA DEP (see Appendix IV); PA Emergency Management Agency; County Health Department; County EMA; PA Fish Commission; the National Response

Center (U.S. EPA and U.S. Coast Guard); local police and fire departments; the local sewage treatment plant (for discharges to sewer system); and downstream public water supplies, industrial water users, and recreation areas.

3. Downstream Notification Requirement for Storage Tanks

- This is an additional requirement of storage tank facilities with aggregate aboveground storage >21,000 gallons of regulated substances. It can be addended to an updated PPC plan so as to meet the SPR plan requirement.

  The requirement includes a 20-mile downstream Notification List, an annual notification requirement, and an annual Notification List update. Lists of downstream users may be developed from information provided by your county Emergency Management Agency.

  Downstream Notification List shall include all municipalities and surface water users within 20 downstream miles of the tank facility. Surface water users include drinking water companies, and industries that utilize surface water intakes; and municipalities include each county, township, city and borough located within this downstream corridor. This list is to be developed via assistance from the local emergency management agency. (Refer to Appendix V for an example.)

  Annual Written Notification must be given to downstream water users and municipalities on the Notification List. This written notification at a minimum must include a detailed inventory of the type and quantity of material in storage at the facility.

  Annual Update must be developed each year in cooperation with the local Emergency Management Agency. This Notification List update will show any changes in contacts, users, telephone #'s needed for emergency downstream notification and the annual written notification. Also, any changes in the emergency response organization (such as telephone numbers) should be updated.

APPENDIX I

EXAMPLES OF AN EMERGENCY COORDINATOR'S DUTIES AND RESPONSIBILITIES

Whenever there is an imminent or actual emergency situation, the emergency coordinator must immediately:

1. Activate facility alarms or communications systems, where applicable, to notify facility personnel; and

2. Notify local emergency response agencies including the Department.

   Whenever there is an emission or discharge, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of emitted or discharged materials. He may do this by observation or review of records and, if necessary, by chemical analysis.

   Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the emission or discharge, fire, or explosion. This assessment must consider both direct and indirect effects of the emission, discharge, fire, or explosion.

   If the emergency coordinator determines that the installation has had an emission, discharge, fire, or explosion which would threaten human health or the environment, he must immediately notify the applicable local authorities including the county emergency management agency and indicate if evacuation of local areas may be advisable; and immediately notify the Department in accordance with Appendix IV; the National Response Center; and the Pennsylvania Emergency Management Agency; and report the following:

   a. Name of the person reporting the incident

   b. Name and location of the installation

   c. Phone number where the person reporting the spill can be reached

   d. Date, time, and location of the incident

   e. A brief description of the incident, nature of the materials or wastes involved, extent of any injuries, and possible hazards to human health or the environment

   f. The estimated quantity of the materials or wastes spilled, and

   g. The extent of contamination of land, water, or air, if known.

   When there is a release from an aboveground storage tank which threatens the water supply of downstream users, these downstream users (on the Downstream Notification List) must be notified within 2 hours of the release. Priority for notification is by closest proximity to the release site.

   During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fire, explosion, emission, or discharge do not occur, reoccur, or spread to other materials or wastes at the installation. These measures shall include where applicable, stopping manufacturing processes and operations, collecting and containing released materials or wastes, and removing or isolating containers.

   If the installation stops operations in response to a fire, explosion, emission, or discharge, the emergency coordinator must ensure that adequate monitoring is conducted for leaks, pressure

buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

Immediately after an emergency, the emergency coordinator, with Departmental approval, must provide for treating, storing, or disposing of residues, contaminated soil, etc., from an emission, discharge, fire, or explosion at the installation.

The emergency coordinator must insure that in the affected areas of the installation, no material or waste incompatible with the emitted or discharged residues is processed, stored, treated, or disposed of until cleanup procedures are completed; and, all emergency equipment listed in the plan is cleaned and fit for its intended use before operations are resumed.

Within 15 days after the incident, the installation must submit a written report on the incident to the Department. The report must include the following:

a. Name, address, and telephone number of the individual filing the report

b. Name, address, and telephone number of the installation

c. Date, time, and location of the incident

d. A brief description of the circumstances causing the incident

e. Description and estimated quantity by weight or volume of materials or wastes involved

f. An assessment of any contamination of land, water, or air that has occurred due to the incident

g. Estimated quantity and disposition of recovered materials or wastes that resulted from the incident, and

h. A description of what actions the installation intends to take to prevent a similar occurrence in the future.

APPENDIX II
POLLUTION INCIDENT PREVENTION PRACTICES

Pollution incident prevention practices can be divided into the following four categories: prevention, containment, mitigation and ultimate disposition. The listings below provide specific examples of each category.

1. PREVENTION

Visual Observations of:

Storage facilities
Transfer pipelines
Loading and unloading areas
Waste handling and storage areas

Detailed Inspections of:

Pipes, pumps, valves, and fittings for leaks
Tanks for corrosion (internal and external)
Dry material or waste stockpiles for windblowing
Tanks supports or foundations for deterioration
Walls for stains
Drainage ditches and areas around old tanks for evidence of spilled materials
Primary or secondary containment for deterioration
Housekeeping practices
Shipping containers for damage
Material or waste conveyance systems for leaks, spills, or overflows
Integrity of stormwater collection systems
Waste storage, treatment, or disposal sites for leaks, seeps, and overflows

Monitoring

Liquid-level detectors
Alarm systems
Pressure and temperature gauges
Analytical testing instrumentation
Pressure drop shut-off devices
Flow meters
Valve positioning indicators
Equipment operational lights
Excess-flow valves
Automatic runoff diversion devices
Routine sample collection (including groundwater and monitoring wells)
Redundant instrumentation
Records (all monitoring results/findings)

Nondestructive Testing

Hydrostatic pressure tests
Acoustical emission tests
Radiographic tests
Magnetic particle tests
Liquid Penetration
Records of tank wall thicknesses and results of all testing

2. CONTAINMENT

Secondary Containment

- Dikes
- Curbs
- Depressed areas
- Storage basins
- Sumps
- Drip pans
- Liners
- Double piping
- Sewer collection systems

Flow Diversion

- Trenches
- Drains
- Graded pavement
- Grating
- Overflow structures
- Sewers
- Culverts

Vapor Control

- Water spray
- Vapor space
- Vacuum exhaust

Dust Control

- Hoods
- Cyclone collectors
- Bag-type collectors
- Filters
- Negative-pressure systems
- Water spraying

Sealing

- Foamed plastic compounds used for plugging leaks in tanks

3. MITIGATION

Physical Clean-up

- Brooms
- Shovels
- Plows

Labeling

- U.S. DOT or National Fire Protection Association's (NFPA) designation on tanks and pipelines
- Color coding of tanks and pipelines
- Warning signs

Vehicle Positioning

Physical barriers (e.g., wheel chocks)
Underlying drains
Designated loading and unloading areas

Covering

Tarpaulins over outdoor dry waste or material stockpiles
Buildings or roofs over outside processes or stockpiles
Vegetation, rock, or synthetic covering on surface impoundments

Pneumatic and Vacuum Conveying

Loading and unloading by air pressure or vacuum
Safety relief valves
Dust collectors
Air slide trucks and rail cars

Preventive Maintenance

Periodic inspections
Periodic testing to determine soundness of system
Identification of equipment and systems that need to be upgraded, repaired, or replaced
Appropriate adjustment, repair, or replacement of parts
Complete recordkeeping of all repairs, upgrading, replacements, and adjustments; and all testing findings/results after system modifications were made

Good Housekeeping

Neat and orderly storage of chemicals
Prompt removal of small spillage
Regular garbage pickup and disposal
Maintenance of dry, clean floors by use of brooms, vacuum cleaners, etc.
Maintenance of proper spacing for pathways and walkways between containers and drums
Stimulation of employee interest in good housekeeping

Employee Training Programs

Materials Inventory Systems
Material Safety Data Sheets

Mechanical Clean up

Vacuum systems
Pumps
Pump/bag system

Chemical Clean up

Sorbents

activated carbon
polyurethane and polyolefin spheres, beads, and foam belts
amorphous silicate glass foam
clay
sawdust

Gelling agents

polyelectrolytes
polyacrylamide
butylstyrene copolmyers
polyacrylonitrile
polyethylene oxide

Foams

rockwood alcohol
protein
fluoroprotein
aqueous film-forming foam
polar liquid foam
surfactant-based foam

Volatilization

distillation
stripping
evaporation

Carbon absorption
Coagulation/precipitation
Neutralization
Ion exchange
Chemical oxidation
Biological treatment

4. ULTIMATE DISPOSITION

Thermal oxidation
Land disposal
Recycle
Recover
Reuse
Detoxification

APPENDIX III
EXAMPLES OF EMERGENCY EQUIPMENT

Special equipment is often required and may be needed quickly in an emergency. Examples include the following:

Aerial ladder

Absorbant materials

Accident investigation kit

Air compressor

Air supply, for breathing equipment

Backhoe

Basket stretchers

Bulldozer

Bullhorn

Camera/photo equipment

Cellar pump

Chain hoist

Chain saw

Chemical neutralizers

Crane

Cutters (power)

Decontamination equipment with a clean Resuscitator water supply (70-80%F)

Ejector - smoke

Elevated platform truck

Explosimeters

Fans

Firefighting equipment

First aid supplies

Foam concentrate supply

Foam generators

Forklift

Fuel Supply

Geiger counter

Generator trailer

Heaters, portable

Helicopter

Hydraulic spreader jacks

Inhalator

Jack hammer

Jacks

Ladder Truck

Lighting equipment, portable

Medical supplies

Metal saw (power)

Public address system

Radio

Resuscitator

Sand supply

Self-contained breathing apparatus (SCBA)

Self-contained underwater breathing apparatus (SCUBA)

Submersible pump

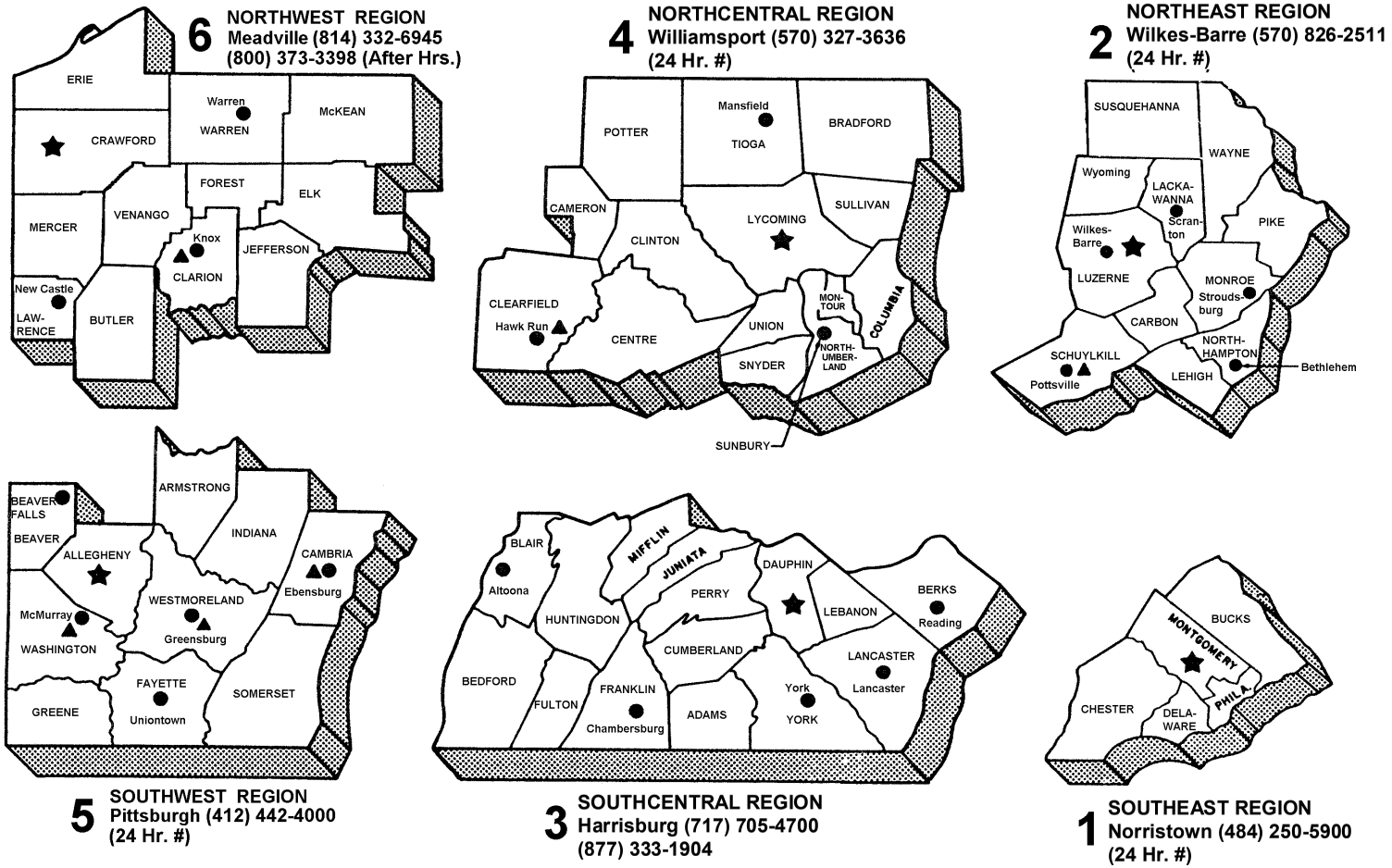
Tank truck

Tool box

Welding/cutting equipment

Water pump

APPENDIX IV
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
EMERGENCY NOTIFICATION NUMBERS
STATEWIDE EMERGENCY NOTIFICATION NUMBER (800) 541-2050 (PA ONLY)
OR (717) 787-4343
(To Be Used If There Is A Problem In Contacting The Region)



APPENDIX V
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
Field Operations--Environmental Cleanup Program
Regional Storage Tank List

Region	Contact
Southeast Regional Office 2 East Main Street Norristown, PA 19401-4915 Telephone: (484) 250-5900	Kathy Nagle
Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711-0790 Telephone: (570) 826-2511	Ron Brezinski
Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110-8200 Telephone: (717) 705-4700	Gregory Bowman
Northcentral Regional Office 208 W. Third Street Williamsport, PA 17701 Telephone: (570) 327-3636	Steve Webster
Southwest Regional Office 400 Waterfront Drive Pittsburgh, PA 15222 Telephone: (412) 442-4000	Gale Campbell
Northwest Regional Office 230 Chestnut Street Meadville, PA 16335 Telephone: (814) 332-6945	Daniel F. Peterson

In the event no contact with the Regional Office is made, the Department Emergency number (717) 787-4343 shall receive calls during and after business hours, 24 hours daily and holidays and weekends.

Oil and Gas Management Program

South Regional Office 400 Waterfront Drive Pittsburgh, Pa 15222-4745 (412) 442-4000	David F. Janco
Northwest Regional Office 230 Chestnut Street Meadville, PA 16335 (814) 332-6945	Craig Lobins

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
Field Operations--Water Management

Region	Contact
Southeast Regional Office 2 East Main Street Norristown, PA 19401-4915 Telephone: (484) 250-5900	James Newbold
Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711-0790 Telephone: (570) 826-2511	Kate Crowley
Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110-8200 Telephone: (717) 705-4700	Jim Spontak
Northcentral Regional Office 208 W. Third Street Williamsport, PA 17701 Telephone: (570) 327-3636	Daniel Alters
Southwest Regional Office 400 Waterfront Drive Pittsburgh, PA 15222 Telephone: (412) 442-4000	Steve Balta
Northwest Regional Office 230 Chestnut Street Meadville, PA 16335 Telephone: (814) 332-6945	Dave Milhous

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
Field Operations--Waste Management
Regional Contact

Region	Contact
Southeast Regional Office 2 East Main Street Norristown, PA 19401-4915 Telephone: (484) 250-5900	Facilities Manager
Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711-0790 Telephone: (570) 826-2511	Facilities Manager
Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110-8200 Telephone: (717) 705-4700	Facilities Manager
Northcentral Regional Office 208 W. Third Street Williamsport, PA 17701 Telephone: (570) 327-3636	Facilities Manager
Southwest Regional Office 400 Waterfront Drive Pittsburgh, PA 15222 Telephone: (412) 442-4000	Facilities Manager
Northwest Regional Office 230 Chestnut Street Meadville, PA 16335 Telephone: (814) 332-6945	Facilities Manager

APPENDIX VI
IGMARS STORAGE FACILITY
Harrisonberg, PA
Example
DOWNSTREAM NOTIFICATION LIST FOR YEAR 1992

Facility	Address	Mile Mark	Contact	Telephone
Harrison County	PO Box 15 Harrison Co. Courthouse Harrisonberg, PA	-	Ronald Swoyer Co. Emergency Mgt. Coordinator	Office: (717) 674-1212 Emergency: (717) 674-3434
Greenly Township	PO Box 498, RD 1 Harrisonberg, PA 19865	0	Donald Trump	Office: (717) 765-3468 Emergency: (717) 765-4579
Harrisonberg City	PO Box 21, City Hall Harrisonberg, PA 19869	3	Jay Miller	Office: (717) 674-2185 Emergency: (717) 674-2194
Harrisonberg Water	Harrisonberg, PA	6	Richard Miles	Office: (717) 254-8904 Emergency: (717) 254-8910
Harrison Township	Harrison Township Building Krissville, PA 19872	10	Charles Davis Township Manager	Office: (717) 760-3120 Emergency: (717) 760-3123
Harrison Township Auth.	PO Box 234 Krissville, PA 19870	12	Kemp Olsen Auth. Manager	Office: (717) 760-2334 Emergency: (717) 760-2333
Villa Assoc.	Box 29 Krissville, PA 19880	14	George Kay	Office: (717) 675-8960 Emergency: (717) 675-8961
Harrison Water Auth.	Box 28 Krissville, PA 19879	16	Justine Keener	Office: (717) 675-9004 Emergency: (717) 675-9005

_____ _____
Igmars Emergency Coor. Date

NOTE: This Downstream Notification List when annually updated should be dated for the year updated and signed by the storage tank facility's emergency coordinator.

ADDENDUM

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SUPPLEMENTAL GUIDANCE FOR THE DEVELOPMENT AND IMPLEMENTATION OF PREPAREDNESS, PREVENTION AND CONTINGENCY (PPC) PLANS UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER PERMITTING PROGRAM

September 2001

BUREAU OF WATER STANDARDS AND FACILITY REGULATION
DIVISION OF PLANNING AND PERMITS

FORWARD

The "Supplemental Guidance for the Development and Implementation of Preparedness, Prevention and Contingency (PPC) Plans under the National Pollutant Discharge Elimination System (NPDES) Storm Water Permitting Program" has been prepared to provide those owners, operators, and municipalities who must prepare Preparedness, Prevention and Contingency (PPC) Plans (in accordance with the General Permit for Discharges of Storm Water from Industrial Activities and the Department's Chapter 91 regulations) with guidance on what storm water issues must be addressed. This supplemental guidance, when used with the existing guidance entitled "Guidelines for the Development and Implementation of Environmental Emergency Response Plans", hereafter called the PPC guidance or guidelines, will provide complete information on incorporating the new storm water requirements into existing or new PPC Plans for facilities seeking coverage under the general permit to discharge storm water associated with industrial activity.

Section 1 provides an introduction to the regulatory requirements for storm water discharges, the General Permit for Discharges of Storm Water From Industrial Activities and the special condition within the permit to develop and implement a Preparedness, Prevention and Contingency Plan.

Section 2 follows the format of the original guidelines. Where changes must be incorporated to address the new storm water requirements, the necessary modifications or addendums are explicitly presented.

It is emphasized that the original guidance pertains to emergency response plans that include potential releases, their controls, and management practices that are applicable to facilities regardless of whether they discharge storm water associated with industrial activity. The supplemental guidance's requirements, on the other hand, have specific requirements that focus exclusively on managing storm water discharges associated with industrial activity.

SECTION 1

INTRODUCTION

The Department of Environmental Protection is authorized by law to protect the quality of both surface and underground waters of the Commonwealth through the prevention and abatement of water pollution. Specifically, the federal Clean Water Act and the Pennsylvania Clean Streams Law require that all point source discharges of pollutants be authorized and regulated under a National Pollutant Discharge Elimination System (NPDES) permit. Point source discharges that are not regulated under a NPDES permit are in violation of the federal Clean Water Act and the Pennsylvania Clean Streams Law, and may be subject to applicable penalties and fines.

Recent revisions to the federal NPDES regulations (55 FR 47990; November 16, 1990) require that permit applications be submitted and NPDES permits be issued for storm water discharges associated with industrial activity (see the Bureau of Water Quality Management's "Notice of Intent Requirements for Coverage Under the General Permit for Discharges of Storm Water From Industrial Activities" for definition of industries covered). In accordance with the Department's regulations at 25 Pa. §§92.81 - 92.83, the Department of Environmental Protection has developed and issued a general NPDES permit that sets forth the requirements and conditions to control storm water discharges from industrial activities.

Special Permit Condition for the Development and Implementation of a PPC Plan

The General Permit for Discharges of Storm Water from Industrial Activities requires operators of facilities covered under the permit to develop and implement a Preparedness, Prevention and Contingency (PPC) Plan in accordance with 25 Pa. Code §91.34 and the PPC guidelines contained in this document prior to authorization to discharge under this general permit.[1] The PPC Plan, once implemented, will provide best management practices (BMPs) to control the discharges of pollutants to receiving waters. In general, the PPC Plan is required to identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the PPC Plan is required to describe the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility.

This supplemental guidance provides the additional elements and requirements needed to address storm water issues in the PPC Plan required under the general permit. When used in conjunction with this document, the terms and conditions of the permit should be satisfied and the appropriate "spill prevention control" and "storm water control" - requirements should be addressed.

[1] See Part C.3.a. of the General permit.

SECTION 2

MODIFICATIONS TO EXISTING ELEMENTS AND FORMAT OF THE PPC PLAN

Modify or add to Section II of the PPC guidance, the elements beginning with A (Description of Facility). Each modification or addendum is identified explicitly in the following pages using the format contained in this document. In cases where no modifications to the original guidelines are necessary, the element heading is presented and the user is referred to the requirements in the PPC guidance. Again, users or developers of PPC Plans that meet the requirements of a general permit to discharge storm water associated with industrial activity must fulfill all of the requirements of the PPC guidance and the additional requirements and addendums of this supplemental guidance.

A. Description of Facility

1. Description of the Industrial or Commercial Activity

Add the following to the requirements in the original guidance for this section.

- Provide a narrative description of significant materials[2] that have been treated, stored or disposed in a manner to allow exposure to storm water within the three years prior to the issuance of the general permit and the present; the method of on-site storage or disposal; materials management practices that were employed to minimize contact of these materials with storm water runoff between the time of three years prior to the date of the issuance of this permit and the present; materials loading and access areas; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.
- On the 7 1/2-minute USGS map show the following:
  - -- Provide an outline of the drainage area for each storm water outfall.
- On the drawings required in the original guidance show the following:
  - -- Indicate existing structural control measures to reduce pollutants in storm water runoff.
  - -- Identify commercial and industrial activities that are exposed to precipitation to include fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for treatment, storage or disposal of wastes, liquid storage tanks, and processing areas.

2. Description of Existing Emergency Response Plans

Refer to the requirements in the original guidance.

3. Material and Waste Inventory

Refer to the requirements in the original guidance.

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[2] Significant materials includes, but is not limited to: raw materials; fuels, materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

4. Pollution Incident History

Add the following to the requirements in the original guidance for this section.

- Provide a list of significant leaks and spills[3] of toxic and hazardous pollutants that occurred in areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the effective date of the permit. This list shall be updated as appropriate during the permit.

5. Implementation for Plan Elements Not Currently in Place

Refer to the requirements in the original guidance.

B. Description of How Plan is Implemented by Organization

1. Organizational Structure of Facility for Implementation

Refer to the requirements in the original guidance.

2. List of Emergency Coordinators

Refer to the requirements in the original guidance.

3. Duties and Responsibilities of the Coordinator

Refer to the requirements in the original guidance.

4. Chain of Command

Refer to the requirements in the original guidance.

C. Spill Leak Prevention and Response

1. Pre-release Planning

Add the following to the requirements in the PPC guidance for this section.

- Assess the potential of various sources at the plant to contribute pollutants to storm water discharges. Each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. Consider the toxicity of chemicals; quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter of concern (e.g., biochemical oxygen demand).
- Describe pollution incident prevention practices in storage areas used for the storage of salts for deicing or other commercial or industrial purposes. Storage piles of salt used for deicing or other commercial or industrial purposes and which generate a storm water discharge associated with industrial activity which is discharged to a waters of the United States

[3] Significant spills includes, but is not limited to: releases of oil and hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Dischargers shall demonstrate compliance with this provision as expeditiously as practicable, but in no event later than October 1, 1995. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to waters of the United States.

2. Material Compatibility

Refer to the requirements in the PPC guidance.

3. Inspection and Monitoring Program

Add the following to the requirements in the PPC guidance for this section.

- Identify qualified personnel to conduct site compliance evaluations for storm water discharges associated with industrial activities, but in no case, less than once per year. Such evaluations will provide the following:

  Visually inspect areas contributing to storm water discharges associated with industrial activity for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings should be evaluated to determine whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan should be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, should be made.

  Based on the results of these inspections, potential pollutant sources identified (Section C) and control measures (i.e., good housekeeping, preventive maintenance, spill prevention and response), should be revised as necessary within 15 days of the inspection. The revision will provide for the implementation of any changes to the PPC plan in a timely manner, but in no case later than 90 days after the inspection.

  A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the PPC plan, and any actions taken as a result, should be retained for a period of at least one year after coverage under this permit terminates. This report will identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report should contain a certification that the facility is in compliance with the PPC plan and the permit. This report shall be signed in accordance to the signatory requirements stipulated in the general permit.

  Where annual site inspections are shown in the plan to be impractical for inactive mining sites due to the remote location and inaccessibility of the site, site inspections required under this part should be conducted at appropriate intervals specified in the plan, but, in no case less than once in three years.

4. Preventive Maintenance

Add the following to the requirements in the PPC guidance for this section.

- Describe the aspects of the preventive maintenance program. This program should involve the timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins, etc.) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters. Records of these maintenance procedures should be maintained.

5. Housekeeping Program

Add the following to the requirements in the PPC guidance for this section.

- Establish housekeeping protocols to ensure the proper handling of materials and the maintenance of a clean, orderly facility to prevent pollutants from entering separate storm water sewers and/or to prevent contact with storm water runoff.

6. Security

Refer to the requirements in the PPC guidance.

7. External Factor Planning

Refer to the requirements in the PPC guidance.

8. Employee Training Program

Add the following to the requirements in the PPC guidance for this section.

- Employee training should inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

D. Countermeasures

1. Countermeasures to be Undertaken by Facility

Refer to the requirements in the PPC guidance.

2. Countermeasures to be Undertaken by Contractors

Refer to the requirements in the PPC guidance.

3. Internal and External Communications and Alarm Systems

Refer to the requirements in the PPC guidance.

4. Evacuation Plan for Installation Personnel

Refer to the requirements in the PPC guidance.

5. Emergency Equipment Available for Response

Refer to the requirements in the PPC guidance.

E. Emergency Spill Control Network

1. Arrangements with Local Emergency Response Agencies and Hospitals

Refer to the requirements in the PPC guidance.

2. Notification Lists

Refer to the requirements in the PPC guidance.

3. Downstream Notification Requirements for Storage Tanks

Refer to the requirements in the PPC guidance.

THE ELEMENTS F THROUGH J ARE <u>ADDENDUMS</u> TO THE ORIGINAL GUIDANCE.

The PPC plan should also meet the requirements stipulated in these addendums to the PPC guidance. All of the management practices required for facilities (including EPCRA Section 313 facilities) are to be implemented and described in the plan.

F. Storm Water Management Practices

- Provide a narrative considering the appropriateness of traditional storm water management practices (practices other than source control) and the use of BMPs to control storm water runoff and prevent storm water pollution. Based on an assessment of the potential of various sources at the plant to contribute pollutants to storm water, provide that measures determined to be reasonable and appropriate, be implemented and maintained.

  Traditional storm water management practices are measures which reduce pollutant discharges by reducing the volume of storm water discharges, such as swales, or preventing storm water to run-on to areas of the site which conduct industrial activities. Low cost measures may include diverting rooftop or other drainage across grass swales, cleaning catch basins, and installing and maintaining oil and grit separators. Other measures may include infiltration devices and unlined retention and detention basins. Traditional storm water management practices can also include water reuse activities and snow removal activities.

- The PPC plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include the identification of potential significant source of non-storm water at the site. A description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test.

G. Sediment and Erosion Prevention

- In the PPC plan, identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify measures to limit erosion.

  Sediment and erosion prevention and control measures should be developed and implemented in accordance with Chapter 102 of the Department's rules and regulations and the Bureau of Soil and Water Conservation's "Erosion and Sediment Pollution Control Program Manual."

H. Additional Requirements for EPCRA, Section 313 Facilities[4]

- Describe the types of storm water controls (containment, drainage control and/or diversionary structures) that will be used in areas where Section 313 water priority chemicals are stored,[5] processed or otherwise handled.

  Storm water controls should provide for the following preventive systems or its equivalent: Curbing, culverting, gutters, sewers or other forms or drainage control to prevent or minimize the potential for storm water run-on to come into contact with significant sources of pollutants; or roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind blowing.

- In addition to the minimum standards for EPCRA Section 313 facilities, the storm water pollution prevention plan will meet the following requirements for liquid storage areas, material storage areas other than liquids, truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals:

  -- Liquid storage areas where storm water comes into contact with any equipment, tank container, or other vessel used for Section 313 water priority chemicals.

- No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.

- Secondary containment must be provided to contain the entire capacity of largest single container or tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures. If the secondary containment and its upstream drainage system are subject to precipitation, an allowance for drainage for a 25-year, 24-hour storm event shall be provided over and above. Secondary containment shall be sufficiently impervious. Plant's treatment system may be substituted for secondary containment if it has sufficient excess holding capacity always available.

  -- Material storage areas for Section 313 water priority chemicals other than liquids.

- Material storage areas for Section 313 water priority chemicals other than liquids which are subject to runoff, leaching, or wind shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals.

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[4] An "EPCRA, Section 313 Facility" means a facility that manufactures, imports, processes, or otherwise uses listed toxic chemicals and who, pursuant to Section 313 of Title III of SARA, are required to report annually their releases of those chemicals to any environmental media.

[5] Section 313 water priority chemical means a chemical or chemical categories which: 1) Are listed at 40 CFR 372.65 pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986; 2) are present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) Are listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

-- Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals.

- These areas shall be operated to minimize discharges of Section 313 water priority chemicals. Protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Appropriate measures to minimize discharges of Section 313 chemicals may include: placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans where spillage may occur such as hose connections); a strong spill contingency and integrity testing plan; and/or other equivalent measures.

  -- Areas where Section 313 water priority chemicals are transferred, processed or otherwise handled.

- Processing equipment and materials handling equipment shall be operated so as to minimize the discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with Section 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind, spraying, or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.

  -- For drainage originating from the above described areas, valves or other positive means should be used to prevent discharges or excessive leaks of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.

  Flapper-type drain valves must not be used to drain containment areas. Valves used for the drainage of containment areas should not be used to drain non-containment areas. Valves used should be of the open-and-closed design.

  If plant drainage is not engineered as above, the final discharge of all in-plant storm sewers should be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of a Section 313 water priority chemical, return the spilled material to the facility. Records shall be kept of the frequency and estimated volume (in gallons) of discharges from the containment areas.

  -- Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.

  -- Other areas (other than those described above) of the facility from which runoff which may contain a Section 313 water priority chemical, or spills of Section 313 water priority chemicals could cause a discharge, shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

-- All areas of the facility shall be inspected at specific intervals for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, plant piping, pumps storage tanks and bins, pressure vessels, process and materials handling equipment, and material bulk storage area shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to the drainage system, corrective action shall be taken. When a leak or noncontainment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with this PPC Plan.

-- Facility employees and contractor personnel using the facility shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year, in matters of pollution control laws, and regulations and in the PPC Plan, and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals. The plan should designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of plant operation and design features in order to prevent discharges or spills from occurring.

If the installment of secondary containment structures or equipment listed above are not economically achievable at a facility, the PPC Plan should provide a spill contingency and integrity testing plan which provides a description of measures that ensure spills or other releases of toxic amounts of Section 313 water priority chemicals do not occur. The testing plan should contain the following:

-- Detailed descriptions which demonstrate that secondary containment is not economically achievable;

-- Description of response plans, personnel needs, and methods of mechanical containment such as the use or sorbents, booms collection devices, etc.); steps to be taken for removal of spilled Section 313 water priority chemicals; and access and availability of sorbents and other equipment;

-- The testing component of the alternative plan must provide for conducting integrity testing of storage tanks at least once every five years, and

conducting integrity and leak testing of valves and piping a minimum every year; and

-- A written and actual commitment of manpower, equipment and materials required to comply with this permit and to expeditiously control and remove quantity of Section 313 water priority chemicals that may result in a toxic discharge.

- Provide a certification by a Registered Professional Engineer. The Professional Engineer shall certify that he or she has examined the facility and is familiar with the provisions in the PPC Plan and can attest that the PPC Plan has been prepared in accordance with good engineering practices. The Professional Engineer must recertify the PPC Plan once a year.

I. Certification Requirements for Non-Storm Water Discharges

- Provide a certification meeting the requirements of Part C, Section 3(a) of the industrial activities stormwater general permit (PAG #3) relating to the presence of non-stormwater discharges in the system.

  If a facility does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge, this section of the plan shall indicate why the certification was not feasible. A discharge that is unable to provide the certification required by this paragraph must also then notify the Department within 180 days of the effective date of the general permit in accordance with Section A.3. of the permit.

J. Signatory Requirements

The PPC plan must be signed in accordance with the signatory requirements stipulated in the general permit.

TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

Planning & Zoning Director's Report
August 14, 2017

1. On July 24, 2017, the Planning & Zoning Director and Community Planner attended the Pennsylvania Planning Association Conference Committee meeting at the Penn Stater. The APA/PA Annual Conference will be held here in State College October 22nd through the 24th. Planning Commission members are encouraged to register for the conference with the assistance of Planning & Zoning staff.

2. On July 24, 2017, the Planning & Zoning Director, Community Planner, Township Manager, Public Works Director and Township Engineer met to develop a preliminary Gantt Project Planning chart for the proposed fire station for western Ferguson Township.

3. On July 25, 2017, the Planning & Zoning Director, Zoning Administrator and Township Manager met with Mei Guo-Kaplan and her client Qian Zhang regarding property at 356 E. Clinton Avenue and the adjacent 35' easement established for the Overlook Heights Tot Lot.

4. On July 25, 2017, the Planning & Zoning Director and Community Planner met with Trish Meek, Centre Region Bike Planner on proposed changes to the 2017 Draft Official Map that includes an extension of a future share use path from the Foxpointe Drive Extension off Whitehall Road. The Board of Supervisors requested this extension of shared use path to connect Pine Grove Mills. The Planning Commission will review this revision at their August 28, 2017 meeting. The Centre Region Planning Commission will review this revision at their September 7, 2017 meeting.

5. On July 27, 2017, the Planning & Zoning Director and Zoning Administrator met with Gene Corl at 3745 West College Avenue regarding variance requests to place a 40' X 80' implement shed for his farming operation. The variance requests for setbacks and floodplain conservation at the August 22, 2017 Zoning Hearing Board meeting.

6. On July 27, 2017, Planning & Zoning staff met with the Sourcewater Work Group to discuss final revisions to the draft ordinance and overlay map.

7. On July 28, 2017, the Planning & Zoning Director and Zoning Administrator met with Kelli Hoover of the Nittany Valley Water Coalition to discuss alternate locations of the Cottages project on University Lands #3, #4 and #12 within Ferguson Township.

8. On August 2, 2017, Planning & Zoning staff, Township Manager and Police Department toured the Ag. Progress Days property with Jesse Darlington, College Facilities Coordinator for the property.

9. On August 3, 2017, the Planning & Zoning Director and Zoning Administrator met with Greg & Lynda Mussi to review the Pet Daycare in the Light Industrial/Research and Development (IRD) Zoning District text amendment request.

10. On August 3, 2017, the Planning & Zoning Director attended the Centre Region Planning Commission meeting. The CRPC heard a presentation from the Pine Hall Design Team and Attorney related to the proposed Traditional Town Development text amendment.

11. On August 9, 2017, the Planning & Zoning Director, Township Manager and Chief of Police met to discuss proposed Conditions of Transfer of Liquor License for Jac-Jac, Inc. for 1301 W. College Ave. for the new Highway Pizza location. Planning & Zoning staff has assisted with application review and posting the property for Public Hearing on September 5, 2017.

12. On August 10, 2017, the Planning & Zoning Director and Zoning Administrator met with Donald Bainbridge and Lou Prato of 114 Rushcliffe St. and 391 Havershire Blvd. regarding a side property line. The Zoning Administrator followed through with a site visit to the property.

13. On August 10, 2017, the Planning & Zoning Director and Zoning Administrator met with Laura Dininni regarding properties adjacent to the Ridge Overlay District in Pine Grove Mills.

TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801

Telephone: 814-238-4651 • Fax: 814-238-3454

TO: Ferguson Township Planning Commission

FROM: Lindsay K. Schoch, Community Planner
Raymond J. Stolinas, AICP, Planning & Zoning Director

DATE: August 9, 2017

SUBJECT: Active Plans in the Township & Proposed Rezoning Requests

In order to keep the Planning Commission and Board of Supervisors up-to-date on the current developments taking place and potential future development, staff is providing a list of *Active Plans and* ***Proposed Rezoning Requests*** in the Township.

Currently, the Township has five (5) Active Plans, four (4) have *not* been heard by the Board and one (1) *has been conditionally approved*. They are as follows:

West Cherry Lane Multi-Use Building Lot Consolidation Plan & Land Development Plan: This submission, ***made on April 3, 2017*** by Penn Terra Engineering, Inc., on behalf of HFL Corporation proposes a Lot Consolidation and Final Land Development Plan. This proposal will first combine three (3) existing properties, creating a 12.82-acre parcel. Five (5) of the existing structures on the property will be removed, making room for the development of a 3-story, 10,100 square foot multi-use building, as well as a 4-bay garage. This property is located at 1217 North Atherton Street. **Plan Expiration: September 26, 2017.** A Zoning Hearing was held on June 27, 2017. The Appeal of the Zoning Administrator's interpretation of the definition of Multi-Family and Variance were *both denied* by the Zoning Hearing Board. ***No Update***

JL Cidery at JL Farms Land Development Plan: This submission, ***made on February 24, 2017*** by HLA Architects, LLC. on behalf of Dr. John W. LeClair is proposing the change of use of two (2) existing agricultural buildings into buildings that will provide for the production and sale of hard cider made on site. The site currently contains a single family home/business, several green houses, a pond, driveway, apple orchards and a vineyard. A Variance was granted by the Township Zoning Hearing Board July 28, 2015 to allow an orchard use and a "Cidery" use on the 31-acre lot, and a dimensional variance of 26 acres from the maximum 5-acre lot area to allow the Cidery and winery (including tasting and sales room). This property is located at 3392 Shingletown Road, State College, PA. **Plan Expiration: August 16, 2017.** A Variance was granted for relief from the requirements for Buffer Yards on the property. Penn Terra is in the process of working on the remaining comments and will submit to staff for review. Staff received an email from S. Etters inquiring about Land Development Requirements for this use. A call was returned on June 30. No further update is available. ***Staff has reached out to Penn Terra for an update but as of 8/9/17 have not heard an update.***

CSC Northland/Proposed Commercial Development-Buffalo Wild Wings/Corner of North Atherton and Blue Course Drive: ***This Plan was submitted on December 12, 2015.*** CSC Northland, LP is proposing to develop a portion of a 3.55-acre parcel with a 5,440 SF restaurant. The site will also contain related site amenities and improvements inclusive of parking, access roadways, lighting, landscaping, utilities, and stormwater management facilities. **Plan Expiration is 9/11/2017** Plan is on hold; Applicant is reevaluating traffic improvements. Staff requested an

update of the status of the Plan, Bohler Engineering is still indicating the plan is on hold and will notify us when they want to move forward. ***No Update.***

The Cottages at State College Final PRD, *located at the intersection of* Whitehall Road and Blue Course Drive: This Final Planned Residential Development (PRD) Plan was submitted on March 3, 2015, Conditionally Approved by the Board of Supervisors on November 17, 2015. At the time of Conditional Approval, the Plan had 45 days to be recorded (December 31, 2015). A 90-day time extension was approved by the Board of Supervisors on December 14, 2015, allowing the conditions to be met and Plan to be recorded on or before March 31, 2016. An Appeal to the County Court of Common Pleas was filed on December 15, 2015 and Court Hearing held on March 6, 2017 where the County Court ruled in favor of the appellants. This decision was then appealed to the Pennsylvania Commonwealth Court, where the decision of the County Court was reversed and the Commonwealth ruled in favor of the developer. The decision by the Commonwealth Court was appealed. Now the Pennsylvania Supreme Court will decide if they will hear the case or not hear the case. Plan Expiration is still yet to be determined based upon a decision made by the PA Supreme Court***. No Update***

Whitehall Road Regional Park: *This Plan was first submitted on June 21, 2013.* Centre Region Parks and Recreation (CRPR) is proposing a 100-acre regional park on Whitehall Road via the proposed Blue Course Drive extension, including a mix of baseball fields, soccer fields, basketball courts, basketball courts, a dog park, an area for community gardens, an indoor turf facility, a future centralized CRPR maintenance facility and agency. ***Plan Expiration: September 30, 2017.*** CRPR is working with Stahl Sheaffer on a Feasibility Study, but has asked them to hold off on any plans until the outcome of The Cottages is determined by the PA Supreme Court. ***No Update***

Harner Farm Rezoning Request – Map Change from RA to C, R2, and R1. – This proposed zoning map amendment by Aspen Whitehall Partners, LLC on behalf of the Harner Family is proposing to rezone approximately 71 acres of Rural Agricultural/Corridor Overlay zoned land to a mix of Commercial, Two Family Residential and Single Family Residential. The Ferguson Township Planning Commission, after a detailed review of a rezoning analysis, voted 4-1-1 to recommend approval of the zoning change to the Board of Supervisors. This proposed change is scheduled to be on the Centre Regional Planning Commission Agenda September 7, 2017. ***The Board of Supervisors authorized advertising a Public Hearing for September 18, 2017.***

Traditional Town Development Text Amendment – This proposed text amended requested by Residential Housing, LLC is to allow for dwelling units in a traditional town development (TTD) to be used by a family of up to four unrelated persons when 100 or more dwelling units are under common management; to allow for drive-through facilities within a TTD; to provide for modifications; and to amend design criteria for a TTD relating to access to townhouses, location of utilities, commercial building height, the diversity and required mix of residential uses, the maximum building footprint for non-residential buildings, the minimum required residential density, the minimum lot size, front yard and rear yard setbacks, the maximum parking requirements, maximum impervious coverage and building footprint; open space stormwater facilities and parking lot landscaping. ***The Centre Regional Planning Commission discussed this proposed amendment at their August 3, 2017 meeting and provided seven comments for the Board of Supervisors to consider. The Public Hearing is scheduled for September 5, 2017.***

Water Production Facilities Text Amendment – The State College Borough Water Authority is proposing a change to the Zoning Ordinance to allow, as a conditional use Water Production Facilities within the RA and RR Zoning Districts. This proposed amendment is currently in the 45-day review period. The proposed amendment language has been sent to the Centre Regional Planning Commission, Regional Planning Agency, County Planning Office, and Township Solicitor for review and comment. ***The Board of Supervisors authorized advertising for a Public Hearing on September 5, 2017, at which time the Board may discuss and table until CRPC comments are received after the September 7, 2017 meeting.***

FERGUSON TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
MONDAY, JULY 24, 2017
6:00 PM

I. ATTENDANCE

The Planning Commission held its regular meeting of the month on Monday, July 24, 2017 at the Ferguson Township Municipal Building. In attendance were:

Commission:	**Staff:**
Marc McMaster, Chairman	Ray Stolinas, Director of Planning & Zoning
Rob Crassweller, Vice Chair-absent	Lindsay Schoch, Community Planner
Ralph Wheland	Jeff Ressler, Zoning Administrator
Lisa Strickland	
Bill Keough	
Eric Scott	
Andrea Harman	
Cristin Mitchell, alternate	

Others in attendance were: Marcella Bell, Recording Secretary; Michelle Spiering, Harner Farms Rezoning; Pat Kasper, Harner Farms Rezoning; Brian Heiser, SCBWA Text Amendment; Ken Beldin, SCBWA Text Amendment; John Lichman, SCBWA Text Amendment; James Turchick, Resident; Mike Twomley, Ferguson Township Resident; Nancy Harner, Harner Farms Rezoning; Thompson Harner, Harner Farms Rezoning; Jeanne Siegenthaler, Harner Farms Rezoning; Rob Siegenthaler, Harner Farms Rezoning; Jennifer Paullin, Harner Farms Rezoning; Anna Mazzucato, Harner Farms Rezoning; Laura Dininni, Ferguson Township Resident

II. CALL TO ORDER

Mr. McMaster called the July 24, 2017 Planning Commission meeting to order at 6:00 p.m.

III. CITIZEN INPUT

There was no citizens' input.

IV. STATE COLLEGE BOROUGH WATER AUTHORITY (SCBWA) PROPOSED TEXT AMENDMENT

Mr. Stolinas stated that on May 25, 2017, the State College Borough Water Authority (SCBWA) submitted an application proposing changes to both Chapter 26 (Stormwater Management) and Chapter 27 (Zoning). The proposed text amendments included any form of "Essential Service" to be permitted as a conditional use by the Board of Supervisors. After further Planning Commission review at the June 26, 2017 meeting, Planning Commission members requested the SCBWA revise the proposed text amendment and frame it specifically to a Water Treatment Facility. The Commission felt that the proposed text amendment was too broad and could be problematic for other "Essential Services." Gwin, Dobson & Foreman have provided a letter along with the revised text languages for the Planning Commission's consideration specific to "Water Production Facilities" instead of "Essential Services."

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Mr. Ressler pointed out that on page 1 of the proposed zoning text amendments, under number 1, any kind of buffer reduction should be done by a variance and not an ordinance amendment. The SCBWA stated that it is okay with that.

Mr. Scott stated that what the SCBWA is proposing is an essential service and water production usually has to be in a floodplain. The chemicals present in the laboratory are mainly chlorine gas, which is not going to seep into the ground. The other chemicals are in volumes of pints. Overall Mr. Scott does not see any issues with the proposal.

In response to a question from Mr. McMaster, Mr. Ressler clarified that the SCBWA removed the proposed development from the floodplain. Mr. Stolinas went on to explain that the floodplain use would have to be a variance request through the Zoning Hearing Board.

Mr. Keough provided a few comments for the SCBWA text amendments:

- On page 1, number 5, he was concerned about the storage of chemicals and what the laboratory would entail. He would like to see a perimeter of timeframe regarding how long the chemicals can be stored in the laboratory. Mr. Lichman explained that most of the chemicals being used to test the water expire after four months—the SCBWA would then purchase new chemicals. He went on to explain that the quantity of what is being stored during that time period is mostly limited to 50mL, and sometimes 100mL. Mr. Keough would like to add a time frame of storing chemicals to four (4) months to the end of number 5 on page 1.
- On page 8, under the “Utility” definition, he would like to see “or any portion thereof” struck out.
- On page 8, under the “Water Production Facility” definition, he would like to see “maintain by a utility” struck out.
- On page 8, under the ‘Water Production Facility” definition, he would like to see “sludge” struck out, as it may cause confusion to anyone who reads the ordinance.

In response to a question from Mr. Wheland, Mr. Ressler clarified that in its last plan, the SCBWA moved the proposed water treatment facility out of the floodplain. The driveway into the parcel does cross the floodplain, as well as some utility poles and boxes. Mr. Ressler stated that the SCBWA will have to request a variance to be able to have the driveway and utilities in the floodplain.

In response to a question from Ms. Strickland, Mr. Ressler clarified that the proposed text amendment indicates that the water treatment facility would be a primary use. Ms. Strickland stated that a potable well pump facility was listed as a conditional use under the ordinance and she believes this proposal should be considered a conditional use. Ms. Strickland stated that she is concerned regarding the proposed facility being a primary use versus a conditional use. She clarified that on page 1 under number 5, the word “scale” is relating to the laboratory activity and not the physical size of the building.

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In response to a question from Mr. Wheland regarding the D'Armit Well Fields, Mr. Lichman explained that the SCBWA does not have any plans in the foreseeable future to pump water out of the D'Armit Well Fields; however, the SCBWA secured the well field in case it is ever needed.

Ms. Harman stated that on page 8, under the "Utility" definition, the parentheses in the last sentence should say "including but not limited to cable, telephone, and fiber optic."

Ms. Mitchell expressed concerns about the implications regarding changing the law to allow the water treatment facility as a permitted use in the RA district versus a conditional use. Mr. Keough stated that he would feel much more comfortable recommending that this text amendment move forward as a conditional use the RA district. Mr. Stolinas clarified that the Planning Commission has the right to choose to move it forward as a conditional use. Mr. Ressler clarified that if the conditional use is granted by the Board of Supervisors, the Planning Commission would still get to review the land development plan for the proposed water treatment facility.

A motion was made by Mr. Keough and seconded by Mr. Wheland to recommend the proposed zoning text amendment to the Board of Supervisors as a conditional use in the Rural Agricultural and Rural Residential Zoning District with the following changes: Page 1, number 5 under TT-strike the last sentence in item 3; add "Onsite chemical storage shall be minimized to a four (4) month supply at one time; Page 2, strike number 6 in its entirety; Page 8 under the Utility definition, add "municipal authority" after government entity; Page 8, under the Utility definition add "included but not limited to"; Page 8, under the Utility definition, strike "or any portion thereof"; Page 8, under the Water Production Facility definition, strike the word "sludge" and "maintained by a utility". The motion carried 6-0 (Mr. Crassweller was not in attendance).

V. HARNER FARMS REZONING REQUEST – ZONING MAP AMENDMENT

Mr. Stolinas stated that on May 10, 2017, the Ferguson Township Planning and Zoning department received a copy of the Rezoning Application and Rezoning Request Map from Aspen Whitehall Partners, LLC, on behalf of Danny R. and Pamela M. Harner and Thompson P. Harner and Nancy P. Harner. The Planning Commission initially reviewed the proposal and heard public comment at the June 12, 2017 meeting. The Planning Commission tabled action until staff performed further analysis on the proposal. Since the June 12, 2017 meeting, staff has met with the applicants and formulated a comprehensive land use analysis and summary recommendation for the Planning Commission's consideration.

Ms. Schoch reviewed the analysis provided in the agenda packet. She stated that the applicants are proposing to rezone 71.4 acres of land within the Rural Agricultural zoning district with a Corridor Overlay. This area of land is within the Regional Growth Boundary (RGB). Ms. Schoch explained that overall, the rezoning is generally consistent with the 2013 Centre Region Comprehensive Plan. Both the current 2008 Official Map and the draft 2017 Official Map do not show any conservation areas or other development areas. A future road to the proposed development was placed on the proposed draft 2017 Official Map as a result of the rezoning application. Ms. Schoch stated that all of the

adjacent land uses are consistent, meaning where the commercial area is being proposed, there is commercial development across the street on West College Avenue. The proposed residential development is also adjacent to existing residential developments.

Ms. Schoch explained that the property has been zoned RA since 1982, which was the earliest zoning map. There are no wetlands or floodplains on the property in question. There is an area of agricultural soil; however, only 26% of the Township does not have agricultural soil, therefore, this is not a rare occurrence.

Ms. Schoch spoke with Cory Miller, Executive Director of the University Area Joint Authority (UAJA), to get a better understanding of the capacity regarding sewer service. Mr. Miller indicated that the rezoning would require a substantial increase in EDUs for a change from RA to Commercial (C), Two-Family Residential (R-2), and Single-Family Residential (R-1). Mr. Miller stated that UAJA is using organic capacity to deal with the nutrients, particularly nitrogen. UAJA can get the organic capacity back, or expand the plant to make more organic capacity. Any developer that increases the EDUs would have to follow Best Management Practices (BMPs) to offset the nitrogen capacity. Ms. Schoch spoke with representatives from the SCBWA and they are satisfied that the property is located within the RGB and Sewer Service Area (SSA). The SCBWA would review any proposed land development plans in depth as the development moves forward.

Ms. Schoch explained that on the Centre Region Future Land Use Map, the property in question was designated as “Mixed-Use”, and even though the developer is not proposing a traditional mixed-use development, the proposal has some mixed-use development components.

Ms. Schoch stated that there is a 50-foot buffer requirement that will need to be established along the property boundary that abuts RA properties. Ms. Schoch reviewed the Land Use tables on pages seven and eight. A traffic study will be required as part of a potential land development submission. After speaking with Steve Bair, Alpha Fire Company Fire Chief, and the Ferguson Township Police Department about the fact that there is no parking along Whitehall Road and West College Avenue, it was recognized that the potential land development would need to have the amount parking required by the zoning ordinance. Based on the existing density requirements, there would be about 57 or less additional public safety and service responses each year, which would not be a significant impact on the fire company.

Ms. Schoch reviewed the vacant land that exists in the RGB, specifically in the zoning districts that are being proposed as part of the rezoning. General Commercial vacant land in the RGB equates to about 21.14 acres. Two-Family Residential vacant land in the RGB equates to 183.92 acres. Single-Family Residential vacant land in the RGB equates to 20.71 acres. The total vacant acreage of the three zoning districts aforementioned is 235.13. Ms. Schoch explained that the number of vacant commercial land may even be a bit lower as some of the vacant lands that were identified were cemeteries, developments that have not been built yet, and undevelopable areas.

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Ms. Schoch reviewed the process of the public notification and agency review and comment period. Each agency will be given copies of the proposed rezoning application for review and comment. Upon approval by the Board of Supervisors to advertise for a public hearing, the property will be posted for a period of at least 30 days. This will give residents and neighboring properties the opportunity to provide additional comments.

Ms. Schoch stated that Mr. Mandel from Aspen Whitehall provided a general overview of the fiscal impacts the rezoning and redevelopment could have on the Township and surrounding areas. After her review, she opened the floor for questions and discussion.

Ms. Harman expressed her thanks to staff for putting the rezoning analysis together. She stated that the analysis answers all of her questions, especially the economic development analysis.

Ms. Strickland stated that she is still concerned about the size of the proposed commercial area. She questioned whether or not there is a demand for this amount of commercial on this parcel, considering the amount of commercial being proposed in the Pine Hall plan. Ms. Strickland wondered what the impact would be of creating another "downtown" area so close to the Terraced Streetscape District (TSD), since the TSD has been stagnant. She stated that she prefers redevelopment of areas that already exist. In response to a question from Ms. Strickland regarding the economic development analysis, Mr. Mandel explained that he looked at similar developments that he has worked with in the past based on square footage. He explained that you can assign general roles to a generic retail store, which gives an estimate to the economic development analysis. He has no further ideas of what type of businesses would occupy the commercial spaces.

Mr. Wheland stated that the proposed rezoning might do better being rezoned Industrial and Research District (IRD) since the Township does not have a lot of acreage zoned as such. Mr. Wheland asked whether or not Aspen Whitehall has contractors lined up to building residential houses, or if they plan on selling the lots to independent contractors. He stated that just because there's a Corridor Overlay on the parcel, does not mean that the commercial area has to encompass all of it. He believes the residents would rather see more residential than commercial.

Mr. Keough stated that he is not concerned with the size of the commercial area. He explained that previous Planning Commissions have tried to have residential developers set aside commercial areas within the development to promote the idea of small stores and businesses in residential areas. However, small stores and businesses do not meet the market standards; therefore, they've sat vacant. Mr. Keough stated that if the development wants to be economically viable, the commercial area needs to be sizeable enough to do so. He would like to see commercial uses other than car dealerships, which outnumber other commercial types in the western part of the Township. He explained that he is concerned that the Planning Commission would not be a part of the discussion once the adjacent property owners are notified of the public hearing for the rezoning, should the proposed rezoning be approved. Ms. Schoch stated that the Township could hold a public work session, similar to the draft Official Map work sessions. Ms. Mitchell

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stated that it's really difficult to get the public involved with continuous projects. There's only so many new things that local government can do to increase community engagement in the Township. Ms. Schoch stated that the rezoning application, analysis, and map have been posted on the Township website for residents to view, and it was in the constant contact email for the Planning Commission agenda. There will also be a public hearing that the Board of Supervisors will hold before the rezoning is approved. Ms. Schoch explained that the Board can always refer the rezoning application back to the Planning Commission if it feels there needs to be more analysis done. Mr. Stolinas further explained that 30 days before the hearing, Township staff will notify adjacent properties by mail of the pending public hearing, and there will also be signs posted on the property with the hearing information.

Mr. Scott stated that he agrees with Ms. Strickland regarding the size of the commercial area and whether it is really needed; however, he also agrees with Mr. Keough about wanting the small neighborhood businesses even though the market does not call for it. Mr. Scott stated that he is leaning towards the recommendation of the rezoning, even though he loves Harner Farms; however, he believes the developer needs to look really closely at the size of the commercial area. He stated that he would like to see even more further analysis on the comparison of the commercial areas that Mr. Mandel compared regarding what kind of retail he plans to attract to the area.

Ms. Strickland stated that she remembers hearing from the developers of the Landings that there is not enough of a market here to develop a large-scale commercial area. Mr. Ressler added that it was also said that without the allowance of fueling stations, the Landings developers were not interested in developing.

There was some discussion about the requirement of parkland for the proposed development. Ms. Schoch will do the calculations for the fee-in-lieu of parkland and provide that number to the Planning Commission.

Mr. Mandel stated that this is the beginning of a land development plan—rezoning the property. He explained that there will be a lot of opportunity to discuss the retail tenants as well as get input from staff and residents of the area. The developers could lose a lot of money if they don't select the right retail tenants, and they'd like to make sure they have a mix of different tenants to make the market viable and to make sure that the uses are right for the residents, the community, the traffic on West College Avenue, and even different age groups. Mr. Mandel stated that they want to see this commercial area become a long-time investment. He explained that Aspen Whitehall plans to lease the commercial buildings to tenants and keep ownership of the commercial area.

Mr. Keough stated that parking is always an issue and should be carefully looked at when planning the development.

In response to a few questions from Ferguson Township resident Michelle Spiering, Ms. Schoch stated that off-setting nitrogen capacity would include using Best Management Practices (BMPs), which has been outlined in the most updated Ferguson Township Stormwater Ordinance. Mr. Ressler explained that when staff talked to Cory Miller,

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University Area Joint Authority Executive Director, he explained that to allow the potential proposed development on the parcel in question, the developer would have to offset the EDUs by using BMPs so that the nitrogen isn't over capacity. Mr. Scott explained that all run off has a certain amount of nitrogen in it, and the BMPs try to contain as much run off on the property and filter it naturally rather than sending the run off into Spring Creek and then down into the Chesapeake Bay. Ms. Spierling clarified that a drainage pond would be included in the BMPs.

Ms. Schoch stated that there is a sewage pump station on Scott Road, but the developers would have to pay a lot of money to have the properties south of Whitehall Road connected to that pump station, which could be cost prohibitive. Mr. Wheland stated that after the sewage from those properties flowed downhill, it would have to be pumped back up hill on West College Avenue to be processed.

Ms. Spierling stated that she is also concerned about the size of the commercial area, what kind of retailers will be tenants there, if it can be economically sustained, and whether or not it's going to end up a vacant commercial lot. In response to a question from Ms. Spierling, Ms. Strickland stated that the rezoning, if approved, would allow for the uses depicted in the ordinance to be built there. Ms. Spierling stated that she believes the Planning Commission is making a decision on a rezoning that they don't have enough information on.

In response to a question from Ms. Harman and Ms. Spierling, Mr. Stolinas stated that the Planning Commission will be seeing a land development plan for each phase of the proposed development. Mr. Ressler clarified that the Planning Commission and the Township will not have the authority to pick and choose which tenants will occupy the commercial area, as long as it is an allowed use in the district.

Mr. McMaster explained the process for the approval and public hearing of the proposed rezoning. After the Planning Commission makes a recommendation to the Board of Supervisors, the proposed rezoning will be on a Board of Supervisors agenda in the future. The Board will decide if it is going to hold a public hearing on the rezoning. After the public hearing, the Board will then decide if they want to rezone the parcel in question or not. Mr. Keough clarified that if the Board chooses to entertain the idea of rezoning the parcel, it must hold a public hearing for public input. Mr. Stolinas explained that prior to the public hearing, the property would be posted and notices would be sent to all adjacent property owners regarding the proposed rezoning. The proposed rezoning would also go to the Centre Region Planning Commission and the Centre County Planning office for review, comment, and possible recommendation.

In response to a question from Ms. Mitchell, Mr. McMaster stated that if the developers wanted to develop multi-family residential housing, they would have to apply for a rezoning all over again. In response to a question from Ms. Mitchell, Mr. Ressler clarified that the developers could build multi-family apartments above the commercial buildings, if there were three (3) residential units stacked one above the other on top of the commercial floor; however, there is a height requirement in the commercial district that makes it hard to accomplish this. In response to a question from Ms. Mitchell, Ms. Schoch

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explained that Mr. Miller of the University Area Joint Authority has indicated for a number of years that nitrogen is almost at capacity, and the Act 537 Plan will need to be updated in 2018 to remedy this. In response to a question from Ms. Mitchell, Mr. Harner explained that only a portion of the property owned by the Harners is being rezoned. The existing farm stand will be staying where it is, and he hopes that it will help be a transition to the surrounding areas. The portion of the parcel near the Russian Baptist Church will remain Rural Agricultural. Ms. Mitchell suggested that staff compare vacant developable areas versus vacant undevelopable areas. Ms. Schoch explained that she worked with Alliey Day, GIS Technician, to remove vacant areas that were not applicable to the analysis like drainage basins that are not developable or the Weis Gas-n-Go that is currently being built.

A motion was made by Mr. Keough and seconded by Ms. Harman to recommend to the Board of Supervisors the approval of the proposed Zoning Map Amendment. The motion carried 4-1, with Mr. McMaster abstaining.

VI. FERGUSON TOWNSHIP EMAIL UTILIZATION POLICY FOR AUTHORITIES, BOARDS AND COMMISSIONS

Mr. Stolinas stated that the Board of Supervisors passed Resolution 2017-15 on July 3, 2017, adopting a new Ferguson Township email utilization policy. The adopted resolution has been included in the Planning Commission packet. Mr. Stolinas explained that the new resolution applies to all elected and appointed Ferguson Township officials in which Ferguson Township emails are issued. The policy under 'Exhibit A' recognizes that email is an important form of business communication for the Township's ABCs. All communication sent from or received by Township email accounts should be presumed to be Township property, subject to discovery, retention, and disposition under applicable statute. All communication should be professional in nature. The use of Township email accounts for defamatory, obscene, sexually explicit, illegal, offensive, threatening, or other inappropriate communications is strictly prohibited. Mr. Stolinas pointed out that under the Pennsylvania Sunshine Act, it is recognized that any prearranged gathering which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking official action must be done with prior notice and provide an opportunity for the public to attend, participate, and comment before any official action is taken. Furthermore, it is recognized that the engagement of deliberation of agency business or taking official action by email constitutes a meeting under the definition provided in the PA Sunshine Act. Mr. Stolinas stated that personal use of a Township email is permissible within reasonable limits, with restrictions further defined in the policy. Mr. Stolinas explained that there is no expectation of privacy with a Township email, since it is considered Township property.

In response to a question from Ms. Mitchell regarding the PA Sunshine Act or Right-to-Know law and the device the Township email is on, Mr. Stolinas explained that if someone was forwarding their Ferguson Township email account to a personal email account, the personal email account could be subject to a search in a right-to-know situation. Mr. Stolinas stated that it is encouraged that ABC members strictly use their Township email account for Township business.

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VII. PLANNING DIRECTOR'S REPORT

On June 27, 2017, the Planning & Zoning Director and Zoning Administrator attended the Zoning Hearing Board meeting for the appeal/variance request submitted by HFL Corporation for property located at 1217 N. Atherton St./114 Cherry Lane as it relates to the proposed mixed use building and the existing Multi-Family definition. The Zoning Hearing Board denied both the appeal and the variance.

On June 29, 2017, the Planning & Zoning staff met with Carolyn Yeagle and A.J. Schwartz of Environmental Planning & Design and reviewed the Internal Working Draft Zoning Ordinance. EPD directed staff to initiate review of the document, beginning with the Parking and Definitions chapters.

On June 29, 2017, the Planning & Zoning Director and Zoning Administrator met with Mei Guo Kaplan, Marc McMaster, and client Qian Zhang regarding property at 356 E. Clinton Avenue. Staff reviewed the adjacent 35' easement established for the Overlook Heights Tot Lot. In addition, staff reviewed permitted uses for 356 E. Clinton Ave. property.

On June 30, 2017, the Planning & Zoning Director and Zoning Administrator met with Greg & Lynda Mussi to revisit the Planning Commission recommendation from the June 12, 2017 meeting related to the request to amend the Ferguson Township Zoning Ordinance allowing Pet Daycare in the Light Industrial/Research and Development (IRD) Zoning District.

On July 3, 2017, the Planning & Zoning Director and Community Planner met with WTAJ reporter Jackie Padilla to discuss the development of the Draft 2017 Official Map. That evening, the Board of Supervisors did not adopt the Draft 2017 Official Map and will be reviewed by the Ferguson Township Planning Commission at a future meeting for changes. The CRPC shall review the revised draft at the September 7, 2017 meeting.

On July 6, 2017, the Planning & Zoning Director, Township Manager and Community Planner met with Dan Harner, Tom Harner and Justin Mandel of Aspen Whitehall Partners, LLC to discuss the draft analysis for the Harner Farm Property Rezoning Request. An additional meeting to discuss the draft analysis followed on July 17, 2017. Also on July 6, 2017, the Planning & Zoning Director, Township Manager and Community Planner met CRPA staff and PENNDOT District 2.0 staff to conduct a PENNDOT Connects meeting for the S.R. 26/45 Intersection Project.

On July 7, 2017, the Planning & Zoning Director met with the Ferguson Township Public Works Director and Township Engineer to discuss the Board of Supervisors denial of the 2017 Draft Official Map due to the location of the proposed Foxpointe Drive Extension outside the Regional Growth Boundary. This proposed road has been illustrated on the 2002 and 2009 adopted Ferguson Township Official Maps. The proposed road was also identified within the 1992 Ferguson Township Transportation Study.

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On July 11, 2017, the Planning & Zoning Director and Community Planner met with the Ferguson Township Public Works Director and Township Arborist to discuss modifications in tree plantings from approved plans.

On July 12, 2017, the Planning & Zoning Director and Township Manager met with Tom Songer II and Associates and Pat Ward, Uni-Tech, to discuss the Centre Region Act 537 Plan Update, UAJA User Planning & Zoning Director's Report Fees and Tapping Fees, and the expansion of Beneficial Reuse. The Board of Supervisors will place this item on a future agenda. Also on July 12, 2017, the Planning & Zoning Director and Zoning Administrator met with Bill Keough regarding a proposed Farmer's Market at the St. Paul Lutheran Church in Pine Grove Mills and how this may relate to the timing of zoning ordinance changes, allowing Farmer's Markets in various zoning districts through the proposed ordinance revisions. On July 12, 2017, the Planning & Zoning Director attended the monthly Centre County Housing & Land Trust meeting.

On June 14, 2017, the Planning & Zoning staff met with Tom Jacobs, S&A Homes and Tony Fruchtl, PennTerra Engineering to discuss Final Plan submission for the Landings, Phase III.

On July 17, 2017, the Planning & Zoning Director and Township Manager met with Jen Meyers, CBICC to review a prior zoning decision for a local business.

On July 19, 2017, the Planning & Zoning staff met with Brian Heiser, Assistant Director for the SCBWA, prior to the Sourcewater Protection Work Group to discuss the draft overlay ordinance and map in relation to the 2017 SCBWA Updated Sourcewater Plan. The Sourcewater Protection Work Group met thereafter and began to review final revisions. An additional meeting will be scheduled with the Work Group to complete the revisions and then present to the Planning Commission for recommendation.

On July 20, 2017, the Planning & Zoning staff met with Chris Hazel, Energy Efficient Housing Research Group to review the Penn State University "Race to Zero – Full Circle Turnberry Development" Design Competition 2017. Also on July 20, 2017, the Planning & Zoning Director attended the Board of Supervisors Capital Improvements Program Worksession.

VIII. Active Plans Update

Ms. Schoch reviewed the active plans in the Township which includes: West Cherry Lane Multi-Use Building, J.L. Cidery at J.L. Farms, CSC Northland-Buffalo Wild Wings, The Cottages at State College, and the Whitehall Road Regional Park.

IX. Centre Region Planning Commission (CRPC) Report

Ms. Strickland stated that the CRPC did not meet, but she did attend the State College Borough Water Authority Board meeting and discussed increasing the water tapping fees. Mr. Wheland stated that he spoke to Chuck Herr, Ferguson Township Sewage Enforcement Officer, about the fact that the Centre Region Code office wants to take over sewage enforcement duties by hiring six more inspectors. Mr. Wheland stated that Ferguson Township has one of the lowest permit fees and he is concerned that if

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Centre Region Codes takes over those duties, the permit fees will be increased drastically. He is also concerned that the six new inspectors would have six different opinions on an inspection.

Ms. Strickland stated that Mr. Todd Giddings also attended the SCBWA meeting to talk about Ferguson Township's proposed Sourcewater Protection Ordinance. Members of the SCBWA board indicated that Ferguson Township's proposed ordinance could be a model ordinance for other municipalities.

Ms. Strickland stated that CRPC has a Penn State representative—Steve Watson, Director of Campus Planning & Design, so it can be difficult when talking about the Toll Brother's proposed development on Whitehall Road. Ms. Strickland stated that she is not sure how to manage the discussion since Mr. Watson is an employee of the current owners of the proposed student housing development by the Toll Brothers. Ms. Schoch stated that since the CRPC is a regional planning commission, Ms. Strickland should be thinking regionally, not just for Ferguson Township. The main task is to ensure that any plans or ideas brought before the CRPC be consistent with the 2013 Centre Region Comprehensive Plan. Ms. Strickland stated that in this particular instance, there is someone who has a vested interest in the decisions that the CRPC is making and they're commenting on them. Mr. McMaster stated that the person in question should not be commenting on something that they have a vested interest in. He likened it to his vested interest in the Harner Farms and the fact that he is not allowed to say anything or vote regarding the rezoning application. Under the rules of order, if a person has a vested interest in an item, they should not be voting on it. Ms. Strickland clarified that she won't claim that Mr. Watson voted for anything in particular related to the Toll Brother's proposed development.

Ms. Laura Dininni asked to provide comment on the CRPC report. She stated that she is here tonight as a Ferguson Township citizen, not as a Board of Supervisor. She stated that the Board of Supervisors do not know she is attending the Planning Commission meeting, and she is not authorized to speak for the Board. Regarding the CRPC meeting, she stated that as a Board person, it was extremely confusing to her to hear that CRPC had a comment about the draft official map, when in reality it was only Penn State that had a comment about the draft official map. Ms. Dininni stated that Penn State did not recuse themselves, and she understands that their charge on CRPC is to represent Penn State's interests. She feels that Penn State should have recused themselves because they have a vested interest in the Toll Brother's proposed development.

X. SOURCEWATER PROTECTION WORK GROUP UPDATE

Mr. Scott stated that Mr. Solinas covered most of the update during his Director's Report. The work group met with Brian Heiser of the SCBWA and discussed the SCBWA reviewing the proposed Sourcewater Protection Ordinance.

XI. ZONING/SALDO STEERING COMMITTEE UPDATE

Ms. Schoch stated that staff emailed the committee members that staff is continuing to work on the draft and will have a committee meeting in mid-August.

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XII. APPROVAL OF THE REGULAR MEETING MINUTES – JUNE 26, 2017

A motion was made by Mr. Keough and seconded by Mr. Wheland to approve the June 26, 2017 Planning Commission meeting minutes. The motion carried 6-0.

XIII. ADJOURNMENT

There being no further business for the Planning Commission, Mr. Keough made a motion to adjourn the meeting at 8:53 p.m. The motion carried 6-0.

RESPECTFULLY SUBMITTED,

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LISA STRICKLAND, SECRETARY
FOR THE PLANNING COMMISSION

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