

FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Monday, December 3, 2018
7:00 PM

I. CALL TO ORDER

II. CITIZENS INPUT

III. SPECIAL REPORTS

1. Centre Area Transportation Authority

IV. APPROVAL OF MINUTES

1. November 19, 2018, Board of Supervisors Regular Meeting

V. UNFINISHED BUSINESS

1. Public Hearing on Proposed 2019 Annual Operating Budget
2. Public Hearing on Reimbursement Agreement with PaDOT for upgrades to equipment
3. Discussion on Draft Source Water Overlay District Ordinance for Public Hearing

VI. NEW BUSINESS

1. Consent Agenda
2. Zoning/Variance request: 3020 Research Drive
3. Review Draft 2019 Ferguson Township Schedule of Fees
4. Letter of Commitment for grant application to PaDOT's Alternative Fuels Incentive Program

VII. REPORTS

1. COG Committee Reports
2. Other Regional Committees
3. Staff Reports

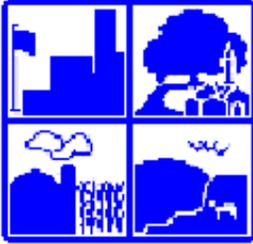
VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – DECEMBER

X. ADJOURNMENT



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TOWNSHIP OF FERGUSON

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**Board of Supervisors
Regular Meeting Agenda
Monday, December 3, 2018
7:00 p.m.**

I. CALL TO ORDER

PLEDGE OF ALLEGIANCE

II. CITIZENS INPUT

III. SPECIAL REPORTS

10 minutes

1. Centre Area Transportation Authority – Mr. John Spsychalski

IV. APPROVAL OF MINUTES

1. November 19, 2018, Board of Supervisors Regular Meeting

V. UNFINISHED BUSINESS

- 1. A PUBLIC HEARING ON THE PROPOSED 2019 ANNUAL OPERATING BUDGET – DAVID PRIBULKA, TOWNSHIP MANAGER AND ERIC ENDRESEN, DIRECTOR OF FINANCE**

30 minutes

Narrative

The Board of Supervisors received a copy of the DRAFT 2019 Operating Budget on November 8th, and conducted two public Special Meetings to review the document on November 13th and 15th. Amendments which were made at each meeting have been incorporated into the budget presented this evening for public hearing. A copy of the draft has been available for inspection at the Township office and accessible from the Township's website. Public input on the budget should be received this evening so that any resulting changes may be incorporated prior to its presentation for final adoption at the Regular Meeting on December 10th. A link to the Proposed 2019 Operating Budget may be found below. Mr. Endresen, Director of Finance, will present a brief summary of the proposed budget.

Additionally, several items were reviewed at the November 15th Budget Special Meeting that were postponed until this evening so the full Board may have a chance to discuss them. Provided with the agenda is a memorandum from the Township Manager summarizing the issues that were flagged for further discussion. Letters of request for funding from various agencies have been provided with the agenda, as well as the Board of Supervisors Sponsorship Policy.

Proposed 2019 Ferguson Township Annual Operating Budget

Recommended Motion: That the Board of Supervisors adopt the proposed 2019 Annual Operating Budget and authorize a public hearing on the final adoption of the budget for December 10, 2018.

Staff Recommendation

That the Board of Supervisors **adopt** the proposed 2019 Operating Budget and authorize a public hearing on the final adoption of the budget for December 10th.

- 2. A PUBLIC HEARING OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2018-23 AND AUTHORIZING THE TOWNSHIP SECRETARY TO EXECUTE A REIMBURSEMENT AGREEMENT, AGREEMENT NUMBER GLG-2017-14206-1344, WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE UPGRADING AND INSTALLATION OF EQUIPMENT REQUIRED TO PROVIDE VEHICLE DETECTION AT EXISTING SIGNALIZED INTERSECTIONS.** 5 minutes

Narrative

Provided with the agenda is a copy of the resolution as advertised for public hearing. The resolution repeals a previously-adopted resolution authorizing both the Township Secretary and Chairman to execute a grant agreement with the Pennsylvania Department of Transportation for the Green-Light-Go Round 4 funding provided to assist in the upgrading of traffic signals in the Township to digital radar detection. PennDOT has requested the resolution be amended to only authorize the Township Secretary to execute the agreement as that is the format required by the agency.

Recommended Motion: That the Board of Supervisors adopt the resolution repealing Resolution 2018-23 and authorizing the Township Secretary to execute a reimbursement agreement with the Pennsylvania Department of Transportation for the upgrading and installation of equipment required to provide vehicle detection at existing signalized intersections.

Staff Recommendation

That the Board of Supervisors **adopt** the resolution.

- 3. CONTINUED DISCUSSION AND AUTHORIZATION FOR ADVERTISEMENT FOR PUBLIC HEARING – DRAFT SOURCEWATER PROTECTION OVERLAY DISTRICT ORDINANCE** 30 minutes

Narrative

At the November 19th meeting, the Board of Supervisors continued discussion of the Draft Source Water Protection Overlay District Ordinance and its consistency with Chapter 26, Stormwater of the Ferguson Township Code of Ordinances. Specifically, discussion items included Infiltration Facility Distance to Geologic Features and the Allowance of Stormwater into Sinkholes under certain conditions. Additionally, the Board of Supervisors discussed a proposed definition for “Incinerators”, Blasting language for Zone I & II infiltration areas, preemption of herbicide and pesticide regulation by state agencies and Environmental Emergency Response Plans requirement. Staff requests further clarification on these discussion points prior to authorizing advertising for a public hearing.

Recommended Motion: That the Board of Supervisors authorize the advertisement of the DRAFT Sourcewater Protection Overlay District Ordinance for public hearing on Monday, January 21, 2019.

Staff Recommendation

That the Board of Supervisors **authorize** the advertisement of the Draft Sourcewater Protection Overlay District Ordinance for public hearing on January 21, 2019.

VI. NEW BUSINESS

- 1. CONSENT AGENDA** 5 minutes

- a. Revised Development Schedule – Stonebridge Planned Residential Development Phase V Senior Living Project
- b. Revised Development Schedule – The Landings Planned Residential Development
- c. Revised Development Schedule – Foxpointe Planned Residential Development

- d. Revised Development Schedule – Turnberry Traditional Town Development
- e. 2018-C1, HRI, Invoice 6: \$181,012.51
- f. The Crossings Surety Reduction No. 1
- g. Board of Supervisors Request – Engineering Study to Evaluate Lengthening Turn Lanes at Intersections of West College Ave. and Science Park Rd. and West College Ave. and Bristol Ave.

2. ZONING APPEALS/VARIANCES

10 minutes

- a. Request for Variances – 3020 Research Drive

Narrative

Provided with the agenda is a copy of the variance application received from Lynda and Greg Mussi, on behalf of Robert and Judy Burgess, for property located at 3020 Research Drive. The applicants are seeking a variance from Required/Shared Parking under Chapter 27, Section 809.1.B.2 and 809.1.E. along with Land Development Plan requirements under Chapter 27, Section 1003.1.E. The applicant currently operates a permitted Day Care use within the building at 3020 Research Drive. Upon inquiry for a sign permit from a second building user, a martial arts academy, the Zoning Administrator determined that the second use was not properly permitted, is a change of use and requires a minor alteration plan. Parking calculations reflect that there is not sufficient parking for both uses at 3020 Research Drive. The Burgess' own an adjacent rear lot and building at 3035 Enterprise Drive and would like to provide shared parking for both properties. The subject property is located within the Light Industry, Research and Development (IRD) zoning district.

Recommended Motion: That the Board of Supervisors remain neutral on the variance requests for 3020 Research Drive.

Staff Recommendation

That the Board of Supervisors **remain neutral** on the requests for variances.

3. REVIEW OF THE DRAFT 2019 FERGUSON TOWNSHIP SCHEDULE OF FEES

10 minutes

Narrative

The Township Schedule of Fees is adopted annually by resolution of the Board and describes all fees for services, violations, and other items for which the Township collects revenue. Provided with the agenda is a copy of the draft 2019 Ferguson Township Schedule of Fees for review by the Board and any potential questions or changes the Board would like to discuss prior to its presentation for adoption at the December 10th Regular Meeting.

Recommended Motion: That the Board of Supervisors authorize a public hearing on a resolution adopting the 2019 Ferguson Township Schedule of Fees for December 10, 2018.

Staff Recommendation

That the Board of Supervisors **authorize** the public hearing.

4. LETTER OF COMMITMENT OF FUNDING AND SUPPORT OF A GRANT APPLICATION TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION'S ALTERNATIVE FUELS INCENTIVE GRANT PROGRAM FOR THE ACQUISITION OF ONE ELECTRIC VEHICLE

5 minutes

Narrative

The Board tentatively authorized \$35,000 in the 2019 Operating Budget to be used toward the purchase of an all-electric vehicle for the administrative fleet. PennDOT is accepting applications until December 14th for the next rounding of funding in their Alternative Fuel Incentives Grant (AFIG)

Program. If successful, the Township would receive up to 100% of the incremental cost difference between the all-electric vehicle and a similar gas-powered vehicle. The intention would be to purchase a 2019 Chevrolet Bolt that can be used by the Engineering Department to conduct field views. Information about the program is provided with the agenda, as well as a draft letter of commitment. Staff will be requesting funding through PennDOT's rebate program for the electric vehicle charging station.

Recommended Motion: That the Board of Supervisors authorize the Chairman to execute a letter of commitment of funding and support of a grant application to PennDOT's Alternative Fuels Incentive Grant Program.

Staff Recommendation

That the Board of Supervisors **authorize** the letter of commitment and support.

VII. STAFF AND COMMITTEE REPORTS

- | | |
|----------------------------------|------------|
| 1. COG COMMITTEE REPORTS | 10 minutes |
| a. Executive Committee | |
| 2. OTHER REGOINAL REPORTS | 5 minutes |
| a. CCMPO Coordinating Committee | |
| 3. STAFF REPORTS | 20 minutes |
| a. Township Manager | |
| b. Planning and Zoning Director | |
| c. Public Works Director | |

VII. COMMUNICATIONS TO THE BOARD 10 minutes

VIII. CALENDAR ITEMS – NOVEMBER/DECEMBER

- a. Holiday Office Closures - December 24-25, 2018
- b. Board of Supervisors Worksession to Interview ABC Applicants – December 13th, 6:30 p.m.

IX. ADJOURNMENT

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting

Monday, November 19, 2018

7:00 PM

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, November 19, 2018, at the Ferguson Township Municipal Building. In attendance were:

Board: Peter Buckland
Steve Miller
Laura Dininni
Sara Carlson
Tony Ricciardi

Staff: Dave Pribulka, Township Manager
Dave Modricker, Public Works Director
Ray Stolinas, Director of Planning & Zoning
Chris Albright, Chief of Police

Others in attendance included: Faith Norris, Recording Secretary; Jon Dietz-CATA; Scott Brown-NTM Engineering; Ron Seybert-Township Engineer; Cory Miller; Christopher Schubert-AT&T/FirstNet; Jim Mullen-AT&T/FirstNet; Christopher Lash-Jacobs; E. Green, Pam Steckler, Joan Bouchard, Steven Lachman, Andy McKinnon, Bill Hechinger, Doug Mason, Renee Steffensmeier; and Scott Pflumm.

II. CALL TO ORDER

Mr. Buckland called the Monday, November 19, 2018, regular meeting to order at 7:00 p.m.

III. CITIZENS INPUT – None.

IV. SPECIAL REPORTS

a. University Area Joint Authority – Dr. Jonathan Dietz

Dr. Dietz reviewed current activities that included updates on Odor Control project that was rebid, awarded and under construction; Beneficial Reuse project-water treatment to Harris Township, treatment plant upgrades; solar panel project is operational and the battery component will be installed shortly; Greenbriar Demonstration Project for improving ground water has been approved to connect residents to a public sewer system – connection details followed on incentives and cost range that has been lowered per resident homeowners.

Expanded discussion followed on the Greenbriar's timeline scheduled for next Spring; feedback; any identified new projects in or outside the regional growth boundary in reference to the Act 537 Plan; the percentage of homeowners needed upfront to justify the connection of the high-pressure sewer system that was noted as 40-60%. According to the demonstration project's exploration motion made by the UAJA Board, feasibility of a connection of on lot septic to a sewer system for acceptable communities can be replicated inside or outside the regional growth boundary

V. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **approve** the November 5, 2018, Regular Meeting minutes. Mr. Miller seconded the motion. The motion passed unanimously.

VI. UNFINISHED BUSINESS

a. A PUBLIC HEARING ON A PETITION FILED IN ACCORDANCE WITH SECTION 9.02 OF THE FERGUSON TOWNSHIP HOME RULE CHARTER, REQUESTING CONSIDERATION OF AN ORDINANCE TO BAN SINGLE-USE PLASTIC BAGS IN FERGUSON TOWNSHIP.

Mr. Pribulka introduced the item for Public Hearing with history and some background information.

Citizens Input. Ms. Steckler voiced her approval for the ordinance. She presented statistics on current plastic bag usage throughout the country. Ideas were presented on recycling, alternative options and fees. A bill and other restrictive laws were discussed. Ms. Steckler referenced a Fall 2017 newsletter that is available to the public on this topic from the Moshannon Group - Sierra Club.

Other citizens who spoke in favor of the ordinance moving forward were Ms. Bouchard and Messrs. Hechinger, Mason, McKinnon, and Pflumm. Noted were some area establishments that are swapping out plastics; concern regarding debris along local roads, environment and wildlife; to set an ecological example for neighboring municipalities; comprehensive plan for all forms of plastics; national statistics; what a reasonable timeline would be for a public discussion group; education and awareness for the public prior to ordinance adoption; and a portion of the funds derived from fees that would go towards educational programs.

Ms. Carlson moved that the Board of Supervisors **direct** staff to research ordinances in Pennsylvania banning single-use plastic bags and any potential legal concerns that have been raised. Ms. Dininni seconded the motion.

Discussion followed on the subject that included opportunities to see examples from other municipalities, more research; the process, timeline and implementation; input from local and state representatives; discuss with other municipal supervisors; options for local businesses taking a step further; focus on educational component and collectively have a behavioral change; consistent with other Ferguson Township green endeavors; the impact on less affluent; and discussion on the use of the word banning vs. regulating. Discussion followed on local areas with stream flow data and nutrient management. Mr. Buckland noted that Ms. Steckler had approached the State College Borough on the subject and that it will be on a future Borough agenda. Mr. Miller inquired about enforcement costs and time to the Township.

The motion passed unanimously.

b. A CONTINUED DISCUSSION OF THE DRAFT SOURCEWATER PROTECTION OVERLAY DISTRICT ORDINANCE AND ITS CONSISTENCY WITH CHAPTER 26, STORMWATER OF THE FERGUSON TOWNSHIP CODE OF ORDINANCE

Mr. Pribulka introduced the item along with history of both sourcewater and stormwater ordinances and the concern for consistency with Chapter 26 in Code of Ordinances. Mr. Pribulka reviewed possible actions if a motion were to be made and a timeline to incorporate the revised language. Mr. Stolinas continued the presentation in detail with storm water language. Discussion with the Board, Staff and Mr. Brown included extraordinary and sensitive development definitions; layers of stormwater protection; water quality components; closed depressions and setback features; mitigation of stormwater diverted to sinkholes; environmental emergency response plans; incinerators as a conditional use; and blasting regulations. Following an expanded discussion on pesticide laws in regards to sourcewater management, Mr. Stolinas was asked to provide any comments and information on State law and regulations. Questions moving forward can be emailed. Mr. Stolinas continued with incinerator definition discussion as conditional use and blasting regulations.

Mr. Pribulka clarified a question on blasting and analyzed effects and proposed ordinance language for follow-up with possible new language to obligate the developer to disclose information to the Township to use for setbacks or other regulations with the supporting data. With some outstanding questions to resolve, the Board's consensus was to place this item on the December 3rd agenda for continued discussion and possible public hearing. Mr. Pribulka reviewed the approval process.

Mr. Buckland called for a five minute recess.

VII. NEW BUSINESS

a. CONSENT AGENDA

1. Voucher Report for October 2018
2. Treasure's Reports: September and October 2018
3. Centre County Housing and Land Trust – 2019 Schedule of Fees and Services/Activity Report
4. 2018-C5 Chestnut Ridge Pipe Lining: \$454,290.00
5. 2018-C15 Street Tree Pruning: \$18,050.00
6. Time Extension – Step-By-Step School for Early Learning

Ms. Dininni moved that the Board of Supervisors **approve** the Consent Agenda. Ms. Carlson seconded the motion. The motion passed unanimously.

b. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2017-31 AND ADOPTING A REVISED SIDEWALK SNOW REMOVAL MAP

Mr. Pribulka introduced the item for public hearing. Other than the date, no other changes were made to the map.

Mr. Ricciardi moved that the Board of Supervisors **adopt** the resolution repealing Resolution 2017-31 and adopting a revised sidewalk snow removal map. Ms. Dininni seconded the motion.

Roll Call vote on Resolution 2018-25: Mr. Miller – YES; Mr. Ricciardi - YES; Mr. Buckland – YES; Ms. Carlson - YES; Ms. Dininni – YES.

c. FOXPOINTE/HUNTER'S CHASE PLANNED RESIDENTIAL DEVELOPMENT CORRECTIVE ACTION PLAN

Mr. Stolinas introduced the item and presented details of the corrected action plan. PennTerra staff were present at this meeting to answer questions.

Mr. Miller moved that the Board of Supervisors **approve** the corrective action plan for the Foxpointe/Hunter's Chase Planned Residential Development Phase 1. Ms. Carlson seconded the motion. Discussion followed on the process for recording.

The motion passed unanimously.

d. AWARD CONTRACT 2018-C20 PARK HILLS DRAINAGEWAY IMPROVEMENTS DESIGN & PERMITTING

Mr. Pribulka introduced the item for discussion. Cost estimate reductions, goals and the Township's 2019 tentative budget for the project were reviewed along with the two proposed motions. Mr. Modricker continued the presentation along with Mr. Seybert's presentation of examples of channels, modeling, eligibility of credits and possible easements. Discussion followed with the Board and Staff that included options, property values and timeline for optimal levels. Noted is that DEP looks at this as one project; therefore, permitting needs to be done for the entire project. The goal will be to have a naturalized no-maintenance channel at some point.

Mr. Miller moved that the Board of Supervisors **award** Contract 2018-C20 Park Hills Drainageway Improvements Design and Permitting to NTM Engineering in an amount not to exceed \$242,830. Mr.

Ricciardi seconded the motion. It was clarified that there are two separate motions in order to amend the budget. The motion passed unanimously.

Ms. Carlson moved that the Board of Supervisors *increase* the account for storm water engineering in the draft 2019 Operating Budget to \$375,000. Ms. Dininni seconded the motion. The motion passed unanimously.

e. PRESENTATION OF ENVIRONMENTALLY SENSITIVE AREAS MAP AND INTRODUCTION TO GEOGRAPHIC INFORMATION SYSTEMS, MS. KRISTINA ANECKSTEIN, GIS TECHNICIAN

Mr. Pribulka introduced the item and some background information. This falls in line with the Strategic Plan's objective to identify and preserve natural resources and environmentally-significant areas. It did show the GIS (Geographic Information Systems) and its capabilities that could be utilized in the future. Ms. Aneckstein reviewed the zoned layers and locations to preserve on the GIS map and showed areas of opportunity. Discussion followed on Ag security and Ag preservation areas that were combined on the map. Mr. Pribulka clarified that a resident would need to be in an Ag security area (ASA) to qualify for the Ag Conservation Easement Program with the County. However, not all properties in ASAs are preserved farms. A detailed discussion followed on whether the map could be used as an interactive online tool. More information would be needed to be able to make available to the public, to be refined and updated and to be considered for land development processes. A request was made by a Board member to give the Parks Committee a copy of the map. Mr. Pribulka noted this tool may be a component to help guide the Board's decision on preservation efforts and those kinds of projects. Mr. Buckland noted using a smart mapping tool could help refine some areas in storm water management.

f. REQUEST FOR CONSIDERATION OF A TOWER-BASED WIRELESS COMMUNICATIONS FACILITY AT HOMESTEAD PARK – MR. STEVEN VOLKERT, JACOBS TELECOMMUNICATIONS, INC.

Mr. Pribulka introduced the item for discussion. The requested tower at Homestead Park would be used for first responders in what was identified as a coverage gap area. Individuals representing AT&T and FirstNet were present and reviewed the request with the Board.

Mr. Schubert spoke of post-911 experiences and how FirstNet came about in helping first responders. He noted that there is a video resource at the FirstNet website. Discussion followed on the lack of service in the highly residential area in Park Hills, the Township ordinance in place, and possible options.

Discussion followed. Chief Albright discussed areas that have no service communication for Police first responders and how FirstNet gives the police first priority on the network. Discussion followed on options, zoning, feasibility, funding and contracts, public safety, appropriate site, rural and congested areas public safety priority, and eminent domain-no.

No motion was not made at this meeting due to the current ordinance and regulations in place. A rendering and illustration based on need along with examples and alternate sites were requested to be provided. In response to a Board member's question, Mr. Mullen said propagation maps can be shown.

VIII. **STAFF AND COMMITTEE REPORTS**

a. COG COMMITTEE REPORTS

- i. Ad Hoc Facilities Committee. Mr. Buckland reported on developing facilities/assessments for management schemes; space use/utilization will be done separately. Mr. Buckland noted Mr.

Endresen attended the meeting.

- ii. Joint Public Safety & Public Services & Environmental Committees. Mr. Buckland reported Board members and Ferguson staff in attendance at the meeting. Speakers in attendance included PennDOT, WPP, PA State Police, Centre County 911 Communications Center, and State College Borough. Noted detail on rescue task force; storm management dual shifts; and clear level of communication among the different agencies.
- iii. Finance Committee. Ms. Carlson noted the meeting took place at 8:30 a.m. on November 15th. Accepted comments on the Summary Budget - the Borough had not yet discussed the budget and comments are forthcoming; discussion and comments focused on policies and strategic planning that may be better discussed in the General Forum for policy decisions. Meeting was kept short due to impending storm. A Board member noted it would be good if the discussion item becomes an action point on overarching policy and understanding it.

b. OTHER REGIONAL COMMITTEES

- i. Parks & Rec Regional Comprehensive Plan Steering Committee – Ms. Dininni noted the committee met on November 6th. Discussed Comprehensive Plan; planning process; met with consultants – requested key personal to submit for discussion.

c. STAFF REPORTS

- i. Township Manager. Mr. Pribulka noted the report was provided with agenda packet. No comments were made.
- ii. Planning and Zoning Director. Ms. Stolinas reported the next Planning Commission Meeting will be December 4th; minutes provided from October 8th meeting; Zoning & Saldo update and next meeting with EPD representative on December 12th and met with the Tree Commission concerning for both documents; Sourcewater Protection Overlay – previously discussed and for review at CRPC's meeting on December 6th; Pine Hall Master Plan taken off the Planning agenda due to updates to Transportation Improvement Study. Mr. Stolinas thanked everyone who coordinated and attended the Pine Grove Mills SAP Town Hall Meeting that had good input and will move forward with drafting language.
- iii. Public Works Director. Mr. Modricker touched on two items from the report provided. Update on proposed Public Works building plan-preliminary plan this week and formal plan scheduled for January 2018; proposals for SFFS-Phase II are due end of November.
- iv. Chief of Police. Chief Albright highlighted a couple of items that included Winter weather related minor crashes; 24 snow related calls; issued 63 parking tickets vs. last year at 100 tickets issued; helpful tips on scams located on our website and FB – noted, do not pay for items if the form requested is Google Play or Green Dot cards.

Mr. Buckland made a note to thank the Police and Public Works departments for their work during the storm.

- v. Third Quarter Financial Report – Mr. Endresen touched on highlights of the detailed report that included Cash balances, Financial Summary that included encumbrances; Net Revenue is performing satisfactory; General Fund budget to actual comparison; Tax Revenues collection is on par; and update on Road projects. The detailed report was provided with the agenda.

IX. COMMUNICATIONS TO THE BOARD - None

X. **CALENDAR ITEMS – OCTOBER**

a. Holiday Office Closures - November 22-23, 2018 and December 24-25, 2018

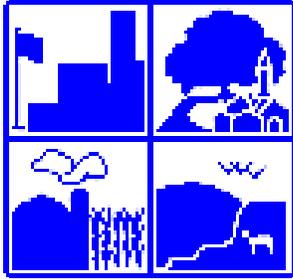
XI. **ADJOURNMENT**

Mr. Buckland called for adjournment. With no further business to come before the Board of Supervisors, Ms. Dininni motioned to adjourn the meeting. The meeting adjourned at 10:22 p.m.

Respectfully submitted,

David Pribulka, Township Manager
For the Board of Supervisors

DRAFT



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Memo

To: Board of Supervisors
From: David Pribulka, Township Manager
CC: Eric Endresen, Director of Finance
Date: December 3, 2018
Re: DRAFT 2019 Operating Budget “Flagged Items”

The following are the items that were discussed as part of the DRAFT 2019 Operating Budget Special Meetings on November 13th and 15th and were flagged for further discussion. Also included are comments and recommendations from staff, where appropriate.

1. Act 13 Marcellus Shale Impact Fee

The issue: The Township has an account (01.355.090) set aside for revenue received from the state through Centre County for an impact fee assessed to companies that extract natural gas from Marcellus shale deposits in the state. It is based on the number of active wells located in Centre County. The Board inquired about whether it could refuse the \$5,107 projected to be collected as part of this fee due to its Community and Environmental Bill of Rights provisions in the Home Rule Charter.

Background: According to the Centre County Office of Planning & Community Development, it is not possible for the Township to refuse the revenue allocated to it under this program. It is possible, however, to use the revenue to fund priority projects outlined in the Ferguson Township Strategic Plan. For example, State College Borough uses its revenue to fund its affordable housing program.

Staff recommendation: That the Board receive the funds and discuss any priority projects for which the funding should be used. Alternatively, it can continue to be deposited in the General Fund for general use.

2. Economic Development (01.463.540)

The issue: The Township has appropriated \$35,000 in its tentative 2019 Operating Budget to be used for economic development initiatives. In past years, this funding has been used for a variety of related purposes, including contributions to the Chamber of Business and Industry – Centre County (CBICC); funding for economic development projects aimed at recruitment, retention, and expansion; and, recently, a contribution to the Pine Grove Mills Farmer’s Market. The Board wanted to have a further discussion about how to use this funding in 2019.

Background: The Township continues to be a member of the Centre County Economic Development Partnership managed by the CBICC. As such, it has participated in countywide economic development projects in the past including Morgan Advanced Materials, the Drive Forward Campaign, and, recently, the KCF Technologies retention and expansion project. In 2018, the Board appropriated \$35,000 to be used for economic development purposes and requested the CBICC provide an economic development “orientation” for new Board and existing board members, as well as a more localized discussion with the CBICC and other stakeholders about Township interests. These were “preconditions” on the Board considering contributed \$25,000 to the CBICC. The additional \$10,000 was to be distributed as needed when projects were available that the Board was interested in funding. To date, neither of the preconditions have been met; however, the orientation is being planned for 2019.

Staff recommendation: That the Board appropriate the \$35,000 in the 2019 Operating Budget but without a designation of how the funding will be used. In 2019, the Board can determine whether it is interested in continuing its participation in the Centre County Economic Development Partnership and funding its organization or find an alternative use of the funds.

3. Certified Playground Safety Inspector – Course and Examination (01.414.420)

The issue: The Township has tentatively appropriated \$1,100 in the 2019 budget for a renewal of the Zoning Administrator's certification as a Playground Safety Inspector through the Pennsylvania Park and Recreation Society. For several years, the Township has funded the Zoning Administrator's certification, which is good for three years. Centre Region Parks and Recreation also employs two individuals who are certified inspectors. The Board wished to discuss whether there was continued interest in having a certified inspector on staff or whether this is duplicating efforts of the Centre Region Parks and Recreation Department.

Background: Ferguson Township is the only Centre Region municipality who employs its own Certified Playground Safety Inspector. By attaining this certification, the Zoning Administrator is able to inspect play equipment for safety concerns and identify potential hazards. This is done annually on each piece of play equipment on a municipal park in Ferguson Township. Centre Region Parks and Recreation does not inspect these facilities for the Township or any other municipality that is part of the Parks Program of the COG. They are able to assess hazards as they are reported, but this is done reactively on a complaint basis or as discovered by staff.

When originally discussing the merits of having a certified inspector on staff, then-Township Manager Mark Kunkle and the Board at the time felt it was an asset to be able to proactively inspect play equipment for safety concerns. This was a value judgment and can be changed by the Board, if desirous. The Zoning Administrator does spend one to two weeks each year inspecting play equipment, so there is a time investment in addition to the cost of certification. The results are typically positive in that several potential hazards are identified and fixed by either regional park staff or the Township, depending on the item needing attention.

Staff recommendation: Having the Zoning Administrator certified as a Playground Safety Inspector continues to add value that is not duplicated at the regional level. Annual inspections help reduce the likelihood of injuries and liability. It is staff's recommendation that the Board continue to support his recertification.

4. Parkland Fee-In-Lieu (Fund 31 – Regional Capital Recreation Projects Fund)

The issue: The Subdivision and Land Development Ordinance includes a provision dedicated to ensuring adequate parks and recreational facilities are provided along with new subdivision and/or land development plans, with the exception of farm lots in Rural Residential and Rural Agricultural Zoning Districts. The ordinance provides specific criteria against which land offered for dedication as parkland will be accepted. In lieu of said dedication, a developer may offer a fee based on a formula established in the ordinance which may be used by the Township for recreational purposes. Historically, this fee has been used to finance regional park debt service in its own established fund (Fund 31 – Regional Capital Recreation Projects Fund). The Board is interested in gaining a better understanding of what the permitted uses of these funds are.

Background: It is often the case that, for a variety of reasons including size, characteristics of the land, or saturation of parkland in the area, a fee-in-lieu of parkland dedication is desirable for the Township and developer, alike. For smaller land development plans, this fee may not amount to much in terms of funding significant recreational amenities. In other cases, however, the fee collected may be substantial. The Cottages Planned Residential Development, for example, includes a parkland fee-in-lieu of dedication of \$800,000. Past developments like the land that is now Turnberry Traditional Town Development have also yielded significant revenue. The Board has used this income to fund debt service associated with the development of regional park facilities at Oak Hall, Hess Fields, and Whitehall Road Regional Park. The debt for regional aquatics facilities is also included in Fund 31.

There is no requirement that this funding be earmarked for regional debt service; however, it is important to note that the obligation of the Township to regional debt is in excess of \$100,000 per year (\$104,376 in 2019). Therefore, regardless of where the funding is derived from, the debt service remains and was guaranteed by the Township and other member municipalities when incurred. Uses for this fund, as defined by ordinance, must be used, "to enhance public recreation areas which will directly or indirectly benefit future inhabitants of the development or subdivision providing the fee." This language provides the Board with considerable discretion in how to apply parkland fee-in-lieu.

The PA Municipalities Planning Code (MPC) Section 503(11) also speaks to the collection of a fee-in-lieu of parkland dedication:

(11) Provisions requiring the public dedication of land suitable for the use intended; and, upon agreement with the applicant or developer, the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of the land, or a combination, for park or recreation purposes as a condition precedent to final plan approval, provided that:

- (i) The provisions of this paragraph shall not apply to any plan application, whether preliminary or final, pending at the time of enactment of such provisions.*
- (ii) The ordinance includes definite standards for determining the proportion of a development to be dedicated and the amount of any fee to be paid in lieu thereof.*
- (iii) The land or fees, or combination thereof, are to be used only for the purpose of providing, acquiring, operating or maintaining park or recreational facilities reasonably accessible to the development.*
- (iv) The governing body has a formally adopted recreation plan, and the park and recreational facilities are in accordance with definite principles and standards contained in the subdivision and land development ordinance.*
- (v) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of the development or subdivision.*

(vi) A fee authorized under this subsection shall, upon its receipt by a municipality, be deposited in an interest-bearing account, clearly identified as reserved for providing, acquiring, operating or maintaining park or recreational facilities. Interest earned on such accounts shall become funds of that account.

(vii) Upon request of any person who paid any fee under this subsection, the municipality shall refund such fee, plus interest accumulated thereon from the date of payment, if the municipality had used the fee paid for a purpose other than the purposes set forth in this section.

(viii) No municipality shall have the power to require the construction of recreational facilities or the dedication of land, or fees in lieu thereof, or private reservation except as may be provided by statute.

Staff recommendation: Staff has no specific recommendation on the utilization of this fee. An independent fund should be maintained to continue to provide for proper accounting and ensure compliance with Section 503(11)(vi) of the MPC. This also allows for revenue to carry forward as fund balance without necessitating a re-budgeting of the funds each year. If the Board is interested in utilizing the fund for purposes other than regional recreational facilities, it may be prudent to rename the fund something more reflective of its intended use.

5. Miscellaneous Changes Requested

The issue: Certain projects that were anticipated to be completed in 2018 and, therefore, not initially re-budgeted in 2019 are not projected to be completed before the end of the year.

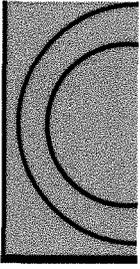
Background: The 2018 Operating Budget included \$688,000 for relining CMP pipes at various places throughout the Township. Bids have been received for the project and a recommendation for award will be forthcoming; however, it is unlikely that this project will commence before the end of the year. Similarly, work has not progressed as scheduled for Contract 2018-C22, Tudek Barn Roof Replacement. The Assistant Township Engineer has been working with the contractor to bring the project back on schedule; however, it is anticipated that a portion of that work may be completed in 2019. Lastly, the Township unsuccessfully issued a Request for Proposals to conduct a Fire Station Feasibility Study in 2018. If the Board is interested in revising the scope of work and re-issuing the RFP in 2019, the funds appropriate for the project in 2018 should be re-budgeted for next year.

Staff recommendation: That the Board increases Fund 32 - Transportation Improvement Fund budget for capital construction by \$688,000; increase Fund 30 - Capital Reserve budget for Capital Equipment – Parks and Recreation by \$10,000; and increase Fund 30 - Capital Reserve budget for Capital Equipment – Administration by \$25,000.

Changes to 2019 Budget per Budget Special Meetings

Page No	Acct No	2019 Change	Effect on Fund Balance	Remarks
3-7	NA	NA		Update table of contents page numbers
55	01.322.030	NA		Need to update the liens information
62	01.355.090	-\$5,107	-\$5,107	Need to add statement about the BOS wanting to decline the funds
63	01.357.030	+\$30,000	+\$30,000	Add county liquid fuels grant revenue
65	01.361.331	+\$3,070	+\$3,070	Change rental permit fee from \$2.00 to \$3.00
137	01.414.420	-\$900	+\$900	Remove duplicate for Laserfiche and adjust total
142	01.421.318	+\$1,000	-\$1,000	Adjust amount based on 2018 actual
149	430.384	-\$5,500	+\$5,500	Remove the track excavator rentals
151	433.245	+\$5,000	-\$5,000	Add amount to replace 100+- bike path signs
164	455.240	+\$500	-\$500	Change budget to match 2018 amount
177	01.492.035	-\$30,000	-\$30,000	Add transfer to liquid fuels fund for county grant
186	35.392.001	+\$30,000	+\$30,000	Add transfer from general fund for county grant
198	30.409.750	-\$55,820	+\$55,820	Remove furniture & appliances due to timing of the PW maintenance bldg
199	30.409.750	-\$12,500	+\$12,500	Remove computer & phones due to timing of the PW maintenance bldg
202	30.446.313	+\$144,000	-\$144,000	Update the budget to Park Hills drainage engineering per quote

203	30.446.610	-\$210,000	+\$210,000	Remove the park hills drainage construction due to timing of project
305	65.492.001	-\$30,750	+\$30,750	Adjust refund to general fund to match the general fund revenue amount
CHANGE IN FUND BALANCE			+\$192,933	



Leadership
Centre County

August 13, 2018

Dear Ferguson Township Board of Supervisors,

Thank you for this opportunity to partner with Ferguson Township. Our idea to host an open house for citizens interested in becoming more informed and engaged through their participation in LCC is new this year! We've never had an open house for this purpose and hope you can support us in this endeavor.

Our proposal for the Open House is that Ferguson Township would be the only sponsor for this new event. And to answer Laura's question – YES! We have many other sponsors for our various programs and workshops (see enclosed listing).

Our sponsors make it possible for us to provide quality programming that impacts each participant and through them – over 600 nonprofit organizations they volunteer in throughout Centre County.

Enclosed in this packet is information that will answer some of the questions you had at your meeting on August 6th. I plan to attend on the 20th to answer any further questions you might have.

Thank you so much for your consideration.

Sincerely,

Georgia Abbey
Executive Director

Ferguson Township Supervisors
3147 Research Drive
State College, PA 168-1

December 11, 2017

Dear Ferguson Township Supervisors,

I would like to ask the Supervisors, and Ferguson Township to consider securing festive winter decorations for the street lights throughout the main streets of Pine Grove Mills. Currently there are approximately 32 Decorative Lamp Streetlights throughout the Main Street and along Nixon Road that were secured through the efforts and support of the residents and friends of Pine Grove Mills numerous years ago. There are additional "regular street" lights leading up to these decorative lights coming from all directions within the official borders of Pine Grove Mills (as designated by the "Welcome to Pine Grove Mills" signs).

Please consider this suggestion as you begin to work on the Pine Grove Mills small area plan, within the larger plan of Ferguson Township. It would be lovely to have additional decorative lights all along Pine Grove Road, Water Street and Nixon Street throughout the entire village borders, however, I know the residents would truly appreciate and enjoy dressing up this jewel of Ferguson Township for the Holiday Season with wreaths and bows and lighted décor if possible.

Thank you,



Joni Arrington
P. O. Box 229
Pine Grove Mills, PA 16868
(814) 404-1693
Jarrington_12@comcast.net

RECEIVED JUN 21 2018



MEMBERSHIP DRIVE

341 Science Park Road | State College, PA 16803 | 814.238.8138 | www.wildlifeforeveryone.org

June 20, 2018

David Pribulka
3147 Research Dr
State College PA 16801-2752

Dear David,

We're kicking off our 2018 summer membership drive and are excited to tell you about a few of the year's highlights! We just wrapped up our Seedlings for Schools program and it's been a banner year with a 70% increase in the number of schools participating. That translates to nearly 65,000 more students getting outdoors and planting trees in the Pennsylvania landscape! Next year we're going to introduce pollinator gardens for schools to plant and nurture.

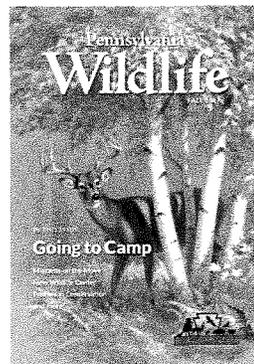
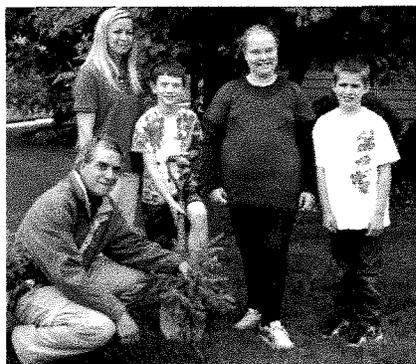
This past year, we awarded our first class of university students with financial support and internships to advance their career paths. The scholarship fund was established to inspire the next generation of conservationists and present opportunities for students to deepen their connection with nature and wildlife. Look at our website and meet these six extraordinary young people who represent the brightest and best of their generation.

Your membership gift supports initiatives such as the Seedlings for Schools program and the Scholarship Fund, in addition to our bi-annual magazine, *Pennsylvania Wildlife*, and most importantly our mission to promote wildlife conservation and education in Pennsylvania. Our goal this year is to enlist 500 new members to the ranks of the Wildlife for Everyone Foundation.

Thank you again for your support. You keep our foundation going and growing!

Yours in Conservation,

Jerry Regan
President



EVERY GIFT *helps*

RECEIVED OCT - 9 2018



October 2018

Mr. David Pribulka, Manager
Ferguson Township
3147 Research Drive
State College, PA 16801

Dear Mr. Pribulka and Supervisors,

For the past 50 years, Home Nursing Agency has been here, serving the people of Ferguson Township. Our staff is comprised of local professionals from the area...friends and neighbors caring for their friends and neighbors. Together, we are making sure that all who call Ferguson Township Ferguson Township home – the children, elderly, poor, sick, and uninsured – will continue to receive the needed care they require.

As the only not-for-profit, charitable home health organization in the region, we have a special commitment to ensuring those who need care receive it, regardless of their ability to pay. Last year, our staff provided 1,728 visits to 66 children and adults in Ferguson Township.

Working together, we can provide the very best healthcare and services at home and in Ferguson Township. I hope you will consider supporting Home Nursing Agency with a contribution of \$500 during your 2018-2019 allocations process. We appreciate your partnership to provide continued access to care for the residents of Ferguson Township.

If you are interested in having me attend a Council meeting to speak further about Home Nursing Agency in your community, please feel free to contact me at khelsel@homenursingagency.com or by phone at (814) 947-7024.

Sincerely,

A handwritten signature in cursive script that reads "Kim Helsel".

Kim Helsel
Director of Development/Marketing Communications
Home Nursing Agency

Enclosure

ADMINISTRATIVE OFFICES

201 Chestnut Avenue, P.O. Box 352
Altoona, PA 16603-0352

P: 1.800.992.2554 • 814.946.5411 • F: 814.946.5352

www.homenursingagency.com

A United Way Member Agency

Equal Opportunity Employer



COMMUNITY DIVERSITY
CONFERENCE

Center for Diversity and Inclusion

June 2018

Dear Community Partner,

We sincerely appreciate your continued sponsorship and support of the Community Diversity Conference. We are proud to announce that we will offer our third conference on **Tuesday, June 11, 2019 at the Penn Stater Conference Center Hotel**. As such, we want to encourage you to Save the Date and plan to attend.

We are providing this information early in hope that you will consider including your sponsorship in your annual budget. Your commitment to enhance community relations and increase awareness about diversity makes an impact in Centre County. Your participation and support through a financial contribution, donation of prizes, products or gift certificates is tax exempt. Please take a moment to review options below and select your level of sponsorship for 2019:

Beyond Diversity Sponsor	\$500 or more
Social Justice Sponsor	\$250-\$499
Sustainability Patron	\$100-\$249
Cultural Dexterity Donation	Donated items for raffle prizes, gift certificates, products etc.

Please Note: With donations of \$250 or more, your organization's information will be included in the program and on the CDG's website with a link to your organization. **Your commitment is needed by December 14, 2018.**

As a reward for your continued sponsorship we are offering you:

1. One complimentary registration that may be used by you or a designated staff member
2. A table at our pre-conference Recruitment Fair
3. Complimentary admission to the Networking Social directly following the conference

Please join us at the diversity conference, promote your business, and enhance your name recognition throughout the community as an organization that supports diversity and inclusion which builds a richer community for all.

Your generosity makes a world of difference and is greatly appreciated.

Please visit our website or for additional information or call Carol at 814-865-6614.

We thank you in advance for your consideration and support of this worthy endeavor. Together, we are implementing inclusion.

Carol Eicher

Carol Eicher, President

Leslie Laing

Leslie A. Laing, Co-Chair

Kevin Kassab

Kevin Kassab, Co-Chair

The Community Diversity Group (CDG) is a non-profit 501 (c)(3) coalition with representatives from the citizens of Centre County, businesses of Centre County, employees of Penn State, local governments, and local non-profit organizations. Our goal is to create a welcoming climate for all community members. We host diversity-focused events and use publicity efforts designed to educate the community as to the significance of cultural sensitivity. The CDG offers training, consulting, and a monthly calendar of diversity events. Your contribution is tax-deductible. Open public meetings are held on the first Tuesday of each month. Become a member and make a difference. Visit our website for additional opportunities: www.CommunityDiversityGroup.squarespace.com.



RESOLUTION NO. 2014-07

A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ADOPTING A SPONSORSHIP POLICY.

WHEREAS, Ferguson Township recognizes that there exists an opportunity for partnerships with individuals, local businesses, charities, foundations and other organizations to financially support certain community projects, and

WHEREAS, Ferguson Township desires to adopt a policy to outline the types of sponsorships the Township will accept, and the manner of recognition the sponsor shall be entitled to upon making a cash or in-kind contribution, and

WHEREAS, the Board of Supervisors have received, reviewed and approved the attached "Sponsorship Policy", attached and made a part hereof as "Exhibit A".

NOW THEREFORE, the Board of Supervisors of Ferguson Township hereby adopts this 18th day of February, 2014 the "Sponsorship Policy".

TOWNSHIP OF FERGUSON

By: 
Richard J. Mascolo, Chairman
Board of Supervisors

[SEAL]

ATTEST:

By: 
Mark A. Kunkle, Secretary

Exhibit A

Date	Policy Description	Adoption Date	Amendment Date	Page/Section
09/16/2013	Sponsorship Policy	February 18, 2014		

Sponsorship Policy

I. PURPOSE:

- A. Ferguson Township ("Township") recognizes that there exists an opportunity for partnerships with individuals, local businesses, charities, foundations and other organizations to financially support certain community projects. This policy intends to outline the types of sponsorships the Township will accept, and the manner of recognition the sponsor shall be entitled to upon making a cash or in-kind contribution.
- B. Furthermore, it is the intent of this policy to preserve the rights of the Township to restrict access to Township properties or in Township publications and reject or refuse placement of any or all sponsorship messages.
 - a. To the extent that any sponsorship messages are accepted, the Township reserves the right to full editorial control over the placement, content, appearance, and wording and to determine and prohibit types of sponsorship messages which are deemed inappropriate for or inconsistent with the business of the Township or the services provided to Township residents.

II. DEFINITIONS:

- A. "Township publications" include any material, written or otherwise, published and disseminated by Ferguson Township staff, elected officials, or authorized agents in accordance with Township business.
- B. "Sponsorship" refers to the right of an external entity (for-profit or not-for-profit) to associate its name, products, or services with Township programs, services, or name. "Sponsor" shall refer to the entity applying for sponsorship with the Township.
- C. "Sponsor recognition message" refers to any permitted display of a sponsor's name, product or service line, or other forms of branding or advertising that shall constitute, in whole or in part, the benefits entitled to the sponsoring organization in exchange for their sponsorship of a project. Specific sponsor recognition messages may include naming rights to

Township facilities, signage including fencing signage and building banners, inclusion in printed materials of the Township, inclusion on bulletin boards, pavers or other similarly permanent fixtures, information kiosks, and audio and visual messages. The exact form of a sponsor recognition message shall vary by project and be enumerated in greater detail in the sponsorship agreement.

III. POLICY:

- A. Placement of sponsorship messages upon Township property or in Township publications shall require specific authorization from the Township Manager or the Township Manager's Designee.
- B. Sponsors who wish to apply for sponsorship of a Township project must notify the Township Manager of their intent to do so. Acceptance of a sponsorship shall result in the creation of a sponsorship agreement. Entering into a sponsorship agreement does not constitute an endorsement of the entity or its services and products by the Township. The service agreement will detail the following, at a minimum:
 - a. The type and amount of donation (whether monetary, in-kind, or both) provided by the sponsor;
 - b. Benefits to be given to the sponsor by the Township, if applicable;
 - c. Prominence, content, and duration of the proposed public recognition of support;
 - d. Conditions under which the sponsorship agreement may be terminated.
- C. When reviewing a request for sponsorship, the Township shall consider the following criteria prior to agreeing to enter into a sponsorship agreement:
 - a. Prominence, content, and duration of the proposed public recognition of support;
 - b. Level of support provided by the sponsor;
 - c. Inconsistencies between Township policies and the known policies or practices of the potential sponsor;
 - d. Other factors that may undermine public confidence in the Township's impartiality or that may interfere with the efficient service delivery of the Township to its residence.
- D. Generally, sponsor recognition messages will only identify the sponsor, but shall not advocate or otherwise endorse the organization, its products, or services. The following content shall be deemed appropriate for recognition messages and shall only apply when the benefits of sponsoring a project include the placement of a sponsor recognition message:
 - a. The legally recognized name of the sponsoring organization;
 - b. The sponsor's organizational slogan;
 - c. The sponsor's product of services line;

- d. Brief contact information such as a telephone number, Internet website, email or mailing address.
- E. No materials or communications including, but not limited to, print, video, Internet, broadcast, or display items developed to promote or communicate the sponsorship using Ferguson Township's name, marks, or logo may be issued without written approval from the Township Manager or the Township Manager's designee.

IV. GENERAL CONDITIONS

- A. Sponsors are solely responsible for obtaining necessary permission to use photographs, trademarks, trade names, copyrighted material or any other legally protected property and shall hold the Township harmless for any such use, including all consequences or damages resulting therefrom.
 - a. Sponsors agree to indemnify, or hold harmless, the Township, its officers, agents, and employees against all damages, costs, and expenses including, without limitation, attorney's fees resulting from any claim, action, or proceeding alleging that the commercial message or sponsorship infringes on any copyright, violates any right of privacy, or other personal or property right, constitutes a libelous matter, plagiarism, unfair competition, unfair trade practice, infringement of trademarks, or other matter contrary to law or contains any formula or instructions injurious to the user of a sponsor's product.
- B. The Township is not liable for delays in publication or presentation of sponsorship messages in any event or for any reason.
- C. If an error or omission occurs in the publication or placement of any sponsorship message, the Township's liability shall be limited to the amount of the reduction in the value of the sponsorship due to the error or omission, but in no event shall liability exceed the total cost payable for the sponsorship space.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2018-23 AND AUTHORIZING THE TOWNSHIP SECRETARY TO EXECUTE A REIMBURSEMENT AGREEMENT, AGREEMENT NUMBER GLG-2017-14206-1344, WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR UPGRADING AND INSTALLATION OF EQUIPMENT REQUIRED TO PROVIDE VEHICLE DETECTION UPGRADE AT EXISTING SIGNALIZED INTERSECTIONS.

WHEREAS, the Township of Ferguson (Township) applied for and received a 2017 Green Light-Go grant from the Pennsylvania Department of Transportation in September 2018 to complete vehicle detection improvements to the intersections of Blue Course Drive and Havershire Boulevard, Blue Course Drive and Westerly Parkway, and West College Avenue and Science Park Road, and,

WHEREAS, the Township will manage the design, construction, and construction inspection the project and,

WHEREAS, the Reimbursement Agreement provides for a total grant amount of \$80,000 in funding with municipal funding of \$20,000. The total estimated cost of the project is \$100,000.

NOW, THEREFORE, the Township's Board of Supervisors hereby authorizes the Secretary of the Board of Supervisors to execute Reimbursement Agreement Number GLG-2017-14206-1344.

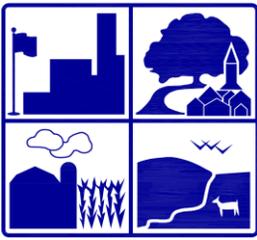
RESOLVED, this 3rd day of December, 2018.

TOWNSHIP OF FERGUSON

By: _____
Peter Buckland, Chairman
Board of Supervisors

ATTEST:

By: _____
David G. Pribulka, Secretary



TOWNSHIP OF FERGUSON

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

TO: Ferguson Township Board of Supervisors

FROM: Raymond J. Stolinas, Jr., AICP, Director of Planning & Zoning

DATE: November 28, 2018

SUBJECT: Source Water Protection Overlay District Draft Ordinance – Outstanding Issues

At the November 19th meeting, the Board of Supervisors continued discussion of the Draft Source Water Protection Overlay District Ordinance and its consistency with Chapter 26, Stormwater of the Ferguson Township Code of Ordinances. Specifically, discussion items included Infiltration Facility Distance to Geologic Features and the Allowance of Stormwater into Sinkholes under certain conditions. Additionally, the Board of Supervisors discussed a proposed definition for “Incinerators”, Blasting language for Zone I & II infiltration areas, preemption of herbicide and pesticide regulation by state agencies and Environmental Emergency Response Plans requirement. Staff requests further clarification on these discussion points prior to authorizing advertising for a public hearing.

1. **Section 11.A.9. “Infiltration Facility Distance to Geologic Features”**

(CURRENT SOURCE WATER) “9. Detention, retention, and infiltration facilities shall not be located within fifty (50’) feet of any features identified in Section 11, paragraph A.2, excluding f. Natural or Manmade Swales.

(CURRENT STORMWATER) Section 304. C.12.c.9.c.: “In addition, infiltration facilities shall be located greater than 50 feet from any critical geologic features identified in the geotechnical report or geophysical testing report unless the reports provide for approved mitigating measures that will produce no negative impact on groundwater recharge or quality.”

2. **Section 11.A.11. “Stormwater into Sinkholes”**

(CURRENT SOURCE WATER) “11. Stormwater shall only be directed into a sinkhole or closed depression in compliance with Chapter 26, Part 1, Stormwater.”

(CURRENT STORMWATER) Section 306. B.: “Sinkholes capable of absorbing substantial amounts of stormwater shall be protected by diverting such runoff around the sinkhole (refer to Subsection 1F) or, upon recommended approval of the Township Engineer, by planting and maintaining a dense filter path of suitable vegetative material in such a manner and location to disperse and slow the runoff to a sheet flow condition to promote the maximum possible filtration and sedimentation of impurities...”

3. **Proposed Definition of “Incinerator”**

*No Definition within the Current Zoning Regulations

Suggested “Incinerator” Definition: “An apparatus for burning waste material at high temperatures until it is reduced to ash. For the purposes of this ordinance, the term “incinerator” shall apply to industrial use only and shall not apply to incinerators which are used as an accessory to agricultural operations.”

4. **Section 11.A.12. “Blasting”**

(CURRENT) “Blasting activity permitting is required by the PA DEP Bureau of Mining Programs in accordance with provisions of the Administrative Code of 1929, Section 1917-A and 25 PA Code Chapter 211. For the purpose of the Source Water Protection Overlay District and Map, blasting activity shall not be permitted within any delineated Zone I radius. Within the Zone II and Township-wide Source Water Protection Overlay, blasting activity shall not be permitted within 50’ from geologic features identified under Section 11.A.2., a. through i.”

(PROPOSED) “Blasting activity permitting is required by the PA DEP Bureau of Mining Programs in accordance with provisions of the Administrative Code of 1929, Section 1917-A and 25 PA Code Chapter 211. For the purpose of the Source Water Protection Overlay District and Map, **blasting activity shall be permitted by Special Exception within any delineated Zone I radius**. Blasting must be done per PA DEP’s standards and regulations. PA DEP Limits the number and size of blasts that can go off in a sequence to limit ground motion”.

5. **Preemption of Herbicide and Pesticide Regulation**

(Email “Joe D. Montenegro, Govt. Affairs Counsel, PA Farm Bureau on 12/11/17):

“Hi Lindsay,

Thanks for attaching the most recent draft. Below are our observations and comments on the source water protection ordinance. Our most pressing comment involves the notification provision as it relates to pesticides and herbicides. Feel free to let me know if you have further questions or concerns.

1. *Section 7’s notification requirement. To the extent the section would require farmers to list on the Facility Profile Sheet (Appendix B) pesticides and herbicides used, we think such a notification requirement would be void under [Section 111.57\(b\)](#) of Pennsylvania’s Pesticide Control Act (excerpt below). Similarly, in our view, the Act prohibits various water authorities from exercising veto authority over the use of pesticides.*

*3 P.S. § 111. 57(b): This act and its provisions are of Statewide concern and occupy the whole field of regulation regarding the registration, sale, transportation, distribution, **notification of use, and use of pesticides to the exclusion of all local regulations**. Except as otherwise specifically provided in this act, **no ordinance or regulation of any political subdivision or home rule municipality may prohibit or in any way attempt to regulate any matter relating to the registration, sale, transportation, handling or use of pesticides**, if any of these ordinances, laws or regulations are in conflict with this act. (emphasis added).*

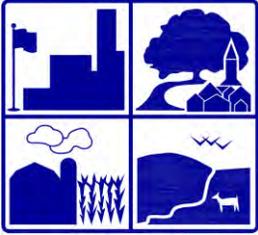
6. **Section 12. Environmental Emergency Response Plans**

The language change from “It is the intent of this Ordinance to **require...**” to “It is the intent of this Ordinance to **encourage...**”. The Ad Hoc Advisory Board discussed the intent of this Section and

recommended that language be added to clarify that the Source Water Protection Ordinance is only a reference document and does not supersede any state or federal regulations.

- Staff recalls discussion that followed, and a consensus of members considered “require” as the operative term for this section of the ordinance.

Upon clarification of the six points and potential authorization for Public Hearing on January 21, 2018, staff intends on presenting revisions to the Ferguson Township Planning Commission on December 4, 2018 and request recommendation on changes to the draft ordinance. Staff will also present changes to the Centre Regional Planning Commission on December 6, 2018 for their review and comment. Prior to Public Hearing, staff will provide Centre County Planning and Community Development a 30-day review and comment per the PA Municipalities Planning Code. The Ad Hoc Source Water Board recommended that notification be sent to all property owners within the proposed Zone I capture areas. Staff can provide notice upon authorization by the Board of Supervisors.



TOWNSHIP OF FERGUSON

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

TO: Board of Supervisors

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

DATE: July 11, 2018

SUBJECT: Source Water Ad Hoc Advisory Board Recommendations

Source Water Protection Ad Hoc Advisory Board

Source Water Protection Ordinance & Overlay District

• Recommendations •

A. Ordinance Text

- 1. Section 1. Purpose and Intent:** The Ad Hoc Advisory Board recommends that bullet #6 remain “that is scientifically plausible but uncertain”. Penn State Physical Plant commented that this phrase is overly broad and ambiguous. Ad Hoc Advisory Board member Todd Giddings offered to provide educational language to consider including in the ordinance related to the last bullet.
- 2. Section 3. Definitions:** The Ad Hoc Advisory Board recommends that the “*Alteration*” definition **does not include** “*plowing and tilling*”.
- 3. Section 3. Definitions:** The Ad Hoc Advisory Board recommends that the “*Best Management Practices (BMPs)*” definition **be enhanced** by including language that agriculture practices are intended to be consistent with the state’s nutrient management chapter.
- 4. Section 3. Definitions:** The Ad Hoc Advisory Board recommends that the term “*Advanced Agriculture Research*” be **deleted** because it is not used in the ordinance at all.
- 5. Section 3. Definitions:** The Ad Hoc Advisory Board recommends that the term “*Agriculture Activities*” and **encompass the activities** under “*Agriculture Operations*”.
- 6. Section 3. Definitions:** The Ad Hoc Advisory Board recommends that staff confirm the words listed are not used in the ordinance, and if they are not, remove the definitions. The terms include: **Abandoned Water Supply Well, Advanced Agricultural Research, Agriculture, Alteration, Carbonate, Limestone, Closed or Undrained Depression, Community On-Lot Sewage Disposal System, Groundwater Recharge, Junked Materials, Storage Tank Facility.**

7. **Section 3. Definitions:** The Ad Hoc Advisory Board recommends that the term “*Multi-Family Residential Dwellings*” **should be defined** in Section.
8. **Section 3. Definitions:** The Ad Hoc Advisory Board recommends **removing** the term “*Abandoned Water Supply Wells*” from the draft ordinance because this is already regulated in the Property Maintenance Code. In the “*Source Water Protection Area*” definition, the Ad Hoc Advisory Board recommends **leaving** the word “public.”
9. **Section 4. Applicability:** The Ad Hoc Advisory Board recommends “*that use or store hazardous materials in quantities meeting or exceeding established quantity thresholds, except those uses noted below under C., D., and E.*” be **deleted**. The Ad Hoc Advisory Board also recommends that **language be inserted** in Section 11 that indicates the Land Development Plan should contain notes acknowledging project’s location in relation to the Source Water Protection Zone and that the applicants are compliant with state and federal laws regarding chemical storage and chemical use.
10. **Section 5.A. Establishment and Delineation of Source Water Protection Overlay District and Wellhead Protection Zones:** The Ad Hoc Advisory Board recommends that language be **added** to this section, recognizing that “*if a particular well is decommissioned or abandoned, that the protective radius be removed and no longer in affect upon notice of the water purveyor*”.
11. **Section 5.A.6. Establishment and Delineation of Source Water Protection Overlay District and Wellhead Protection Zones:** The Ad Hoc Advisory Board recommends that this section acknowledge that there are there are two University-owned wells that are on the Township boundary or very close to it—the Zone I radii extends into the Township boundaries. This issue can be addressed when staff receives the well map from Penn State University.
12. **Section 7. Reporting Requirements A. 1. Through 4., Section 10.B.5., Appendix B. and Appendix D.:** The Ad Hoc Advisory Board recommends that the requirement for submission of Facility Profile Sheets to Ferguson Township be **deleted** from the draft ordinance. Advisory Board members discussed this potential ordinance requirement, at length, requiring all regulated land uses submit a list of regulated substances to Ferguson Township. Advisory Board members were concerned that this requirement only created a data collection burden to Township staff, in addition to duplicating efforts with other agencies, such as the PA Department of Agriculture, that already require farmers to provide Safety Data Sheets (SDS). Members added that properties storing hazardous chemicals already provide the SDS on-site in the event of an emergency. There was an overall concern that once the Facility Profile Sheets become public domain, they can be obtained through Right-to-Know.
13. **Section 8.A.1.a. Public Water Supplier Review:** The Ad Hoc Advisory Board recommends that “*The subdivision and land development, or New Regulated Land Uses and Activities is permitted in the underlying zoning district*” **be deleted** from this section.
14. **Section 8.A.1.a. Public Water Supplier Review:** The Ad Hoc Advisory Board recommends that the language that addresses the public water supplier’s role in the review process for land development and new regulated land uses and activities **remain** in this section and not be deleted.
15. **Section 8.A.2. Public Water Supplier Review:** The Ad Hoc Advisory Board recommends that the term “*Extraordinary Development Proposals*” should be defined and the time frame for these proposals

should be clarified. The intent of the term relates back to the normal review timeframe of 90-days for any subdivision or land development as specified within the PA Municipalities Planning Code.

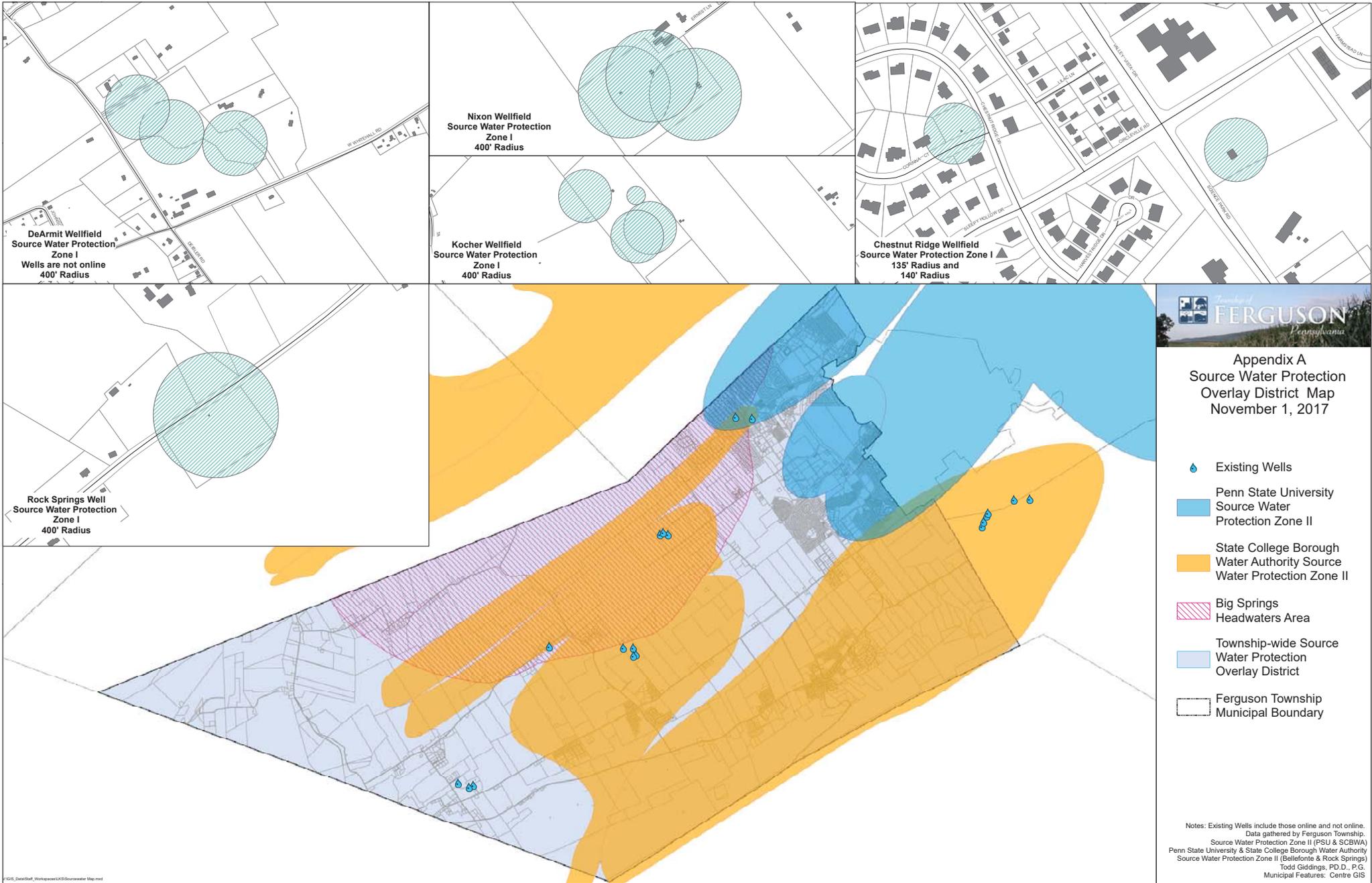
16. **Section 9. Table 1.:** The Ad Hoc Advisory Board recommends that the restriction of not permitting a majority of the 45 regulated Land Uses within the designated Zone I radii **remain** as stated within the current draft ordinance. Table 1 currently Advisory Board members learned that water suppliers own approximately 76.34 acres of property within Zone I as opposed to 33.92 acres of privately owned property within the Zone I. Further, staff explained that any existing uses within the Zone I may continue as nonconforming uses under the Source Water Protection Ordinance. Nixon, Kocher, and Rock Springs wells are located within the Rural Agricultural (RA) Zoning District, DeArmit well within the Rural Residential (RR) Zoning District and Chestnut Ridge wells within the Single-Family (R1) Residential Zoning District, limiting the allowance of high-risk land uses on or near prescribed radii.
17. **Section 9., Table 1, Land Use and Activities #36:** The Ad Hoc Advisory Board recommends leaving in the language that addresses “Geothermal Exchange Systems”.
18. **Section 9., Table 1, Land Use and Activities #46:** The Ad Hoc Advisory Board recommends that Land Use #46 “General Agriculture on field, forage, forestry, insects...” be **deleted** from the draft ordinance. Scientists and researchers managing these farms using best management practices and following certain controls and requirements in addition to the Ordinance exemption for Agricultural Operations and/or Service Businesses along with Silvicultural and Timber Harvesting under Section 4. Applicability, D. and F.
19. **Section 11.A.2.a.:** The Ad Hoc Advisory Board recommends that the term “*surface drainage patterns*” be **deleted** from the draft ordinance. This recommendation is consistent with comments received from the Township Engineer prior to the December 11, 2017 Public Hearing.
20. **Section 11.A.2.e.:** The Ad Hoc Advisory Board recommends the **removal** of “*Non-Intermittent*” from letter e., and leave “*Bodies of water or streams*”.
21. **Section 11.A.5.:** The Ad Hoc Advisory Board recommends the **removal** of “*Backfilled Daily*”.
22. **Section 11.A.7.:** The Ad Hoc Advisory Board recommends language be **revised** In Section 11.A.7, there was a consensus to recommend that the paragraph only refer to Section 11.A.2 b., Open Sinkholes.
23. **Section 11.A.8.:** The Ad Hoc Advisory Board recommends language be **revised** to address commercial, industrial, and non-residential entities only. In addition, Section 11.A.8 should only apply to Section 11.A.2 b., open sinkholes and e., non-intermittent bodies of water or streams.
24. **Section 11.A.9.:** The Ad Hoc Advisory Board recommends the **rewording** of this Section to refer to the Stormwater Ordinance design standards—“*Detention, retention, and infiltration facilities shall be in compliance with Chapter 26, Part 1 Stormwater Management.*”
25. **Section 11.A.11:** The Ad Hoc Advisory Board recommends language be **revised** to impart that “Stormwater shall not be directed into sinkholes”. A majority of the Ad Hoc Advisory Board members did not agree with the statement in this section, however, the Stormwater Management Ordinance

stipulates discharge into sinkholes or closed depressions under certain conditions and stipulations. At the June 6, 2018 meeting, the Ad Hoc Advisory Board further made a recommendation to **delete** this section altogether.

26. **Section 11.A.12:** The Ad Hoc Advisory Board recommends language be **revised** to exclaim that “Blasting activity permitting is required by the PA DEP Bureau of Mining Programs in accordance with provisions of the Administrative Code of 1929, Section 1917-A and 25 PA Code Chapter 211. For the purpose of the Source Water Protection Overlay District and Map, blasting activity shall be permitted by Special Exception within any Zone I radius.” The recommendation also **removes** the sentence “Within the Zone II and Township-wide Source Water Protection Overlay, blasting activity shall not be permitted within 50’ from geologic features identified under Section 11.A.2., a. through i.” from Section 11.A.12”. Blasting must be done per DEP’s standards and regulations. PA DEP limits the number and size of blasts that can go off in a sequence to limit ground motion.
27. **Section 12:** The Ad Hoc Advisory Board recommends that the **language change** from “*It is the intent of this Ordinance to require...*” to “*It is the intent of this Ordinance to encourage...*”. The Ad Hoc Advisory Board discussed the intent of this Section and recommended that **language be added** to clarify that the Source Water Protection Ordinance is only a reference document and does not supersede any state or federal regulations.

B. Other Recommendations:

1. The Ad Hoc Advisory Board discussed the **need for an educational component** related to the proposed Ordinance upon adoption. Ideas such as an open house to conduct an overview of the Source Water Protection requirements and map would further educate residents, businesses, industries, farmers and the University, use social media such as Twitter and Facebook to distribute educational materials. Ad Hoc Advisory Board members compared the Source Water educational program to the MS4 process conducted by Township Engineer, Ron Seybert. It was also suggested that a portion of the Township Website provide educational materials related to Source Water Protection.
2. The Ad Hoc Advisory Board recommends that the Board of Supervisors **notify** the property owners within the proposed Zone I radii of the pending change to their property, 30-days prior to the public hearing upon adoption of the Source Water Protection Ordinance and Overlay Map.
3. The Ad Hoc Advisory Board recommends that the Board of Supervisors **hold a work session** before the public hearing between the Board of Supervisors and the Ad Hoc Advisory Board on the proposed revisions of the Source Water Protection Ordinance so that there can be a discussion on the pending issues.



Appendix A
Source Water Protection
Overlay District Map
November 1, 2017

"APPENDIX B"



**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 polluttional 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 polluttional 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. Employee 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 valves 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 appraisal 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, valves, 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. Employee 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 employees' 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 added 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 copolymers
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

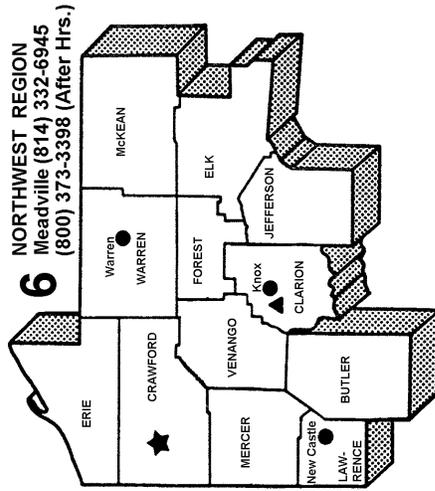
Special equipment is often required and may be needed quickly in an emergency. Examples include the following:

Aerial ladder	Forklift
Absorbant materials	Fuel Supply
Accident investigation kit	Geiger counter
Air compressor	Generator trailer
Air supply, for breathing equipment	Heaters, portable
Backhoe	Helicopter
Basket stretchers	Hydraulic spreader jacks
Bulldozer	Inhalator
Bullhorn	Jack hammer
Camera/photo equipment	Jacks
Cellar pump	Ladder Truck
Chain hoist	Lighting equipment, portable
Chain saw	Medical supplies
Chemical neutralizers	Metal saw (power)
Crane	Public address system
Cutters (power)	Radio
Decontamination equipment with a clean Resuscitator water supply (70-80°F)	Resuscitator
Ejector - smoke	Sand supply
Elevated platform truck	Self-contained breathing apparatus (SCBA)
Explosimeters	Self-contained underwater breathing apparatus (SCUBA)
Fans	Submersible pump
Firefighting equipment	Tank truck
First aid supplies	Tool box
Foam concentrate supply	Welding/cutting equipment
Foam generators	Water pump

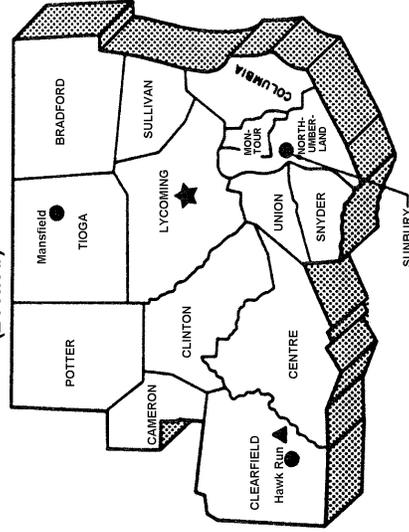
**APPENDIX IV
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
EMERGENCY NOTIFICATION NUMBERS**

**STATEWIDE EMERGENCY NOTIFICATION NUMBER (800) 541-2050 (PA ONLY)
OR (717) 787-4343**

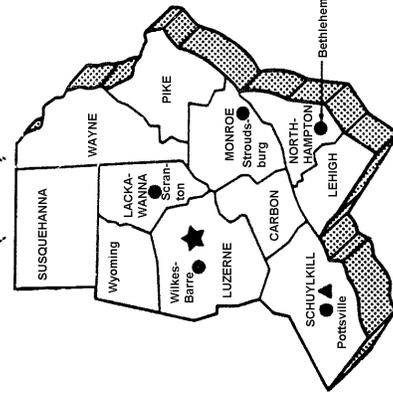
(To Be Used If There Is A Problem In Contacting The Region)



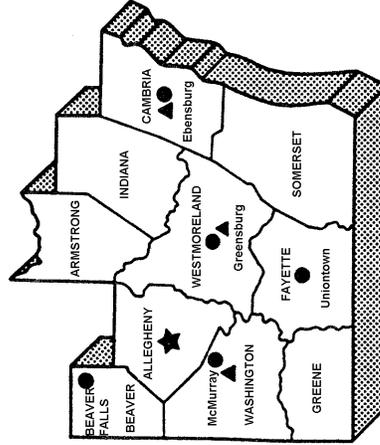
6 NORTHWEST REGION
Meadville (814) 332-6945
(800) 373-3398 (After Hrs.)



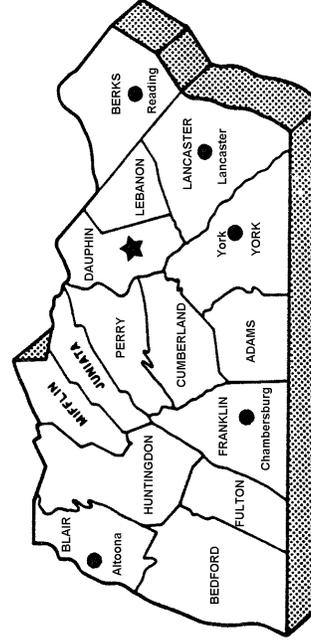
4 NORTHCENTRAL REGION
Williamsport (570) 327-3636
(24 Hr. #)



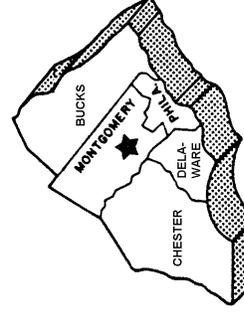
2 NORTHEAST REGION
Wilkes-Barre (570) 826-2511
(24 Hr. #)



5 SOUTHWEST REGION
Pittsburgh (412) 442-4000
(24 Hr. #)



3 SOUTHCENTRAL REGION
Harrisburg (717) 705-4700
(877) 333-1904



1 SOUTHEAST REGION
Norristown (484) 250-5900
(24 Hr. #)

LEGEND: ★ REGIONAL OFFICES ● DISTRICT OFFICES ▲ MINING OFFICES

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 Coord.

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 materials² 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.

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 spills³ 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 ADDENDUMS 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 Facilities⁴

- 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 of 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.

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 of 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.

SOURCE WATER 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 27-216 CONCERNING SOURCE WATER 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 27-216, IS HEREBY ESTABLISHED TO READ AS FOLLOWS: §27-216. SOURCE WATER PROTECTION OVERLAY DISTRICT REQUIREMENTS. THE SOURCE WATER PROTECTION OVERLAY DISTRICT REQUIREMENTS ARE INTENDED FOR THE REGULATION OF LAND USES WITHIN THE SOURCE WATER PROTECTION OVERLAY DISTRICT FOR THE PURPOSE OF PROTECTING GROUNDWATER AND SURFACE WATER, WHILE DEFINING SOURCE WATER TERMS, ~~REQUIRING REPORTING REQUIREMENTS~~, REQUIRING ADDITIONAL REVIEW FROM PUBLIC WATER SUPPLIERS, PROVIDING ~~REPORTING REQUIREMENTS~~ FOR CERTAIN REGULATED LAND USES AND ACTIVITIES WITHIN THE SOURCE WATER PROTECTION OVERLAY DISTRICT, PROVIDING **LAND DEVELOPMENT** 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 and the ecosystems of the township, provide protections for sources of public drinking water supplies, and safeguard the future supply of safe and sustaining drinking water. The designation of a Source Water Protection Overlay District, as provided herein, and the regulation of activities within such Source Water Protection Overlay District are intended to reduce the potential for ground water and surface water contamination and minimize adverse environmental impacts.

The Source Water 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 Source Water Protection Overlay District.
- Manage land use activities that store, handle, and produce hazardous materials or regulated substances which can contaminate water supply sources through inadequate management.
- Encourage Best Management Practices (BMP) to limit degradation of groundwater and surface water quality.
- Provide many of the Source Water protections that are set forth as goals in the existing Source Water 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 or practices in farming. When new technologies, farming practices, or development activities could

lead to unacceptable harm to people or our source water that is scientifically plausible but uncertain, the township shall take actions to avoid or diminish that harm.

- Help mitigate the impacts of a changing climate on the groundwater and surface water resources within the Township by defining the Source Water 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 Source Water (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 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, vineyards and wineries, 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, on-farm restaurants or cafes, and other value added production facilities.

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, which 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. **This term shall not apply to agricultural plowing and tilling activity.**

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. **Additionally, agricultural practices are intended to be consistent with the Pennsylvania Nutrient Management Chapter.**

Carbonate: A sediment formed by the organic or inorganic precipitation of mineral compounds characterized by the fundamental chemical in CO₃, 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, where size and amplitude are variable, and 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 a property, building, parking lot, and other improvements.

Extraordinary Development Proposal: A land development plan application that exceeds the prescribed 90-day time limit as outlined in Section 508. Approval of Plats as stipulated within the Act of 1968, P.L. 805, No. 247, the PA Municipalities Planning Code.

Facility Profile Sheet: An information sheet, provided by the applicant, that contains zoning and property data, regulated substance use, storage and disposal details, 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 include 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.

Impermeable: Impervious, impenetrable to moisture.

Incinerator: An apparatus for burning waste material at high temperatures until it is reduced to ash. For the purposes of this ordinance, the term "incinerator" shall apply to industrial use only and shall not apply to incinerators which are used as an accessory to agricultural operations.

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, in a sinkhole, or 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 consists mainly of calcium carbonate.

~~**Multifamily Dwelling:** Three or more dwelling units, with the units stacked one above another.~~

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 that 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.

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, which is developed and implemented to control potential discharges of pollutants other than sediment into waters of this Commonwealth. (See Section 12).

Regulated Substance: A product or waste, or combination of substances that, because of the quantity, concentration, physical, chemical, or infectious characteristics which 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 materials include, but are not limited to, substances regulated under Federal or State environmental, pollution control, hazardous materials, and drinking water laws and regulations. ~~Reference Appendix D Regulated Substances List under this Ordinance.~~

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 Source Water 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.

Source Water 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 Source Water 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-Wide Source Water Protection Overlay District Zone** encompasses the entire area of Ferguson Township.

Source Water Protection Overlay District: Wellhead protection areas surrounding public water supply wells, including Zones I, II, and the Township-Wide Source Water Protection Overlay.

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 which 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 materials.

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, working mine, 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 Source Water Protection Overlay District, and to those land uses on parcels located within a Source Water 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. To the extent otherwise permitted or regulated by Federal, state and/or county statutes and regulations, the owners and/or occupiers of lots and tracts of land which are primarily utilized for the purpose of single or multi-family residential dwellings are permitted to utilize and store fuels, hazardous chemicals, pesticides, fertilizers, inflammable liquids and gases, and toxic and regulated substances listed as part of this ordinance in such quantities and in such manner as is associated with normal and responsible household use, and such limited authorization shall not be deemed a Regulated Land Use and Activity for the purposes of this Ordinance.
 - i. For commercial and retail establishments that sell fuels, hazardous chemicals, pesticides, fertilizers, inflammable liquids and gases, and toxic and regulated substances packaged for home uses, these package materials shall be exempt from the requirements of this Ordinance.
- C. 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.
- D. 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 by the Township with a Facility Profile Sheet.~~
- E. 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.

- F. 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 SOURCE WATER PROTECTION OVERLAY DISTRICT AND WELLHEAD PROTECTION ZONES

The "Source Water 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. Source Water Protection zones have been established by the State College Borough Water Authority under the "*Source Water 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 "Source Water 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~~ Well 28A = 400' and Well 37 = No Radius
 7. **Rock Springs Water Company:** 400' radius around existing wells
 - i. ~~Upon a well decommissioning, the prescribed radius shall no longer be in effect upon notice of the water purveyor to Ferguson Township.~~
- 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 "*Source Water Protection Report, January 2007 (Revised in May 2017)*" and outlined as the Source Water 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 water 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 uninterrupted 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 Source Water Protection Overlay District shall be submitted in accordance with such other applicable provisions of Ferguson Township ordinances. Any area of the Source Water 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 Source Water 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 Source Water 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 Source Water Protection Zones along with the most recent aerial photography.

~~SECTION 7. REPORTING REQUIREMENTS~~

~~A. The record owner of a tract of land located within the Source Water Protection Overlay, which contains a Regulated Land Use and Activity, whether existing or proposed, shall submit copies of the following applicable reports to the Zoning Officer:~~

~~1. **Facility Profile Sheet:** Information shall be submitted 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. Failure to supply a Facility Profile Sheet within the 90 days to Ferguson Township shall be considered a Violation under §27-1005 of the Ferguson Township Zoning 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. The Facility Profile Sheet shall contain a list of regulated substances utilized and stored on site. 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.~~

~~i. At the discretion of the State College Borough Water Authority, the Pennsylvania State University, Borough of Bellefonte, or the Rock Springs Water Company, whichever agency has relevant jurisdiction, any application of pesticides, herbicides, and/or regulated substances shall be contingent on the relevant public water suppliers' approval. Multi-family housing developments, containing 50 or more dwelling units, shall supply Ferguson Township with a completed Facility Profile Sheet containing information related to the types and amounts of pesticides, herbicides and regulated substances utilized or stored on site. The completed Facility Profile Sheet shall be submitted within 90 days of the enactment of this ordinance.~~

~~2. Upon request by Ferguson Township staff within 30 days, 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 material, and drinking water laws and regulations pertaining to such lot or tract of land, in addition as to when the aforementioned information may be required to be submitted to federal, state and county governments authorities.~~

~~3. Filing of notices may be made available in the event that any contaminants and/or substances regulated under federal, state or county environmental, pollution control, hazardous material, and drinking water laws and regulations are released on or from any lot or tract of land within the Source Water 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. Upon request by Ferguson Township staff within 30 days, copies of all notices, orders, rules, decisions, recommendations, enforcement actions, and similar documentation, as 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 material, 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. Ferguson Township shall offer public water suppliers an opportunity to review and comment on proposed land development plans of Regulated Land Uses and Activities. Upon land development application submission, Ferguson Township Planning & Zoning staff shall forward copies of the plans and request public water supplier to review and comment within 45-days of receipt. 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 time. All costs associated with public water supplier review shall be borne by the land development applicant. The public water supplier may waive further review of the proposed development plan, depending upon the physical location of the proposed project, and must notify Ferguson Township Planning staff, in writing, that the public water supplier opts to waive land development plan 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 Source Water 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**

	<u>LAND USE AND ACTIVITIES</u>	<u>ZONE I</u>	<u>ZONE II and TOWNSHIP-WIDE PROTECTION ZONE II</u>
1.	Kennels	NOT PERMITTED	<p>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.</p> <p>B. Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p>C. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>D. Site map location of where hazardous materials are stored, handled and used.</p>
2.	Pet Care/Daycare Facilities	NOT PERMITTED	
3.	Veterinary Office/Clinic	NOT PERMITTED	
4.	Mining and Quarrying <i>[Special Exception]</i>	NOT PERMITTED	<p>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.</p> <p>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.</p>
5.	Regional Civic- or Faith-Based Place of Assembly	NOT PERMITTED	<p>A. Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled and used.</p>
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 <i>[Special Exception]</i>	NOT PERMITTED	<p>A. All caskets shall be encased in concrete grave liners as defined by the Federal Trade Commission in regulations at part 453, as amended.</p>
10.	Mortuaries <i>[Special Exception]</i>	NOT PERMITTED	
11.	Convenience Food Stores	NOT PERMITTED	<p>A. Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled and used.</p>
12.	All Retail Establishments for the sale, service, and rental of goods	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.	Hotels and Motels	NOT PERMITTED	
17.	Public and Private Garages for the storage and maintenance of motor vehicles	NOT PERMITTED	

18.	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	<p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled and used.</p>
19.	Archery, pistol, shotgun and skeet ranges [Special Exception]	NOT PERMITTED	<p>A. Mitigation plan for the abatement of lead contamination within range lanes and trap access.</p>
20.	Printing Establishments	NOT PERMITTED	<p>A. Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled and used.</p>
21.	Incinerators [Conditional Use]	NOT PERMITTED	<p>A. Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled and used.</p>
22.	The manufacture, processing or bulk storage of natural gas, petroleum, gasoline and other petroleum derivatives and explosives [Conditional Use]	NOT PERMITTED	<p>A. Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled and used.</p>
23.	Wholesale Distribution and Warehouses	NOT PERMITTED	<p>A. Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled and used.</p>
24.	Auto Wrecking, Junk, and Scrap Establishments [Conditional Use]	NOT PERMITTED	<p>A. Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p>
25.	Commercial or Industrial production, manufacturing, assembly, processing, cleaning, repair, storage or distribution of goods, equipment materials, foodstuffs and other products not involving a retail activity except as an accessory use	NOT PERMITTED	<p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled and used.</p>
26.	Light manufacturing, assembly, processing, fabrication and packaging of components into finished or	NOT PERMITTED	

	remanufactured products, where all work occurs inside the building and all raw products and finished products are stored within the building		
27.	Research engineering or testing laboratories and fabrication of models or test equipment used in research [Conditional Use]	NOT PERMITTED	
28.	Manufacture, use and storage of Hazardous materials as a Principal Activity [Conditional Use]	NOT PERMITTED	
29.	Commercial Slaughtering Facilities	NOT PERMITTED	<p>A. Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous material are stored, handled and used.</p>
30.	Taxidermy Shop	NOT PERMITTED	<p>A. Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous material are stored, handled and used.</p>
31.	Land Application of Bio-Solids	UNDER PA DEP PERMIT CONDITIONS OF APPROVAL	
32.	Underground Injection Wells, Natural Gas Well Extraction Pads for Horizontal Drilling and Hydraulic Fracturing, Compressor Stations	NOT PERMITTED	NOT PERMITTED
33.	Liquid Petroleum Transmission Lines	NOT PERMITTED	NOT PERMITTED
34.	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.
35.	Golf Course	NOT PERMITTED	<p>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.</p> <p>B. Irrigation schedules shall be coordinated with pesticide and nutrient application to minimize the possibility of leaching/runoff.</p> <p>C. Coordination with the Penn State Cooperative Extension Service to develop and implement an Integrated Pest Management Plan.</p>
36.	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.
37.	Storage Tanks-Aboveground (AST)	NOT PERMITTED	<p>A. Submittal of an approved registration form indicating compliance with Permit Requirements of the Storage Tank and Spill Prevention Act (STSPA, Act of 1989, P.L. 169, No. 32) standards.</p> <p>B. Above-ground Storage Tanks shall not be located within 200' of a Zone I Boundary.</p>

38.	Storage Tanks-Underground (UST)	NOT PERMITTED	<p>A. Submittal of an approved registration form indicating compliance with Permit Requirements of the Storage Tank and Spill Prevention Act (STSPA, Act of 1989, P.L. 169, No. 32) standards.</p> <p>B. Underground Storage Tanks shall not be located within 200' of a Zone I Boundary.</p>
39.	Storage of Road Salt and De-Icing Materials	NOT PERMITTED	<p>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.</p>
40.	Application of Road Salt and De-Icing Materials	<p>A. Ferguson Township shall monitor and record amounts of salts or de-icing materials applied to township roads during each storm event.</p>	
41.	Withdrawal or diversion of 10,000 gpd for any consecutive 30-day period from ground or surface water sources	<p>A. Registration of the amount of the water withdrawal is required by the Susquehanna River Basin Commission.</p>	
42.	Abandonment of Wells	<p>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.</p>	
43.	Well Building/Water Production Facilities	<p>A. Provide a detailed description of the storage, handling, use of regulated substances and description of the containment structures for hazardous material storage.</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled and used.</p>	
44.	Freight or Truck Terminals	NOT PERMITTED	<p>A. Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled and used.</p>
45.	Medical Marijuana Growing and Processing Facility	NOT PERMITTED	<p>A. Provide a detailed description of the storage, handling, use of regulated substances and description of the containment structures for hazardous material storage.</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled and used.</p>
46.	General Agricultural research on field, forage, forestry, insects, general livestock, vegetable, small and large fruits and ornamental crops. Includes Growth in fields and greenhouses, General Fish and Mammal Research on both caged and confined species, general soil, irrigation and water research, general soil, irrigation and biological engineering research, land application of fertilizer, animal manure,	NOT PERMITTED	<p>A. Provide a detailed description of the storage, handling, use of regulated substances and description of the containment structures for hazardous material storage.</p> <p>B. A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.</p> <p>C. Site map location of where hazardous materials are stored, handled and used.</p> <p>D. All agricultural fertilizers shall be applied in accordance with label directions and must be</p>

	<p>pesticides and other items as needed for general farming and research</p>		<p>applied in accordance with an approved Nutrient Management Plan. E. The Township encourages farmers to work with the Conservation District to develop a Conservation Plan. F. Manure storage areas shall be designed in a manner to contain any accidental releases and provide optimal protection of groundwater resources.</p>
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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 material, 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 every two years as described under Section 7.A.1.~~
 - 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 necessity 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 pertaining to sanitary sewage disposal, water supply, storm water management, and easements.

- F. A Facility Profile Sheet is submitted to Ferguson Township every two years as described under Section 7.A.1.
- 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.
 - i. All Land Development Plans shall contain a note acknowledging the proposed project location in relation to Appendix A “Source Water Protection Overlay Map” zones. In addition, all land development plans shall note the applicant’s compliance with all state and federal laws regarding chemical storage and use.

- 2. In Zone II, land development plans for Regulated Land Uses and Activity shall comply with the following requirements:

A qualified design professional shall review aerial photos, soils, geologic, and other available related data including any Source Water 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. Seasonal high ponds and streams
 - d. Intermittent streams
 - e. ~~Non-intermittent~~ Bodies of water or streams
 - f. Surface drainage patterns
 - g. Intermittent or vernal ponds
 - h. Lineaments, faults and fracture traces
 - i. Excavations and quarries
 - j. Outcrops of bedrock
- 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.~~
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 Source Water 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. ~~All commercial, industrial and non-residential~~ 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.b. and A.2.e.
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.~~ Detention, retention and infiltration facilities shall be in compliance with Chapter 26, Part 1, Stormwater Management.
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.~~
12. Blasting activity permitting is required by the PA DEP Bureau of Mining Programs in accordance with provisions of the Administrative Code of 1929, Section 1917-A and 25 PA Code Chapter 211. For the purpose of the Source Water Protection Overlay District and Map, blasting activity shall ~~not~~ be permitted ~~by Special Exception~~ within any delineated Zone I radius. ~~Blasting must be done per PA DEP's standards and regulations. PA DEP Limits the number and size of blasts that can go off in a sequence to limit ground motion. Within the Zone II and Township-wide Source Water Protection Overlay, blasting activity shall not be permitted within 50' from geologic features identified under Section 11.A.2., a. through i.~~

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 of 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~~ encourage 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 € B**.

SECTION 13. SEVERABILITY

- A. The provisions of this Ordinance are severable, and should any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid.
- B. Approvals issued pursuant to this Ordinance do not relieve the applicant of the responsibility to secure the required permits or approvals for activities regulated by other applicable code, rule or ordinance.

SECTION 14. REPEALER

Any ordinance of the Township which is inconsistent with any of the provisions of this ordinance is hereby repealed to the extent of the inconsistency only.

SECTION 15. EFFECTIVE DATE

This Ordinance, and all of its terms and provisions, shall become effective immediately after its adoption.

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

ORDAINED AND ENACTED THIS _____ DAY OF _____, 2018.

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Peter Buckland, Chairperson

ATTEST:

David G. Pribulka, Secretary

November 6, 2018

Ray Stolinas, Jr., AICP
Director of Planning and Zoning
Ferguson Township
3147 Research Drive
State College PA 16801

RE: Development Schedule for Stonebridge Senior Living project

Dear Ray,

On behalf of our client, S&A Homes, we anticipate that construction of Phase Two of the Stonebridge Senior Living project will commence in 2019.

If you have any questions, please don't hesitate contact me.

Regards,



C. Anthony Fruchtl, P.E.
Project Manager

Cc: File No. 10076

November 6, 2018

Ray Stolinas, Jr., AICP
Director of Planning and Zoning
Ferguson Township
3147 Research Drive
State College PA 16801

RE: Development Schedule for The Landings

Dear Ray,

On behalf of our client, S&A Homes, we propose the revised development schedules as follows:

The Landings:

Phase	Final Plan Submission Deadline	Description
9	December 31, 2026	140 multi-family
4	December 31, 2027	98 multi-family
5	December 31, 2027	138 multi-family
3	December 31, 2027	60 single family
8	December 31, 2028	60,000 sq. ft. NC
10	December 31, 2028	70,000 sq. ft. NC
1	Complete	44 single family

If you have any questions, please don't hesitate contact me.

Regards,



C. Anthony Fruchtl, P.E.
Project Manager

Cc: File No. 15048

November 6, 2018

Ray Stolinas, Jr., AICP
Director of Planning and Zoning
Ferguson Township
3147 Research Drive
State College PA 16801

RE: Development Schedule for Foxpointe

Dear Ray,

On behalf of our client, S&A Homes, we propose the revised development schedule the Foxpointe Subdivision as follows:

Section	Final Plan Submission Deadline	Description
1A.1, 1A.2	December 31, 2024	96 Multi-family Residential
1E	December 31, 2024	111,800 sq. ft. Neighborhood Commercial
1B	December 31, 2025	106 Single-family Residential
1D	December 31, 2025	186 Single-family Residential
1C	December 31, 2030	195 Multi-family Residential
1F	December 31, 2030	82,400 sq. ft. Neighborhood Commercial, Foxpointe Drive Street ROW (9.53 acres), and Open Space/Detention of 13.59/9.43 acres.

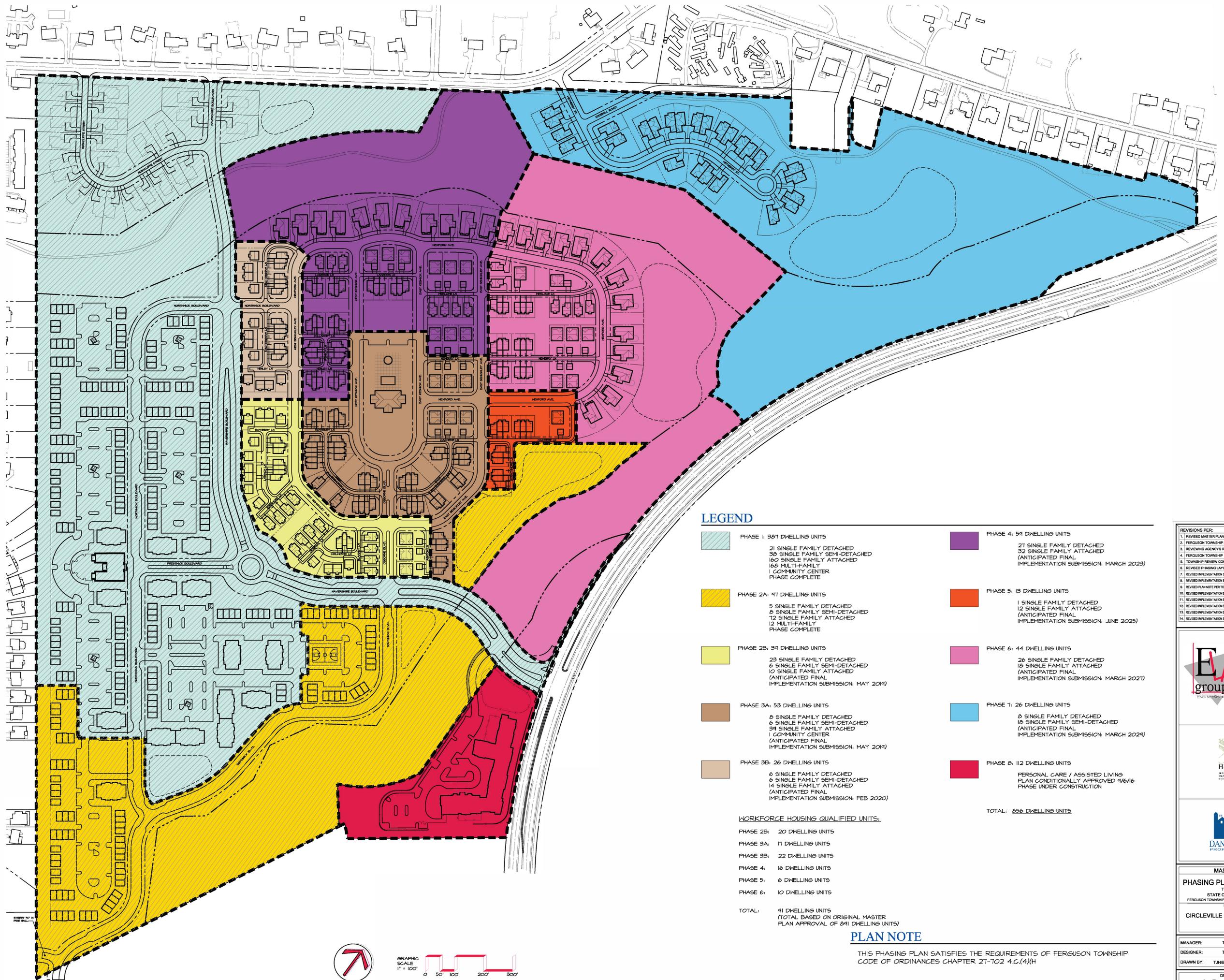
If you have any questions, please don't hesitate contact me.

Regards,



C. Anthony Fruchtl, P.E.
Project Manager

Cc: 15048



LEGEND

- PHASE 1: 381 DWELLING UNITS**
 21 SINGLE FAMILY DETACHED
 39 SINGLE FAMILY SEMI-DETACHED
 160 SINGLE FAMILY ATTACHED
 160 MULTI-FAMILY
 1 COMMUNITY CENTER
 PHASE COMPLETE
- PHASE 2A: 47 DWELLING UNITS**
 5 SINGLE FAMILY DETACHED
 8 SINGLE FAMILY SEMI-DETACHED
 12 SINGLE FAMILY ATTACHED
 12 MULTI-FAMILY
 PHASE COMPLETE
- PHASE 2B: 34 DWELLING UNITS**
 23 SINGLE FAMILY DETACHED
 8 SINGLE FAMILY SEMI-DETACHED
 10 SINGLE FAMILY ATTACHED
 (ANTICIPATED FINAL
 IMPLEMENTATION SUBMISSION: MAY 2019)
- PHASE 3A: 53 DWELLING UNITS**
 8 SINGLE FAMILY DETACHED
 6 SINGLE FAMILY SEMI-DETACHED
 34 SINGLE FAMILY ATTACHED
 1 COMMUNITY CENTER
 (ANTICIPATED FINAL
 IMPLEMENTATION SUBMISSION: MAY 2019)
- PHASE 3B: 26 DWELLING UNITS**
 6 SINGLE FAMILY DETACHED
 6 SINGLE FAMILY SEMI-DETACHED
 14 SINGLE FAMILY ATTACHED
 (ANTICIPATED FINAL
 IMPLEMENTATION SUBMISSION: FEB 2020)
- PHASE 4: 54 DWELLING UNITS**
 21 SINGLE FAMILY DETACHED
 32 SINGLE FAMILY ATTACHED
 (ANTICIPATED FINAL
 IMPLEMENTATION SUBMISSION: MARCH 2023)
- PHASE 5: 13 DWELLING UNITS**
 1 SINGLE FAMILY DETACHED
 12 SINGLE FAMILY ATTACHED
 (ANTICIPATED FINAL
 IMPLEMENTATION SUBMISSION: JUNE 2025)
- PHASE 6: 44 DWELLING UNITS**
 26 SINGLE FAMILY DETACHED
 18 SINGLE FAMILY ATTACHED
 (ANTICIPATED FINAL
 IMPLEMENTATION SUBMISSION: MARCH 2021)
- PHASE 7: 26 DWELLING UNITS**
 8 SINGLE FAMILY DETACHED
 18 SINGLE FAMILY SEMI-DETACHED
 (ANTICIPATED FINAL
 IMPLEMENTATION SUBMISSION: MARCH 2024)
- PHASE 8: 112 DWELLING UNITS**
 PERSONAL CARE / ASSISTED LIVING
 PLAN CONDITIONALLY APPROVED 9/6/16
 PHASE UNDER CONSTRUCTION

WORKFORCE HOUSING QUALIFIED UNITS:

- PHASE 2B: 20 DWELLING UNITS
- PHASE 3A: 17 DWELLING UNITS
- PHASE 3B: 22 DWELLING UNITS
- PHASE 4: 16 DWELLING UNITS
- PHASE 5: 6 DWELLING UNITS
- PHASE 6: 10 DWELLING UNITS
- TOTAL: 91 DWELLING UNITS**
(TOTAL BASED ON ORIGINAL MASTER PLAN APPROVAL OF 841 DWELLING UNITS)

TOTAL: 856 DWELLING UNITS

PLAN NOTE

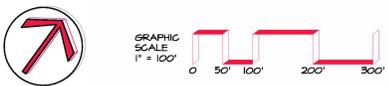
THIS PHASING PLAN SATISFIES THE REQUIREMENTS OF FERGUSON TOWNSHIP CODE OF ORDINANCES CHAPTER 21-702 4.C.(4)(H)

REVISIONS PER:	DATE:	BY:
1. REVISED MASTER PLAN	4-18-11	ELA / HD
2. FERGUSON TOWNSHIP REVIEW LETTER	7-22-11	TJH
3. REVIEWING AGENCIES REVIEW LETTERS	10-14-11	TJH
4. FERGUSON TOWNSHIP	11-18-11	TJH / BLM
5. TOWNSHIP REVIEW COMMENTS	2-09-12	BLM
6. REVISED PHASING LAYOUT	12-28-12	MRH
7. REVISED IMPLEMENTATION SUBMISSION DATES	11-25-13	THIS
8. REVISED IMPLEMENTATION SUBMISSION DATES	10-27-14	TJH
9. REVISED PLAN NOTE PER TOWNSHIP	12-09-14	MRH
10. REVISED IMPLEMENTATION SUBMISSION DATES	11-16-15	THIS
11. REVISED IMPLEMENTATION SUBMISSION DATES	5-11-16	THIS
12. REVISED IMPLEMENTATION SUBMISSION DATES	12-16-16	THIS
13. REVISED IMPLEMENTATION SUBMISSION DATES	11-15-17	THIS
14. REVISED IMPLEMENTATION SUBMISSION DATES	11-20-18	THIS



MASTER PLAN
 SUBJECT:
PHASING PLAN - 2018 UPDATE
 TURNBERRY
 STATE COLLEGE, PA 16803
 FERGUSON TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA
 DEVELOPER:
CIRCVILLE ROAD PARTNERS, LP

MANAGER: THIS DATE: DECEMBER 27, 2012
 DESIGNER: THIS PROJECT NO: SC307-001
 DRAWN BY: TJH/BLM SCALE: 1" = 100'





Western Region

Ferguson Township Board of Supervisors
 3147 Research Drive
 State College, PA 16801-2798

Contract - 2018-C1
 Work Performed:
 10/14 - 11/3/2018

INVOICE

11/16/2018
 #1373600

PAY APPLICATION 6

ITEM NO.	DESCRIPTION	QUANTITY	UoM	UNIT COST	TOTAL COST	QUANTITY THIS ESTIMATE	DOLLAR VALUE THIS ESTIMATE	RETAINAGE - 5%	QUANTITY TO DATE	RETAINAGE HELD TO DATE	DOLLAR VALUE TO DATE
0201-0001	Clearing and Grubbing	1.00	LS	\$42,500.00	\$42,500.00	0.00	\$0.00	\$0.00	1.00	\$0.00	\$42,500.00
0203-0001	Class 1 Excavation	194.00	CY	\$38.00	\$7,372.00	0.00	\$0.00	\$0.00	182.00	\$0.00	\$6,916.00
0204-0150	Class 4 Excavation	464.00	CY	\$9.50	\$4,408.00	0.00	\$0.00	\$0.00	917.00	\$0.00	\$8,711.50
0341-0001	Cold In Place Recycled Bituminous Base Course (4" Depth)	4,438.00	SY	\$10.00	\$44,380.00	0.00	\$0.00	\$0.00	4,900.00	\$0.00	\$49,000.00
0341-0002	Cold In Place Recycled Bituminous Base Course (5" Depth)	37,120.00	SY	\$5.70	\$211,584.00	0.00	\$0.00	\$0.00	37,706.00	\$0.00	\$214,924.20
0341-0010	Bituminous Material	83,116.00	GA	\$2.00	\$166,232.00	0.00	\$0.00	\$0.00	50,049.00	\$0.00	\$100,098.00
0411-0385	Superpave Asphalt Mixture Design, WMA Wearing Course, PG 64-22, <0.3 Million ESALS, 9.5MM Mix, 1.5" Depth, SRL-L	4,438.00	SY	\$7.50	\$33,285.00	3,927.00	\$29,452.50	\$0.00	4,900.00	\$0.00	\$36,750.00
0411-0484	Superpave Asphalt Mixture Design, WMA Wearing Course, PG 64-22, 0.3 to <3 Million ESALS, 9.5MM Mix, 1.5" Depth, SRL-M	37,120.00	SY	\$5.95	\$220,864.00	0.00	\$0.00	\$0.00	37,706.00	\$0.00	\$224,350.70
0411-2395	Superpave Asphalt Mixture Design, WMA Wearing Course (Scratch), PG 64-22, 0.3 to <3 Million ESALS, 9.5MM Mix, SRL-L	123.00	TN	\$110.00	\$13,530.00	0.00	\$0.00	\$0.00	138.18	\$0.00	\$15,199.80
0411-2494	Superpave Asphalt Mixture Design, WMA Wearing Course (Scratch), PG 64-22, 0.3 to <3 Million ESALS, 9.5MM Mix, SRL-L	1,022.00	TN	\$77.00	\$78,694.00	0.00	\$0.00	\$0.00	1,097.00	\$0.00	\$84,469.00
0460-0001	Bituminous Tack Coat	83,116.00	SY	\$0.10	\$8,311.60	0.00	\$0.00	\$0.00	81,316.00	\$0.00	\$8,131.60
0601-0351	12" Thermoplastic Pipe, Group III, 8'-2' Fill	13.00	LF	\$125.00	\$1,625.00	0.00	\$0.00	\$0.00	24.00	\$0.00	\$3,000.00
4604-0398	15" Perforated Thermoplastic Pipe, Group VI, 15'-2' Fill (Modified)	1,540.00	LF	\$58.00	\$89,320.00	0.00	\$0.00	\$0.00	1,533.00	\$0.00	\$88,914.00
4604-0353	18" Perforated Thermoplastic Pipe, Group III, 8'-2' Fill (Modified)	44.00	LF	\$158.00	\$6,952.00	0.00	\$0.00	\$0.00	48.00	\$0.00	\$7,584.00
4604-5017	18" Perforated Reinforced Concrete Pipe, Type A, <1.5' Fill (Modified)	40.00	LF	\$178.00	\$7,120.00	0.00	\$0.00	\$0.00	39.00	\$0.00	\$6,942.00
0605-2600	Type D Endwall	1.00	EA	\$2,400.00	\$2,400.00	0.00	\$0.00	\$0.00	1.00	\$0.00	\$2,400.00
0616-1251	Thermoplastic End Section for 15" Pipe	1.00	EA	\$520.00	\$520.00	0.00	\$0.00	\$0.00	1.00	\$0.00	\$520.00
0616-1252	Thermoplastic End Section for 18" Pipe	2.00	EA	\$560.00	\$1,120.00	0.00	\$0.00	\$0.00	2.00	\$0.00	\$1,120.00



Western Region

Ferguson Township Board of Supervisors
 3147 Research Drive
 State College, PA 16801-2798

Contract - 2018-C1
 Work Performed:
 10/14 - 11/3/2018

INVOICE

11/16/2018
 #1373600

PAY APPLICATION 6

ITEM NO.	DESCRIPTION	QUANTITY	UoM	UNIT COST	TOTAL COST	QUANTITY THIS ESTIMATE	DOLLAR VALUE THIS ESTIMATE	RETAINAGE - 5%	QUANTITY TO DATE	RETAINAGE HELD TO DATE	DOLLAR VALUE TO DATE
0605-2731	Type M Concrete Top Unit and Bicycle Safe Grate	9.00	SET	\$1,100.00	\$9,900.00	0.00	\$0.00	\$0.00	10.00	\$0.00	\$11,000.00
0605-2850	Standard Inlet Box, Height <= 10'	9.00	EA	\$2,100.00	\$18,900.00	0.00	\$0.00	\$0.00	10.00	\$0.00	\$21,000.00
0608-0001	Mobilization	1.00	LS	\$50,000.00	\$50,000.00	0.00	\$0.00	\$0.00	1.00	\$0.00	\$50,000.00
0620-0503	Remove Existing Guide Rail (Contractor's Property)	764.00	LF	\$3.10	\$2,368.40	173.50	\$537.85	\$0.00	937.50	\$0.00	\$2,906.25
0620-0525	Offset Brackets	135.00	EA	\$13.00	\$1,755.00	-10.00	-\$130.00	\$0.00	218.00	\$0.00	\$2,834.00
0620-0551	Type 31-S Guide Rail with Extra Length Posts	135.00	EA	\$26.00	\$3,510.00	-10.00	-\$260.00	\$0.00	218.00	\$0.00	\$5,668.00
0620-1600	Type 31-S Guide Rail	848.00	LF	\$22.00	\$18,656.00	1,311.00	\$28,842.00	\$0.00	1,425.00	\$0.00	\$31,350.00
0620-0400	Type 31-Strong Post End Treatment	2.00	EA	\$1,360.00	\$2,720.00	0.00	\$0.00	\$0.00	2.00	\$0.00	\$2,720.00
0686-0020	Construction Surveying, Type B	1.00	LS	\$5,700.00	\$5,700.00	0.00	\$0.00	\$0.00	1.00	\$0.00	\$5,700.00
0703-0025	#57 Coarse Aggregate	404.00	CY	\$28.00	\$11,312.00	0.00	\$0.00	\$0.00	515.10	\$0.00	\$14,422.80
0802-0001	Topsoil Furnished and Placed	493.00	CY	\$49.00	\$24,157.00	83.50	\$4,091.50	\$0.00	432.50	\$0.00	\$21,192.50
0806-0100	Erosion Control Mulch Blanket	2,238.00	SY	\$1.50	\$3,357.00	0.00	\$0.00	\$0.00	2,699.00	\$0.00	\$4,048.50
0808-3782	Norway Spruce (5' Height B&B)	5.00	EA	\$380.00	\$1,900.00	0.00	\$0.00	\$0.00	5.00	\$0.00	\$1,900.00
0860-0000	Inlet Filter Bag for Type M Inlet	13.00	EA	\$185.00	\$2,405.00	0.00	\$0.00	\$0.00	9.00	\$0.00	\$1,665.00
0901-0001	Maintenance and Protection of Traffic	1.00	LS	\$24,000.00	\$24,000.00	0.00	\$0.00	\$0.00	1.00	\$0.00	\$24,000.00
0954-0111	1 Inch Conduit	33.00	LF	\$18.00	\$594.00	0.00	\$0.00	\$0.00	7.00	\$0.00	\$126.00
0954-0151	Trench and Backfill, Type I	7.00	LF	\$30.00	\$210.00	0.00	\$0.00	\$0.00	7.00	\$0.00	\$210.00
0956-0101	Loop Sensor	138.00	LF	\$21.00	\$2,898.00	0.00	\$0.00	\$0.00	117.00	\$0.00	\$2,457.00
0962-1000	4" White Waterborne Pavement Markings	27,575.00	LF	\$0.20	\$5,515.00	355.00	\$71.00	\$0.00	28,315.00	\$0.00	\$5,663.00
0962-1004	24" White Waterborne Pavement Markings	23.00	LF	\$6.70	\$154.10	0.00	\$0.00	\$0.00	23.00	\$0.00	\$154.10
0962-1005	4" Yellow Waterborne Pavement Markings	27,608.00	LF	\$0.20	\$5,521.60	-232.00	-\$46.40	\$0.00	27,588.00	\$0.00	\$5,517.60
0962-1020	White Waterborne Pavement Legend, "STOP", 8'-0"	1.00	EA	\$110.00	\$110.00	0.00	\$0.00	\$0.00	1.00	\$0.00	\$110.00
0962-1026	White Waterborne Pavement Legend, "AHEAD", 8'-0"	1.00	EA	\$160.00	\$160.00	0.00	\$0.00	\$0.00	1.00	\$0.00	\$160.00
9000-0001	Seeding, Soil Supplements and Mulching	3,691.00	SY	\$2.30	\$8,489.30	1,677.00	\$3,857.10	\$0.00	4,841.00	\$0.00	\$11,134.30
9000-0002	Reset Mailboxes	47.00	EA	\$330.00	\$15,510.00	0.00	\$0.00	\$0.00	25.00	\$0.00	\$8,250.00
9000-0003	Shoulder Backfill, 2A Stone	388.00	CY	\$64.00	\$24,832.00	0.00	\$0.00	\$0.00	946.16	\$0.00	\$60,554.24
9000-0004	Driveway Restoration	218.00	TN	\$400.00	\$87,200.00	0.00	\$0.00	\$0.00	201.16	\$0.00	\$80,464.00
9000-0005	4" French Drain Connection	8.00	EA	\$1,200.00	\$9,600.00	0.00	\$0.00	\$0.00	9.00	\$0.00	\$10,800.00
9000-0006	Test Pits	18.00	EA	\$380.00	\$6,840.00	0.00	\$0.00	\$0.00	19.00	\$0.00	\$7,220.00



Western Region

Ferguson Township Board of Supervisors
3147 Research Drive
State College, PA 16801-2798

Contract - 2018-C1
Work Performed:
10/14 - 11/3/2018

INVOICE

11/16/2018
#1373600

PAY APPLICATION 6

ITEM NO.	DESCRIPTION	QUANTITY	UoM	UNIT COST	TOTAL COST	QUANTITY THIS ESTIMATE	DOLLAR VALUE THIS ESTIMATE	RETAINAGE - 5%	QUANTITY TO DATE	RETAINAGE HELD TO DATE	DOLLAR VALUE TO DATE
Change Orders											
CO.1	Water Service Adjustment	5.00	EA	\$1,859.98	\$9,299.90	0.00	\$0.00	\$0.00	2.00	\$0.00	\$3,719.96
CO.1	8" Nyloplast, Light Duty Structure	1.00	EA	\$1,350.27	\$1,350.27	0.00	\$0.00	\$0.00	1.00	\$0.00	\$1,350.27
CO. 2	Sewer Lateral Conflicts Extra Work Pricing	1.00	LS	\$2,988.17	\$2,988.17	0.00	\$0.00	\$0.00	1.00	\$0.00	\$2,988.17
CO. 2	Excavate & Place Millings in Cross Pipe Trenches	1.00	LS	\$6,642.40	\$6,642.40	0.00	\$0.00	\$0.00	1.00	\$0.00	\$6,642.40
CO. 5	Thermoplastic End Section for 12" HDPE Pipe	1.00	LS	\$520.00	\$520.00	0.00	\$0.00	\$0.00	1.00	\$0.00	\$520.00
CO. 8	Adjust Inlet in Driveway	1.00	EA	\$1,760.80	\$1,760.80	0.00	\$0.00	\$0.00	1.00	\$0.00	\$1,760.80
Adjustments											
	Additional nuclear tech. for static/vib areas on Tadpole (Additional Roller)	1.00	LS	\$1,114.26	\$1,114.26	1.00	\$1,114.26	\$0.00	1.00	\$0.00	\$1,114.26
	HRI Asphalt Adjustment	1.00	LS	\$13,311.07	\$13,311.07	1.00	\$13,311.07	\$0.00	1.00	\$0.00	\$13,311.07
	Recon Asphalt Adjustment	1.00	LS	\$4,738.09	\$4,738.09	1.00	\$4,738.09	\$0.00	1.00	\$0.00	\$4,738.09
				SUBTOTAL	\$1,311,053.54		\$85,578.97	\$0.00		\$0.00	\$1,330,903.11

Payment Amount This Invoice

\$181,012.51

PAY PTS

Remit To:
HRI, Inc.
488 Airport Road
Johnstown, PA 15904

FINAL PAY APP

CONTRACT: 2018-C1

Acct. 32. 400. 432 610

Pay: \$181,012.51

Ryan J. Scala

Project: 2018-C1 SYAMORE, E. CHESTNUT, W, GATESBURG, TADPOLE, PINE HALL
 CONSTRUCTION QUANTITIES

ITEM No. UNIT	DESCRIPTION	UNIT PRICE	INITIAL QTY.	PAY APP 1		PAY APP 2		PAY APP 3		PAY APP 4		PAY APP 5		PAY APP 6	
				QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
0201 0001 LS	CLEARING AND GRUBBING	\$ 42,500.00	1	74%	\$ 31,450.00	26%	\$ 11,050.00	0%	\$ -	0%	\$ -	0%	\$ -		\$ -
0203 0001 CY	CLASS 1 EXCAVATION	\$ 38.00	194	37	\$ 1,408.00	29	\$ 1,102.00	0	\$ -	114.00	\$ 4,332.00	2	\$ 78.00		\$ -
0204 0150 CY	CLASS 4 EXCAVATION	\$ 9.50	464	344	\$ 3,268.00	569	\$ 5,396.00	0	\$ -	5	\$ 47.50	0	\$ -		\$ -
0341 0001 SY	COLD IN PLACE RECYCLED BITUMINOUS BASE COURSE (4" DEPTH)	\$ 10.00	4,438		\$ -		\$ -	4,800.00	\$ 49,000.00	0	\$ -	0	\$ -		\$ -
0341 0002 SY	COLD IN PLACE RECYCLED BITUMINOUS BASE COURSE (5" DEPTH)	\$ 5.70	37,120		\$ -		\$ -	37,706.00	\$ 214,924.20	0	\$ -	0	\$ -		\$ -
0341 0010 GAL	BITUMINOUS MATERIAL	\$ 2.00	83,116		\$ -		\$ -	50,049.00	\$ 100,098.00	0	\$ -	0	\$ -		\$ -
0411 0385 SY	SUPERPAVE ASPHALT MIXTURE DESIGN, WMA WEARING COURSE, PG 64-22, <0.3 MILLION ESALS, 9.5MM MDX, 1.5" DEPTH, SRL-L	\$ 7.50	4,438		\$ -		\$ -	0	\$ -	973.00	\$ 7,287.50	0	\$ -	3,927	\$ 29,452.50
0411 0484 SY	SUPERPAVE ASPHALT MIXTURE DESIGN, WMA WEARING COURSE, PG 64-22, 0.3 TO <3 MILLION ESALS, 9.5MM MDX, 1.5" DEPTH, SRL-M	\$ 5.95	37,120		\$ -		\$ -	0	\$ -	37,708.00	\$ 224,350.70	0	\$ -		\$ -
0411 2395 TON	SUPERPAVE ASPHALT MIXTURE DESIGN, WMA WEARING COURSE (SCRATCH), PG 64-22, <0.3 MILLION ESALS, 9.5MM MDX, SRL-L	\$ 110.00	123		\$ -		\$ -	0	\$ -	138.18	\$ 15,199.80	0	\$ -		\$ -
0411 2494 TON	SUPERPAVE ASPHALT MIXTURE DESIGN, WMA WEARING COURSE (SCRATCH), PG 64-22, 0.3 TO <3 MILLION ESALS, 9.5MM MIX, SRL-L	\$ 77.00	1,022		\$ -		\$ -	0	\$ -	1,097.00	\$ 84,489.00	0	\$ -		\$ -
0480 0001 SY	BITUMINOUS TACK COAT	\$ 0.10	83,116		\$ -		\$ -	0	\$ -	81,285.00	\$ 8,128.50	31	\$ 3.10		\$ -
0601 0351 LF	12" THERMOPLASTIC PIPE, GROUP III, 8'-2" FILL	\$ 125.00	13		\$ -	18	\$ 2,250.00	0	\$ -	6	\$ 750.00	0	\$ -		\$ -
4604 0398 LF	15" PERFORATED THERMOPLASTIC PIPE, GROUP VI, 15'-2" FILL (MODIFIED)	\$ 58.00	1,540	1,138	\$ 65,888.00	397	\$ 23,026.00	0	\$ -	0	\$ -	0	\$ -		\$ -
4604 0353 LF	16" PERFORATED THERMOPLASTIC PIPE, GROUP III, 8'-2" FILL (MODIFIED)	\$ 158.00	44	0	\$ -	48	\$ 7,584.00	0	\$ -	0	\$ -	0	\$ -		\$ -
4604 5017 LF	18" PERFORATED REINFORCED CONCRETE PIPE, TYPE A, <1.5" FILL (MODIFIED)	\$ 178.00	40	0	\$ -	39	\$ 6,942.00	0	\$ -	0	\$ -	0	\$ -		\$ -
0605 2000 EA	TYPE D ENDWALL	\$ 2,400.00	1	0	\$ -	1	\$ 2,400.00	0	\$ -	0	\$ -	0	\$ -		\$ -
0616 1250 EA	THERMOPLASTIC END SECTION FOR 12" PIPE (CHANGE ORDER #4)	\$ 520.00	0		\$ -	0	\$ -	0	\$ -	1	\$ 520.00	0	\$ -		\$ -
0616 1251 EA	THERMOPLASTIC END SECTION FOR 15" PIPE	\$ 520.00	1	0	\$ -	1	\$ 520.00	0	\$ -	0	\$ -	0	\$ -		\$ -
0616 1252 EA	THERMOPLASTIC END SECTION FOR 18" PIPE	\$ 580.00	2	0	\$ -	2	\$ 1,120.00	0	\$ -	0	\$ -	0	\$ -		\$ -
0605 2731 SET	TYPE M CONCRETE TOP UNIT AND BICYCLE SAFE GRATE	\$ 1,100.00	9	8	\$ 8,800.00	1	\$ 1,100.00	0	\$ -	1	\$ 1,100.00	0	\$ -		\$ -
0605 2050 EA	STANDARD INLET BOX, HEIGHT <4'-10"	\$ 2,100.00	9	8	\$ 16,800.00	1	\$ 2,100.00	0	\$ -	1	\$ 2,100.00	0	\$ -		\$ -
0608 0001 LS	MOBILIZATION	\$ 50,000.00	1	25%	\$ 12,500.00	25%	\$ 12,600.00	25%	\$ 12,500.00	20%	\$ 10,000.00	5%	\$ 2,500.00		\$ -
0620 0603 LF	REMOVE EXISTING GUIDE RAIL (CONTRACTOR'S PROPERTY)	\$ 3.10	764		\$ -		\$ -	0	\$ -	0	\$ -	764	\$ 2,368.40	173.50	\$ 537.85

ITEM No. UNIT	DESCRIPTION	UNIT PRICE	INITIAL QTY.	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST	QTY.	COST
0620 0525 EA	OFFSET BRACKETS	\$ 13.00	135		\$ -		\$ -	0	\$ -	0	\$ -	228	\$ 2,964.00	(10)	\$ (130.00)
0620 0551 EA	TYPE 31-S GUIDE RAIL WITH EXTRA LENGTH POSTS	\$ 26.00	135		\$ -		\$ -	0	\$ -	0	\$ -	228	\$ 5,928.00	(10)	\$ (260.00)
0620 1600 LF	TYPE 31-S GUIDE RAIL	\$ 22.00	848		\$ -		\$ -	0	\$ -	0	\$ -	114	\$ 2,508.00	1,311	\$ 28,842.00
0620 0400 EA	TYPE 31-STRONG POST END TREATMENT	\$ 1,360.00	2		\$ -		\$ -	0	\$ -	0	\$ -	2	\$ 2,720.00		\$ -
0686 0020 LS	CONSTRUCTION SURVEYING, TYPE B	\$ 5,700.00	1	1	\$ 5,700.00	0	\$ -	0	\$ -	0	\$ -	0	\$ -		\$ -
0703 0025 CY	#57 COARSE AGGREGATE	\$ 26.00	404	379	\$ 10,614.80	136	\$ 3,808.00	0	\$ -	0	\$ -	0	\$ -		\$ -
0802 0001 CY	TOPSOIL, FURNISHED AND PLACED	\$ 49.00	483		\$ -		\$ -	0	\$ -	349.00	\$ 17,101.00	0	\$ -	83.50	\$ 4,091.50
0806 0100 SY	EROSION CONTROL MULCH/BLANKET	\$ 1.50	2,238		\$ -		\$ -	0	\$ -	2,899.00	\$ 4,048.50	0	\$ -		\$ -
0806 3782 EA	NORWAY SPRUCE - (5HT B&B)	\$ 380.00	5	0	\$ -	5	\$ 1,900.00	0	\$ -	0	\$ -	0	\$ -		\$ -
0860 0000 EA	INLET FILTER BAG FOR TYPE M INLET	\$ 185.00	13	8	\$ 1,480.00	1	\$ 185.00	0	\$ -	0	\$ -	0	\$ -		\$ -
0901 0001 LS	MAINTENANCE AND PROTECTION OF TRAFFIC DURING CONSTRUCTION	\$ 24,000.00	1	25%	\$ 6,000.00	25%	\$ 6,000.00	25%	\$ 6,000.00	20%	\$ 4,800.00	5%	\$ 1,200.00		\$ -
0954 0011 LF	1 INCH CONDUIT	\$ 18.00	33		\$ -		\$ -	7	\$ 126.00	0	\$ -	0	\$ -		\$ -
0954 0151 LF	TRENCH AND BACKFILL, TYPE 1	\$ 30.00	7		\$ -		\$ -	7	\$ 210.00	0	\$ -	0	\$ -		\$ -
0956 0101 LF	LOOP SENSOR	\$ 21.00	138		\$ -		\$ -	117.00	\$ 2,457.00	0	\$ -	0	\$ -		\$ -
0962 1000 LF	4" WHITE WATERBORNE PAVEMENT MARKINGS	\$ 0.20	27,575		\$ -		\$ -	0	\$ -	0	\$ -	27,960	\$ 5,592.00	355.00	\$ 71.00
0962 1004 LF	24" WHITE WATERBORNE PAVEMENT MARKINGS	\$ 6.70	23		\$ -		\$ -	0	\$ -	0	\$ -	23	\$ 154.10		\$ -
0962 1005 LF	4" YELLOW WATERBORNE PAVEMENT MARKINGS	\$ 0.20	27,608		\$ -		\$ -	0	\$ -	0	\$ -	27,820	\$ 5,564.00	(232.00)	\$ (46.40)
0962 1020 EA	WHITE WATERBORNE PAVEMENT LEGEND, "STOP", 8'-0"	\$ 110.00	1		\$ -		\$ -	0	\$ -	0	\$ -	1	\$ 110.00		\$ -
0962 1026 EA	WHITE WATERBORNE PAVEMENT LEDGEND, "AHEAD", 8'-0"	\$ 160.00	1		\$ -		\$ -	0	\$ -	0	\$ -	1	\$ 160.00		\$ -
9000 0001 SY	SEEDING, SOIL SUPPLEMENTS AND MULCHING	\$ 2.30	3,691		\$ -		\$ -	0	\$ -	3,164.00	\$ 7,277.20	0	\$ -	1,877	\$ 3,857.10
9000 0002 EA	RESET MAILBOXES	\$ 330.00	47		\$ -		\$ -	0	\$ -	25.00	\$ 8,250.00	0	\$ -		\$ -
9000 0003 CY	SHOULDER BACKFILL, 2A STONE	\$ 64.00	388		\$ -		\$ -	0	\$ -	199.00	\$ 12,736.00	747	\$ 47,818.11		\$ -
9000 0004 TON	DRIVEWAY RESTORATION	\$ 400.00	218		\$ -		\$ -	0	\$ -	0	\$ -	201.16	\$ 80,465.00		\$ -
9000 0005 EA	4" FRENCH DRAIN CONNECTION	\$ 1,200.00	8		\$ -	3	\$ 3,600.00	0	\$ -	6.00	\$ 7,200.00	0	\$ -		\$ -
9000 0006 EA	TEST PITS	\$ 380.00	18	18	\$ 6,840.00	0	\$ -	0	\$ -	1	\$ 380.00	0	\$ -		\$ -

ITEM No. UNIT	DESCRIPTION	UNIT PRICE	INITIAL QTY.	QTY.	COST	QTY.	COST								
EA	WATER SERVICE ADJUSTMENT (CHANGE ORDER #1)	\$ 1,859.98	5	1	\$ 1,859.98	1	\$ 1,859.98	0	\$ -	0	\$ -	0	\$ -		\$ -
EA	8" NYLOPLAST, LIGHT DUTY STRUCTURE (CHANGE ORDER #1)	\$ 1,350.27	1		\$ -	1	\$ 1,350.27	0	\$ -	0	\$ -	0	\$ -		\$ -
LS	SEWER LATERAL CONFLICTS EXTRA WORK PRICING (CHANGE ORDER #2)	\$ 2,988.17	0		\$ -	1	\$ 2,988.17	0	\$ -	0	\$ -	0	\$ -		\$ -
EA	EXCAVATE & PLACE MILLINGS IN CROSS PIPE TRENCHES (CHANGE ORDER #2)	\$ 6,842.40	0		\$ -	1	\$ 6,842.40	0	\$ -	0	\$ -	0	\$ -		\$ -
EA	ADJUST INLET IN DRIVEWAY (CHANGE ORDER #3)	\$ 1,760.80	0		\$ -	0	\$ -	0	\$ -	0	\$ -	1	\$ 1,760.80		\$ -
PAY APP SUB-TOTAL					\$ 172,606.78		\$ 105,423.82		\$ 385,315.20		\$ 420,087.70		\$ 161,891.51		\$ 66,435.55

Initial bid Total	\$ 1,288,492.00
Change Order #1	\$ 10,650.17
Pay App Sub-Total	\$ 172,606.78
Retainage (%)	10%
Retainage (\$)	\$ 17,260.68
Pay App Total	\$ 155,346.10

\$ 105,423.82	\$ 385,315.20
10%	10%
\$ 10,542.38	\$ 38,531.52
\$ 94,881.44	\$ 346,783.68

\$ 420,087.70	\$ 161,891.51
5%	5%
\$ 21,004.39	\$ 8,094.58
\$ 399,083.32	\$ 153,796.93

Additional In clear Tech. for static/vib areas on Tadpole (Additional roller)	\$ 1,114.26
HRI Asphalt Adjustment	\$ 13,311.07
Recon Asphalt Adjustment	\$ 4,738.09
Previous Withheld Retainage	\$ 95,433.54
	\$ 181,012.51
	\$ -
	\$ -
	\$ 181,012.51

\$ 1,330,903.98
PROJECT TOTAL



TOWNSHIP OF FERGUSON

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

TO: Ferguson Township Board of Supervisors

FROM: Ronald A. Seybert, Jr., P.E.
Township Engineer 

DATE: November 21, 2018

SUBJECT: **THE CROSSINGS AT STATE COLLEGE
SURETY REDUCTION No. 1**

As requested by Todd Smith of ELA Group, Inc., I have reviewed the surety reduction request number 1 for The Crossings at State College.

This request represents completion of water and sanitary sewer work. Whereas street trees have been planted, they cannot be removed from the checklist until they have been accepted by the Arborist and the maintenance bond posted.

The other remaining work is the completion of the public sidewalk along Blue Course Drive and Havershire Boulevard.

Based upon a review of the submitted checklist and a site evaluation, I recommend approval of the surety reduction as outlined below.

Current Surety Amount	\$ 168,548.60
Amount of Reduction No. 1	\$ 116,282.77
Revised Surety Amount	\$ 52,265.83

cc: Todd Smith, ELA Group
The Crossings Surety File

December 3, 2018 Board of Supervisors Regular Meeting

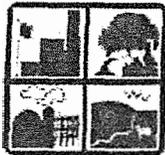
Consent Agenda Item G.

Board of Supervisors Request – Engineering Study to Evaluate Lengthening Turn Lanes at Intersections of West College Ave. and Science Park Rd. and West College Ave. and Bristol Ave.

Narrative

Turning lanes on Rt 26W, at Bristol and 26E at Science Park seem to be short for the number of cars attempting to use them legally and effectively. I'd like to discuss lengthening said turning lanes.

Requested Action: Direct staff to conduct an engineering study to determine if turn lane lengths should be increased and request PennDOT review and approval. Based on review and approval by PennDOT, direct staff to add paint line eradication and re-stripping for the turn lane improvements to the 2019 line stripping contract.



Township of

Planning & Zoning Department

Pennsylvania

**Ferguson Township, Centre County, Pa.
Application for Zoning Variance/Appeal Hearing**

Application for a Hearing must be filed in the name of the owner of record or in the name of the holder of an option or a contract to purchase, or in the name of the lessee if authorized under a lease.

The application must be completed in full and the following must accompany the application:

- 1. Thirteen (13) copies of the application.
- 2. Thirteen (13) copies of a diagram or site plan (as outlined on page 3).
- 3. For a Variance Hearing a non-refundable filing fee of \$250.00 (make check payable to Ferguson Township).
- For an Appeal Hearing a filing fee of \$250.00 (make check payable to Ferguson Township). The Appeal Hearing fee is refundable if the applicant prevails in the appeal of a notice of violation.
- If applying for both a Variance Hearing and an Appeal Hearing both the Variance fee of \$250.00 and the Appeal fee of \$250.00 must be paid to the Township.
- 4. A copy of the applicant's deed or other instrument showing authority to file this application must be attached.
- If the instrument attached does not contain a legal description, a legal description must be provided.

All material should be submitted to the Ferguson Township Zoning Office no later than 5:00 PM on the fourth Monday of the month. All incomplete applications will not be processed.

Email LMussi@aol.com

ENTRY OF APPEARANCE

Name Lynda and Greg Mussi

Address 3020 Research Drive, State College, PA

I am appearing on my own behalf (Check if this is true.)

I am representing Robert and Judy Burgess

Please send me notice at the above address of any final decisions in this matter.

WAIVER OF STENOGRAPHIC RECORD

I agree to waive the requirements of Section 908(7) of the Pennsylvania Municipalities Planning Code which requires that a stenographic record of the proceedings be made, and consent that a record of the proceedings be prepared from a tape recording of the hearing and the recording secretary's minutes.

Applicant's Signature Lynda R. Mussi

Date 11.16.16

The undersigned hereby applies to the Ferguson Township Zoning Hearing Board for a hearing under the provisions of the Ferguson Township Zoning Ordinance affecting the following premises in the manner herein described.

Applicant Lynda and Eric Mussi

Address 3020 Research Dr, State College, PA. 16801

Phone FAX 814.237.3035

Owner Robert and Judy Burgess

Address 237 Elm St., State College, Pa. 16801

Phone FAX _____

1. Location of premises 3020 Research Dr., State College, PA. 16801

2. Centre County Tax Map Parcel Number 24-765-, 057, 0000

3. Present zoning IRD

4. How long has the applicant held an interest in the property? 29 years

5. Present use of the premises Child care center

6. Proposed use of the premises We would like to use 1400 sq feet for martial arts.

7. Explain extent of proposed alteration(s), if any: None

8. Describe all existing structures, including type size and height: The Building is 2000 sq feet and 20 feet in height.

9. Has the property been involved in previous zoning hearing(s)? ____ If so, describe date of hearing, nature of hearing and outcome of hearing:

10. For new construction or alterations:

- a) Have plans been submitted to the Zoning Officer? No
- b) Has he/she reviewed, approved, and signed the plans? No
- c) Has he/she issued a permit? No

11. For a variance hearing, describe the provisions or regulations of the Ferguson Township Zoning Ordinance under which application for a variance is sought:

Chapter 27-809 1B2, Chapter 27-1003-1e, Chapter 27-809 1(e)

12. For an appeal hearing, describe the alleged misinterpreted or misapplied provision of the ordinance which will be relieved by granting this appeal:

13. A variance will be granted only upon the showing of an unnecessary hardship meeting all of the following criteria:

- a) The unnecessary hardship is caused by unique physical circumstances in the size, shape or topography of the lot.
- b) Because of the unnecessary hardship so caused, the lot cannot be developed in conformity with the Zoning Ordinance.
- c) The unnecessary hardship was not created by the applicant. a) Key map showing the generalized location of the property.
- d) The variance, if granted, would not alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare.
- e) The variance would be the minimum necessary to afford relief and would be the least possible modification of the Zoning Ordinance.

Describe hardship, as listed above, which will be relieved by granting this variance:

(e) the variance would be the minimum necessary to afford relief.

* Extra income to help support Building costs.

14. Attach a diagram or site plan showing the following:

- a) Key map showing the generalized location of the property.
- b) North point.
- c) Name and address of all abutting property owners.
- d) Total tract boundaries of the property showing approximate distances and a statement of total acreage of the tract.
- e) All existing streets including streets of record (recorded but not constructed) on or abutting the tract including names and right-of-ways.
- f) If relevant to the application, existing sewer lines, water lines, fire hydrants, utility lines, culverts, bridges, railroads, watercourses, and easements.
- g) All existing buildings or other structures and approximate location of all tree masses.

15. List all abutting property owners. Include full name, address, and telephone numbers

The Learning Station - 3035 Enterprise Dr., State College, PA.
Robert and Judy Burgess 814-2375-652

Performing Arts of Centre, PA. 3006 Research Dr., Tom Songer: 814-464-7285

Phibro Animal Health 3058 Research Dr., Melissa Whitsel 1-201-689-5811

FOR STAFF USE ONLY:

- Plans submitted
- Advertised
- Posted
- Fee Paid

Revised
09/14/2017

Stolinas, Raymond

From: Ressler, Jeff
Sent: Monday, November 19, 2018 11:45 AM
To: Pribulka, David
Cc: Stolinas, Raymond
Subject: Lynda and Greg Mussi Variance Requests

Dave,

Lynda and Greg Mussi applied for several variances for the property at 3020 Research Drive. The property is owned by Lynda's parents, Robert and Judy Burgess. The property is located at 3020 Research Drive and is in the IRD Zoning District.

I had received an email from Jessica Buckland regarding signage for her Business, Raptor Martial Arts Academy and in a review of the files determined that a zoning permit had not been issued the use of the building. In an attempt to cure the violation Lynda and Greg have been working to obtain Zoning Approval. The use as a Martial Arts Academy is a change of use and requires minor alteration plan approval. In starting the plan process it was also discovered that the property is being used as a Child Day Care. A permit was obtained for the Day Care Use. According to the Mussi's parking calculations, there is not sufficient parking for both the Martial Arts Academy and the Day Care. Therefore the applicants are requesting variances to the following:

Chapter 27-809.1.B.2 Required parking
Chapter 27-809.1.(e) Shared parking.
Chapter 27-1003.1.e Land development Plan Requirements.

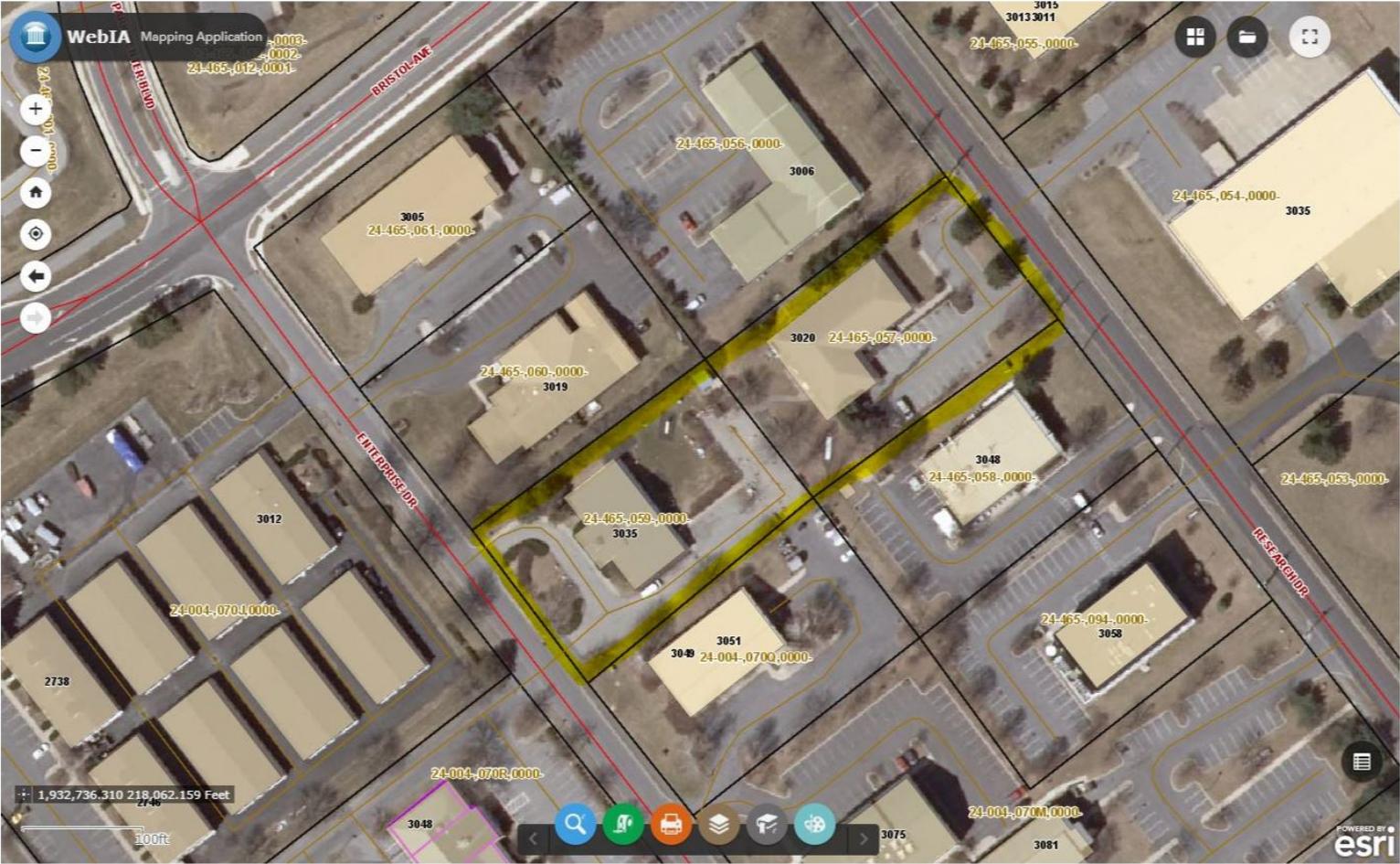
Any questions, let me know.

Sincerely,

Jeffrey S. Ressler
Zoning Administrator
Ferguson Township
3147 Research Drive
State College, PA 16801
(814)238-4651

Important Warning: The information contained in the message (and the documents attached to it, if any is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution or any action taken, in reliance on it is prohibited and may be unlawful. If you have received this message in error, please delete all electronic copies of this message (and the documents attached to it, if any), destroy any hard copies you may have created and notify me immediately by replying to this email. Thank You.

3020 Research Drive aerial view



DRAFT



Ferguson
Township
Pennsylvania

2019 Fee Schedule



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Administration Department

A. Miscellaneous Charges:

1. Mileage Reimbursement	IRS Allowable Rate
2. Copies* and Open Records Fees: <ul style="list-style-type: none"> a. Black and White b. Color c. 11" x 17" Print/Copy d. Oversized Print/Copy e. Offsite Copies f. Computer files on CD g. Fax Copies h. Duplication of Electronic Records <p>Note: Prepayment of fees will be required if total fees are estimated to exceed \$100.00</p>	1-10 Copies: \$0.20 per side (page) 11-100 Copies: \$0.10 per side (page) 101-1000 Copies: \$0.05 per side (page) 1-10 Copies: \$0.50 per side (page) 11-100 Copies: \$0.40 per side (page) 101-1000 Copies: \$0.25 per side (page) \$. 50 per side (page) \$1.00/SF Actual Cost \$5.00 per file \$0.50 per page including cover page Actual cost of duplication
3. Bad Check Charge	\$30.00 per return
4. Late Payment Finance Charge	Up to .5% per month on unpaid balance (simple interest)
5. Daily Meal Allowance**	\$45.00 per day**
6. Meeting Room Usage	\$50.00 per event
7. Municipal Lien Letter	\$10.00
8. Credit/Debit Card Transactions 9. Ferguson Township will accept Visa and Mastercard credit and debit cards for payments remitted to the township for services including, but not limited to permits, local taxes, and fines. A fee per transaction will be assessed based on the table to the right.	2.65% of the transaction amount with a minimum fee of \$3.00 (Note: The fee for any transaction equal to or less than \$122.45 will be \$3.00)

*Note: Copies over 1,000 are not available through the Township and would be sent out for duplication.

**Note: This amount will be aggregated. For example, a 3-day trip will have a \$135 total meal allowance, to be used as the individual deems necessary.

B. Licensing

1. Liquor License Transfer Application Note: Includes application review and up to three (3) hours of public hearing time	\$1,000.00
2. Additional Public Hearings for Liquor License Transfer Note: Maximum of three (3) hours	\$750.00

C. Peddling, Soliciting, and Transient Retail Permits:

*Soliciting Application Fee (Background check, etc.).....\$22.00 per person

Peddling: Shall be defined as an individual, person, corporation, etc., that is selling a product and/or service, or promoting a product and/or service door-to-door that will be performed or delivered by the person peddling.

Soliciting: Shall be defined as an individual, person, corporation, etc., that is selling a product and/or service, or promoting a product and/or service door-to-door, but is not providing the product or service at the time of the solicitation.

Transient: Shall be defined as an individual, person, corporation, etc., that would establish a temporary, defined location to conduct business within the Township.

	Peddling	Soliciting	Transient
1. Per Day	\$10.00 per person	\$10.00 per person	\$50.00
2. Per Week	\$40.00 per person	\$40.00 per person	\$250.00
3. Per Month	\$80.00 per person	\$80.00 per person	\$500.00
4. Per Year	\$200.00 per person	\$200.00 per person	\$1,000.00

D. Documents:

	Hard Copy	CD-ROM
1. Zoning Ordinance	\$0.20 per page per side	\$20.00
2. Subdivision Ordinance	\$0.20 per page per side	\$20.00
3. Sign Ordinance	\$0.20 per page per side	\$20.00
4. Storm Water Management Ordinance	\$0.20 per page per side	\$20.00
5. Road Standards	\$0.20 per page per side	N/A
6. Code of Ordinances	\$0.20 per page per side	\$20.00
7. Code of Ordinances Update	\$0.20 per page per side	\$20.00
8. Zoning Map/Development Review Map/Official Map		
a. 8 ½" x 11" Color	\$0.50	
b. 11" x 17" Color	\$1.00	
c. 24" x 36" Color	Actual Cost	

Note: The above documents can also be accessed via the Township's website

Public Works Department

A. Highway Occupancy, Street Construction, Opening, and Dedication

1. Application Fee for Trenching, Boring, Poles, Other Work in the Public Right-Of-Way Note: Covers cost to review application, issue permit, maintain the permit database, and one-time inspection of work. Additional inspection shall be billed in accordance with A.6. Inspection of Public Improvements.	\$150.00 plus a roadway restoration deposit or other surety amount as required by the Public Works Director based on extent of work
2. Application Fee for Tower and Non-Tower Based Wireless Communications Facilities in the Public Right-Of-Way*	\$150.00 per facility plus a roadway restoration deposit determined by the Public Works Director based on the extent of work
3. Driveway Permits a. Residential When Part of an Approved Subdivision/Land Development Plan b. Commercial/Industrial When Part of an Approved Land Development Plan c. All Other Driveway Permits	\$50.00 \$50.00 \$50.00 plus factor of two (2) times the base wage of the Township Engineer
4. Curb/Shoulder Drainage Deposit	Minimum \$1,000.00 or \$30 per linear foot up to a maximum of \$3,000 deposit
5. Sidewalk Deposit	\$55.00 per linear foot
6. Inspection of Public Improvement(s)	Factor of two (2) times the base wage of the Township Engineer (OR) Actual cost of contracted inspection services
7. Telecommunication and data transmission lines installed in the Public Right-of-Way	\$1.80 per lineal foot per year
8. Compensation for Public Right-of-Way use for Tower and Non-Tower Based Wireless Communications Facilities	\$500 per facility per year

* Fee shall apply only to facilities **not** regulated by the Pennsylvania Wireless Broadband Collocation Act.

B. Incident Response (including street cleaning and debris removal):

1. Labor	Factor of two (2) times the average hourly rates for a Road Worker (OR) actual contracted amount plus 10%
2. Equipment	Hourly rate of Township-owned equipment (OR) actual contractor equipment plus 10%

C. Solid Waste (payable by resident to Advanced Disposal):

Level of Service	Monthly Trash Rate	Monthly Recycling Rate	Monthly Total	Quarterly Billing Total
Curbside Regular Service	\$ 11.99 <u>12.23</u>	\$ 3.62 <u>3.89</u>	\$ 15.61 <u>16.12</u>	\$ 46.83 <u>48.36</u>

Curbside Low-Usage Service	\$ 8.99 <u>1.18</u>	\$ 3.62 <u>89</u>	\$ 12.61 <u>13.07</u>	\$ 37.83 <u>39.21</u>
Door Service (Regular) (+\$2.47/mo.)	\$ 14.46 <u>70</u>	\$ 3.62 <u>89</u>	\$ 18.08 <u>59</u>	\$ 54.24 <u>55.77</u>
Door Service (Low-Usage) (+\$2.47/mo.)	\$ 11.46 <u>65</u>	\$ 3.62 <u>89</u>	\$ 15.08 <u>54</u>	\$ 45.24 <u>46.62</u>

D. Sewage Enforcement Services – Applications (payable by resident to SEO):

1. New On-Lot System (Approved or Denied)*	\$600.00
2. Replacement or Major Repair/Alteration of Existing System	\$600.00
3. Additional Percolation Test (Per 6-Hole Set) Under Same Application	\$360.00
4. Minor Repair(s) to Existing System	\$400.00
5. Septic Tank Replacement	\$360.00
6. Holding Tank, Privy, or Retention Tank	\$360.00
7. Renew/Reuse or Transfer Permit	\$300.00
8. IRSIS (Spray Irrigation System) and Drip Irrigation	\$1000.00
9. Interim Inspection	\$140.00
10. Final Inspection	\$140.00
11. Holding Tank Escrow	\$1,500.00
12. Existing System Inspections (Not Part of Sewage Management District or Subdivision/Land Development)	
a. Inspections Due to Housing Inspections	\$300.00 (SEO collects fee)
b. Small Flow Treatment Facility Inspection	\$300.00 (Township bills fee)
c. Inspection for any reason other than noted above	\$300.00 (SEO collects fee)
13. On-Lot Sewage Management Program Inspections :**	
a. Complete Site Inspection with Open Tank(s), Per System	\$140.00
b. Walkover Inspection, Per Site or System	\$100.00
c. Open Tank(s) Inspection for Pumping Waiver, Per System	\$140.00
d. Waiver, Inspection Not Required	\$25.00

*Note: Any person owning a building served by an on-lot sewage disposal system shall have the septic tank pumped by a qualified pumper/hauler every 3 years. This is done at the expense of the owner at a price negotiated between the property owner and the qualified pumper/hauler

**Note: In most cases, inspections for on-lot sewage management systems are conducted by the Centre Region Code Agency. However, in certain circumstances (drip irrigations, experimental systems, etc.) the SEO may be asked to conduct the inspections. If so, the SEO fees listed in this section of the schedule are applicable.

E. Sewage Enforcement Services – Design (including stakeout – SEO collects fee)

Inground Gravity Flow System	\$260.00
Inground Pressure Dosed System	\$300.00
Elevated Sand Mount or At-Grade System	\$400.00
Orenco System	\$1200.00

Note: Monies collected by the SEO will be forwarded to the Township at the end of the month with the monthly invoices

F. Sewage Enforcement Services – Subdivision/Land Development/Enforcement/ Small Flow Treatment Facilities Inspections (Developer pays 100%):

1. Primary Sewage Enforcement Officer	\$60.00 per hour
2. Alternate Sewage Enforcement Officer	\$48.00 per hour
3. Administration	\$38.00 per hour
4. Percolation Hole Preparation Including Gravel and Presoak Per 6-Hole Test	\$200.00 per set
5. Percolation Testing, Per 6-Hole Test, Whether Site Passes or Fails Plus Mileage at IRS Allowable Rate	\$350.00 per set plus mileage at IRS allowable rate
6. SEO Providing Water for Testing, Per 6-Hole Test	\$120.00 per test
7. Planning Module Review (Per Review)	
a. Component 1	\$200.00
b. Component 2	\$300.00
8. Technicians	\$32.00 per hour
9. Mileage	IRS allowable rate

G. Sewage Enforcement Services – Municipal Consultation/Enforcement

1. Primary Sewage Enforcement Officer	\$56.00 per hour
2. Alternate Sewage Enforcement Officer	\$46.00 per hour
3. Secretarial Administration	\$36.00 per hour
4. Mileage	IRS allowable rate

H. Fire Suppression – Underground Water Storage Tank

1. Underground Storage Tank Replacement Cost Contribution	\$7,500.00
---	------------

Finance Department

A. Standard Fees:

1. Certified Letter Administrative Fee	\$7.50 per letter
2. Certified Tax Letter	\$5.00 per letter per tax
3. <u>Tax Bill Request (First one is free)</u>	<u>\$5.00 per bill</u>

Health Department

A. Health Inspections – Eating & Drinking Establishments

1. Inspection Services & Annual License per Establishment (Include Initial Inspection and One Re-Inspection):	
a. Take-Out Establishments (Including Food Trucks)	\$135.00 annually
b. Establishments with up to 100 Seats	\$160.00 annually
c. Establishments with 101 to 249 Seats	\$200.00 annually
d. Establishments with more than 250 Seats	\$245.00 annually
e. Retail Establishments*	\$80.00 annually
2. Additional Inspections	Actual costs
3. Proctoring a ServSafe Exam to Certify Food Establishment Employees**	\$60.00
4. Bed and Breakfast Establishments	\$80.00 annually
5. Temporary Eating and Drinking Establishments	\$50.00 for one day, \$75.00 for two through five days, and \$25 per day for each day after five
6. Late License Fee***	20% of License Fee**
7. Lost License Fee	\$10.00
8. Facility Plan Review Fee:	
a. New Establishment	\$150.00
b. Change of Ownership Only	\$50.00

Note: *Farmer’s Market vendors are the same as a Retail Outlet unless they have a Department of Agriculture license. Vendors must provide a copy to avoid the fee. ALL vendors must fill out the Retail Establishment Application.

**Payable to State College Borough

***The Late License Fee applies to all applications postmarked after [March 31](#) the last date of the month that [the license is due.](#)

Planning & Zoning Department

A. Escrow Accounts – Review Costs, Inspections, and Incidental Municipal Services

Applicants will be required, at the time of the plan submission, to deposit with the Township an escrow sum of money that will be used to pay for Township staff time or consulting services retained by the Township to complete the review of the submitted plan and to complete inspection of public improvements if sufficient escrow funds remain on deposit. The escrow deposit for Street Cleaning/Municipal Services shall be made at the time of preliminary/final plan signature. Each time an escrow account is reduced by one-half (1/2) of the original deposited amount, the applicant will be required to deposit additional funds in order to restore the initial escrow amount.

For ALL plans, before approval of either preliminary or final plans occurs, the applicant shall pay ALL costs associated with the review of the plan by the Township’s Public Works Director, Engineer, Solicitor, or any other professional consultant retained by the Township to review said plan. Fee will be a factor of two (2) times Public Works Director/Township Engineer Base Hourly Wage (OR) actual cost of contracted services. Township staff shall have the flexibility to reduce the minimum required escrow amounts. Escrow monies will not be released until ALL fees associated with a plan have been paid, even if the plan has been recorded.

1. Land Developments Escrow Amounts*

Building Coverage (ft.²)	No Stormwater or Traffic Study	Stormwater Only	Stormwater and Traffic	Municipal Street Cleaning Services	Lighting Plan Review
Up to 5,000 Square Feet	\$500.00	\$1,500.00	\$3,000.00	\$150.00	\$750.00
5,001 Square Feet to 25,000 Square Feet	\$500.00	\$3,500.00	\$6,000.00	\$300.00	\$750.00
25,001 Square Feet to 50,000 Square Feet	\$500.00	\$5,000.00	\$10,000.00	\$500.00	\$750.00
50,000 Square Feet +	-----	\$6,500.00	\$12,000.00	\$500.00	\$750.00

*Note: Some reviews may exceed required escrow amount and additional funds may be required.

2. Subdivision Escrow Amounts

	No Stormwater or Traffic Study	Stormwater Only	Stormwater and Traffic	Municipal Street Cleaning Services	Septic System Testing (Soil Problems, Perc. Test, etc.)
1-10 Lots	\$500.00	\$1,500.00	\$3,500.00	\$150.00	\$1,000.00
11-40 Lots	\$500.00	\$3,500.00	\$6,000.00	\$500.00	\$1,000.00
41 Lots or More	\$500.00	\$5,000.00	\$10,000.00	\$1,000.00	\$1,000.00
Lot Consolidation	\$200.00	-0-	-0-	-0-	-0-

B. Subdivision Applications*

1. 1-2 Lots	\$300.00
2. 3-5 Lots	\$350.00
3. 6-10 Lots	\$400.00
4. 11-20 Lots	\$450.00
5. 21-30 Lots	\$500.00
6. 31-40 Lots	\$550.00
7. 41+ Lots	\$600.00
8. PRD Tentative Plans	\$2,000.00
9. Final PRD Plans	\$400.00
10. Lot Consolidation Plans	\$50.00
11. Time Extension for Conditionally Approved Plans	\$50.00
12. Modification/Waiver Application	\$50.00
13. Digitizing of Plan Not Submitted in Digital Format	\$25.00 plus actual cost of digitizing service completed by consultant

14. Traditional Town Development General Master Plan	\$2,000.00
15. Traditional Town Development Specific Implementation Plan	
a. Addition or Revision to Existing Structure	\$300.00
b. New Development on Vacant Lot:	
i. < 10,000 Square Feet	\$500.00
ii. > 10,000 Square Feet	\$750.00

*Note: Subdivision Application fees will be due at the time the application is submitted.

C. Land Development Applications*

1. Land Development Applications For:	
a. Addition or Revision to Existing Structure	\$300.00
b. New Development on Vacant Lot:	
a. < 10,000 Square Feet	\$750.00
b. > 10,000 Square Feet	\$1,000.00
2. Minor Alterations to Approved Plans	\$50.00
3. Time Extensions for Conditionally Approved Plans	\$50.00
4. Lighting Plan	\$50.00

*Note: Land Development Application fees will be due at the time the application is submitted.

D. Zoning Permit Fees

1. For ALL Site and Land Development Plans	\$125.00
2. New Home Construction	\$100
3. Decks, Additions, Detached Garage, Renovations, Etc.	\$50
4. Zoning Permits for Commercial/Industrial Uses	\$50
5. Structures Less Than 144 Square Feet	\$25.00
6. Zoning Permit for Pool	\$25.00
7. Home Occupation Permit	\$25.00
8. Restoration Vehicle or Restoration Parts Vehicle Permit	\$25.00 per year (two year max.)
9. Lighting Application	\$50.00 + \$250 escrow
10. Food Truck Permit	\$25.00 per year*

*A \$25.00 permit fee is required for the initial application and \$25.00 for each subsequent year starting in January.

E. Sign Permits

1. Development Review Notice Signs:	
a. Sign Rental	\$10.00 per sign
b. Refundable Security Deposit	\$125.00 per sign
2. Permits (Based on Total Signage Area):	
a. 0-10 Square Feet	\$25.00
b. 11-50 Square Feet	\$35.00

c. 51-100 Square Feet	\$55.00
d. 100+ Square Feet	\$80.00
3. Annual License Renewal:	
a. 0-10 Square Feet	\$20.00
b. 11-50 Square Feet	\$30.00
c. 51-100 Square Feet	\$50.00
d. 100+ Square Feet	\$75.00
4. Sign Lighting Review	\$50.00 + \$250.00 escrow
5. Temporary Signs	\$15.00 per sign

1. Special Sign Permits

1. Special Event/Tent Sale	\$15.00 per application
2. Balloons, Pennants, Streamers	\$15.00 per application

F. Zoning Hearing Board

1. Appeals*	\$250.00 \$500.00
2. Variances**	\$250.00 \$500.00
3. Special Exceptions	\$250.00 \$500.00

*Note: \$250.00 Appeal fee is refundable if applicant prevails in the appeal of a notice of violation

**Note: Zoning Appeals and Variances are separate charges. Variance charges in this schedule are non-refundable. If the applicant prevails in a Zoning Appeal and a Variance, only the Zoning Appeal fee will be refunded.

G. Curative Amendment/Validity Challenge

1. Filing Fee	\$1,250.00 + actual cost of advertising
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H. Conditional Use Hearing

1. Conditional Use Application and Hearing	\$300.00 \$500.00
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I. Rezoning Requests

1. Filing Fees & Escrow Amount	\$250.00 filing fees + \$1,000.00 \$1,500.00 escrow account to be applied toward actual cost of advertising, posting of property, and administrative fees related to review
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J. Ordinance Amendment

1. Petition for Zoning or Subdivision and Land Development Code Revision	\$250.00
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K. Mobile Home Parks

1. Initial Fee	\$100.00 + \$5.00 per lot
2. Annual Renewal Fee	\$50.00

L. Parkland Fees

1. Parkland Fee In-Lieu	\$1,225.00 per person*
2. Park Master Plan Development Fee when Land is Dedicated for Parkland	\$179.00 per dwelling unit

*Note: Fee based on assumption of 2.54 persons per dwelling unit

M. Inspection of Public Improvements

1. Factor of 2 times Township Engineer base hourly wage or actual contracted amount

N. Grass, Weeds, & Certain Other Vegetation

(Grass, weeds, and certain other vegetation EXCEEDING height provisions of ordinance)

Applicable penalty period is April through October. All violations occurring within the penalty period will be assessed according to this fee schedule, and will not reset until the following penalty period. For example, if a Warning Notice is resolved, any subsequent violations within the same penalty period will result in a 2nd violation penalty.

1. 1 st Notice of Violation	No penalty – Warning notice only
2. Issuance of 2 nd Violation	\$25.00
3. Issuance of 3 rd Violation	\$50.00
4. Issuance of Each Additional Notice of Violation	\$75.00

O. Snow Removal

Applicable penalty period is November through March. All violations occurring within the penalty period will be assessed according to this fee schedule, and will not reset until the following penalty period. For example, if a Warning Notice is resolved, any subsequent violations within the same penalty period will result in a 2nd violation penalty.

1. 1 st Notice of Violation	No penalty – Warning notice only
2. Issuance of 2 nd Violation	\$25.00 + prosecution costs
3. Issuance of 3 rd Violation	\$50.00 + prosecution costs
4. Issuance of 4 th Violation	\$75.00 + prosecution costs
5. Issuance of 5 th Violation	\$100.00 + \$25.00 for each violation after the 5 th up to a maximum of \$300.00 plus costs of prosecution

P. Code Administration Fees

1. Building Code Permits

a. 1 and 2 Family Residential

1. Application Fee	\$ 0 35.00
2. New Construction	<u>\$0.0055 x Declared Cost*</u> , OR <u>\$0.0055 x Square Foot Construction Cost x Square Footage (which</u>

	ever is greater) (Most recent square foot construction cost as published by the International Code Council) \$0.0065 x Declared Cost* (OR) \$0.0065 x Square Foot Construction Cost** x Square Footage (whichever is greater)
3. Renovation	\$0.0065-0055 x Declared Cost*
4. Minimum Fee	\$56.00 <u>55.50</u>
5. Re-inspection Fee	\$475.00
6. Demolition Fee	\$565.00

*Note: The CRCA may request documentation supporting the declared project cost

**Note: Most recent square footage construction cost as published by the International Code Council

b. 1 and 2 Family Residential – New Industrialized Housing Only

7. Application Fee	\$035.00
8. New Construction	80% of the following: [\$0.0065-0055 x Declared Cost* (OR) \$0.0065-0055 x Square Foot Construction Cost** x Square Footage (whichever is greater) (Most recent square foot construction cost as published by the International Code Council)]
9. Minimum Fee	\$56.00 <u>55.50</u>
10. Re-inspection Fee	\$475.00

*Note: The CRCA may request documentation supporting the declared project cost

~~**Note: Most recent square footage construction cost as published by the International Code Council~~

c. Non-1 and 2 Family Residential

1. Application Fee	\$75.00
2. New Construction, Renovation, or Addition	\$0.0065-0055 x Declared Cost* (OR) \$0.0065-0055 x Square Foot Construction Cost** x Level of Renovation Multiplier x Square Footage (whichever is greater) (Most recent square foot construction cost as published by the International Code Council)
3. Minimum Fee	\$56.00 <u>55.50</u>
4. Re-inspection Fee	\$475.00
5. Demolition Fee	\$56.00 <u>55.50</u>

*Note: The CRCA may request documentation supporting the declared project cost

~~**Note: Most recent square footage construction cost as published by the International Code Council~~

2. Fire Safety Permits

Annual Permit Fee = T x \$80.00 x R/V (rounded to the nearest dollar)	
R = Reduction Factor = 0.88	
T = Estimated Inspection Time of Property	
<u>Square Feet</u>	<u>Time in Hours</u>
1,000 or less	2
1,001 to 2,500	2.75
2,501 to 10,000	3.5
10,001 to 25,000	4.5
25,001 to 75,000	6

75,001 or more	9.5
V = Inspection Frequency Value	
<u>Life Safety Value (as determined at the time of inspection)</u>	<u>Inspection Frequency</u>
100 or less	5-year interval
101 to 400	3-year interval
401 or more	Annually

3. Rental Housing Permits

1. COG Centre Region Code Single Dwelling Unit, Townhouse, Mobile Home, Apartment, Condominium, or Duplex (per unit) (includes intermittent rentals) a. Township Fee (per unit)	\$37.00 \$2,003.00
2. COG Centre Region Code Lodging House, Boarding House, Tourist Home, or Rooms (per unit) a. Township Fee (per unit)	\$32.00 \$2,003.00
3. COG Centre Region Code Fraternity or Dormitory a. With Fewer than 15 Sleeping Rooms b. With 15-25 Sleeping Rooms c. With More Than 25 Sleeping Rooms * Township Fee	\$350.00 \$400.00 \$450.00 \$25.00

4. Well and Borehole Permits

1. Potable Drinking Water Well	\$56.00
2. Base Fee for All Wells and Boreholes Subject to the Centre Region Building Safety and Property Maintenance Code with the Exception of Potable Drinking Water Wells Including up to Five (5) Ground Penetrations	\$150.00
3. Additional Penetrations Beyond the Five (5) Penetrations Covered in the Base Fee for up to and Including an Additional Five (5) Penetrations	\$75.00

5. Permit Expiration and Permit Renewal Fees

The following fees are applicable to permits that are subject to the provisions of PA Act 46 of 2010	
1. Written Verification of Expiration Date a. Residential Projects b. Commercial Projects	\$100.00 \$500.00
Permit Extension Fee Shall be 25% of the Original Base Permit Fee, Not to Exceed \$5,000.00	

6. Plan Review Fees

Upon the second plan submission prior to the issuance of a permit if the plan review comments have not been adequately addressed (OR) if additional comments are required to be generated (OR) any submission of modifications after the issuance of a permit, the following fees will apply

<u>1.</u> Residential Submission Fee	\$0
1-2. Commercial Submission Fee	\$150.00
2-3. Review Fee	\$80.00 x staff time in hours

7. Work Not Covered By Permit Fees

1. Fee	\$80.00 x staff time in hours
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8. Applicant requested accelerated plan review or inspection outside of normal business hours

2. Fee	\$120.00 x staff time in hours
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9. Other Code Administration Fees

1. Carnivals/Fairs	\$25.00 per event
2. Tents and Temporary Structures	\$25.00 per event
3. Re-inspection/Additional Inspection Fee	\$45.00
4. Explosives Permit	\$25.00 per day
5. Demolition Permit	\$40.00
6. Fire Alarm License for Installation	\$20.00 per municipality
7. Fire Alarm Registration Fee (For ALL Alarms, 4 Signals Off-Premises)	\$25.00
8. Fire Alarm User Permit Fee	\$25.00
9. Fire Alarm Installation License	\$20.00
10. Fire Alarm Late Permit Fee for Each Calendar Month of Part Thereof	\$15.00
11. On-Lot Sewage System Inspection Fee Schedule (conducted by Centre Region Code Agency):	\$75.00 paid by property owner
a. Existing System Inspection with Open Tank	\$35.00 paid by property owner
b. Existing System Inspection, Visual Only, Closed Tank	

Police Department

A. Fines (first 72 hours)

1. No Parking Fire lanes	\$50.00
2. No Parking Handicapped Only	\$50.00
3. Prohibited Parking – At All Times	\$15.00
4. Prohibited Parking – At Certain Times	\$15.00
5. Prohibited Parking over 2 Hours	\$15.00
6. Snow Parking Violations	\$15.00
7. No Parking In Bus Stop Area	\$15.00
8. No Parking On Sidewalk	\$15.00
9. No Parking on Crosswalk	\$15.00

10.	No Parking at any place where official sign prohibits parking, stopping or standing	\$15.00
11.	No Parking More than 12" from curb	\$15.00
12.	No Parking against traffic	\$15.00
13.	No Parking Blocking Driveway	\$15.00
14.	No Parking within 30' of a stop sign	\$15.00
15.	No Parking within 15' of a fire hydrant	\$15.00
16.	Parking Boot Removal	\$50.00
17.	No Valid Residential Parking Permit Displayed in Established Parking Permit Streets	\$15.00
18.	No Parking in Intersection	\$15.00
19.	No Parking within 20 feet of a Crosswalk	\$15.00
20.	Parking Not Wholly within Marked Space	\$15.00

B. Emergency Alarm Fees

1.	First Alarm	None – Notification only
2.	Second Alarm	None – Notification Only
3.	Third Alarm	None - Notification/Warning
4.	Fourth Alarm	\$75.00
5.	Fifth Alarm	\$150.00
6.	Each Additional Alarm	\$300.00

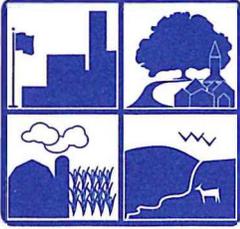
C. Reports

1.	Traffic Crash Reports	\$15.00 each
2.	Local criminal history check	\$15.00
3.	Notarized local criminal history check	\$20.00
4.	Lost or Stolen Property Statement	\$3.00
5.	Specially Prepared Reports (authorized party only)	\$35.00/hr. + \$0.20/page (\$15.00 minimum)
6.	Report Summary Letters(per report) (authorized party only)	\$35.00/hr. + \$.020/page(\$15.00 minimum)
7.	Photos, video, audio reproductions, (authorized party only)	\$75.00/hr. + actual cost of reproduction (\$35.00 minimum)
8.	Report Copies (valid subpoena or court order only)	\$0.20/page

D. Special Events

1.	Permit	
	a. Organizations with 501(c)3 tax exempt status	Waived
	b. All other organizations	\$25.00
2.	Escrow	
	a. Organizations with 501(c)3 tax exempt status	\$125.00
	b. All other organizations	\$250.00

3. Staff a. Police Staff b. Public Works Staff	\$75.00/hour subject to a 3 hour minimum \$50.00/hour subject to a 3 hour minimum
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TOWNSHIP OF FERGUSON

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

DRAFT

December 3, 2018

Ms. Michelle Ferguson, Energy Program Specialist
Pennsylvania Department of Environmental Protection
Energy Programs Office
North Central Regional Office
208 West Third Street, Suite 101
Williamsport, PA 17701

Re: Alternative Fuels Incentive Grant Program

Dear Ms. Ferguson:

Please accept this letter on behalf of the Ferguson Township Board of Supervisors as a statement of financial commitment and support for Ferguson Township's application to the Alternative Fuels Incentive Grant Program. If successful, the grant award will be used to offset the incremental purchase price of an all-electric vehicle (2019 Chevrolet Bolt) and a comparable gasoline-powered model. Quotes have been secured via COSTARS pricing for a 2019 Chevrolet Bolt totaling \$33,305, and a 2019 Chevrolet Trax totaling \$22,700. The incremental price difference to which the grant would be applied would equal \$10,605. The Township has, in its 2019 Operating Budget, appropriated funds to complete this project.

Thank you for the opportunity to request funding for this project. Please do not hesitate to contact me if you have any questions about this project or letter.

Sincerely,
Township of Ferguson

Peter Buckland
Chairman, Board of Supervisors

c: 2018 AFIG file
Correspondence file



Dear Interested Party:

I am pleased to invite you to apply for the Alternative Fuels Incentive Grant Program (AFIG).

The transportation sector is responsible for significant air pollution, including nearly a quarter of the greenhouse gases emitted in Pennsylvania. One of the ways Pennsylvanians can reduce emissions from transportation is by using alternative fuels, such as electricity, natural gas, propane, biofuels, and hydrogen. In addition to improving air quality, use of alternative fuels provides other benefits, such as supporting local economic development and enhancing energy independence and energy security.

I have confidence that alternative fuel projects you submit will promote and build markets for advanced, renewable and alternative energy transportation technologies as well as lessen our carbon footprint. The intent of this grant program is to provide a stimulus for opportunities that better manage Pennsylvania's fuel resources in a way that also improves the environment, supports economic development and enhances our quality of life.

Eligible proposals may include a variety of opportunities for the use of alternative fuels and alternative fuel vehicles.

The Department of Environmental Protection (DEP) is particularly interested in supporting proposals that provide environmental benefits, are market-driven, create jobs, and produce economic development within Pennsylvania.

Along with the enclosed application is detailed guidance to help develop project proposals. I encourage you to read through the entire package carefully to ensure your successful application. Please contact AFIG staff with any questions you may have.

The AFIG program will remain open continuously throughout calendar year 2018 and DEP will select the best projects through a competitive scoring process. The Department will evaluate applications received by the end of each of two submission periods: July 13, 2018, and December 14, 2018. Unsuccessful applicants will be provided an opportunity to review their application with AFIG staff. The opportunity to quickly resubmit a follow-on application with improvements during the next submission period will be available to you.

DEP looks forward to funding a variety of energy projects that benefit Pennsylvania's environment, economy, and energy security.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick McDonnell". The signature is fluid and cursive.

Patrick McDonnell
Secretary

Secretary

CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3

State College, PA 16801

Phone: (814) 231-3077 Fax: (814) 231-3083 Website: www.crcog.net

EXECUTIVE COMMITTEE

COG Building - Forum Room

2643 Gateway Drive

November 20, 2018

12:15 PM

AGENDA

1. CALL TO ORDER

Chair Danelle Del Corso will convene the meeting.

2. CITIZEN COMMENTS

Members of the public are invited to comment on any items not already on the agenda (five minutes per person time limit, please). Comments relating to specific items on the agenda should be deferred until that point in the meeting.

3. APPROVAL OF MINUTES

A copy of the minutes of the October 23, 2018 Executive Committee meeting is *enclosed*.

4. DRAFT GUIDELINES FOR MEETING ETIQUETTE

At the May 22, 2018, meeting of the Executive Committee, following a discussion concerning behavior at public meetings, it was suggested that the Human Resources Committee prepare a set of guidelines outlining meeting conduct for all of the COG meetings. At the August 1, 2018 meeting of the Human Resources Committee, a draft handout was reviewed detailing proper meeting etiquette and pointers for conducting a successful meeting.

The consensus of the HR Committee was that the guidelines would serve as a great tool for new elected/appointed officials, new Chairs/Vice-Chairs, and staff alike, to help folks be mindful of their behaviors, aware of their responsibilities and help to understand the meeting process. The Committee suggested that the document be split into sections depicting enforceable ground rules separate from meeting aspirations and expectations. The Committee also provided other valuable input such as keeping enforceable ground rules specific and to the point. A suggestion was also made to reference Roberts Rules of Order.

Enclosed is a draft copy of the meeting etiquette handout as proposed by the HR Committee. The Executive Committee should review the draft document and decide how to proceed. Options include:

- a. Referring the guidelines to the General Forum “as is”
- b. Proposing changes to the guidelines and referring the revised guidelines to the General Forum
- c. Asking the HR Committee to revisit specific sections of the guidelines and prepare a revised draft for consideration by the General Forum during its January 28, 2019 meeting.

To strengthen the intent of the guidelines, the HR Committee is recommending that they be adopted by a resolution of the General Forum.

5. WHITEHALL ROAD REGIONAL PARK UPDATE

Centre Region Parks and Recreation Director, Pam Salokangas, asks the Executive Committee to schedule an update of recent activities relating to Whitehall Road Regional Park. Possible updates to be discussed are:

- November 8 meeting with the State College Borough Water Authority’s Sourcewater Protection Committee and SCBWA Staff
- November 8 Kick-Off Meeting with Stahl Sheaffer Engineering to discuss general topics and to review calendar
- November 16 Kick-Off Meeting with engineering and architect team along with CRPR Staff and Authority Chair for the development of the Land Development Plan. Escrow submittal to Ferguson Township will occur very soon with about 3-4 months of preparation before submitting to Ferguson Township Planning Commission.
- Status of Grant Application
- Preview of master plan changes to consider whether to request a vote of General Forum; these changes include 1) two shelters being merged into one; 2) open-air shelters being changed to one single year-round pavilion, attached to the restrooms/concession building, and 3) the swapping of the locations for a soccer field and the tennis courts/indoor tennis building.

The Committee should decide whether to schedule this report. This is an information item and does not require action from the General Forum at this meeting.

6. MUNICIPAL AND PUBLIC COMMENTS ON THE 2019 COG BUDGET

This agenda item asks the Executive Committee to review a recommendation from the Finance Committee to refer the 2018 COG Summary Budget for endorsement and referral to the municipalities for adoption.

During its October 29, 2018 meeting, the General Forum approved the following motion:

“That the General Forum, as recommended by the Finance Committee, receive the draft 2019 Summary Budget for the Centre Region Council of Governments and refer it to the municipalities for consideration; and furthermore, that comments be referred to the COG Executive Director by 8:30 AM, on Thursday, November 15, 2018 for distribution to the Finance Committee at its November meeting.”

Comments were provided by College, Ferguson and Harris Townships. Halfmoon and Patton Townships considered the budget but had no comments. The Finance Committee reviewed the municipal comments during its Thursday, November 15, 2018 meeting. The Committee made no revenue or expenditures changes to the budget as presented to the municipalities.

Enclosed is a memo that identifies the twelve policy level comments from the three Townships and background information on each comment prepared by the Executive Director. This memo was also reviewed by the Finance Committee. State College Borough Council will discuss the Summary Budget during its November 19, 2018 meeting. Messrs. Viglione and Steff are planning to attend that session and will provide the Executive Committee with a report. As additional information to the COG Budget enclosed is a table prepared by Mr. Viglione that identifies the per capita (resident) cost for providing Agency services.

To proceed with review and adoption of the 2019 COG Budget, the Finance Committee unanimously asked the Executive Committee to forward the following motion to the General Forum:

“That the General Forum approve the 2019 COG Budget as discussed at its November 26, 2018 meeting and refer it to the participating municipalities for adoption by December 31, 2018.”

Please remember to bring your 2019 Summary Budget to the meeting

7. EXECUTIVE DIRECTOR’S REPORT

Mr. Steff will update the Executive Committee on current COG activities including:

- The first meeting between the Steering Committee and the consultants who are preparing the Parks and Recreation Regional Comprehensive Plan
- HR Policy Handbook Update
- Millbrook Marsh Nature Center Lease
- Ad Hoc COG Facilities Committee’s discussion relating to conducting a space evaluation of the COG building during 2019.

8. OTHER BUSINESS

- A. Matter of Record - Next month's meeting of the General Forum is scheduled for Tuesday, December 18, 2018 at the COG Building. There are no tentative agenda items at this time. The next meeting is scheduled for Monday, January 28, 2019. Possible agenda items include: election of COG officers, selection of 2019 meeting dates, appointments to the Code Board of Appeals, confirmation of appointments for the Alpha Fire Company and the endorsement of the Millbrook Marsh Nature Center Lease.
- B. Matter of Record - The work to connect the COG Building to KINBER fiber optic system is expected to begin within the next 2 weeks when Corl Communications techs will trace the existing roll-pipe back to the building. In the beginning of December the directional boring will be completed. By mid-December the line work will be completed.

9. TENTATIVE AGENDA ITEMS

The following are agenda items that are tentatively scheduled for discussion at the Monday, November 26, 2018 General Forum meeting, which will be held at the Centre Region COG Building:

- Pledge of Allegiance
- 2019 COG Summary Budget
- Meeting Etiquette
- Whitehall Road Regional Park Update

10. RECESS TO AN EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER

Ms. Del Corso reminds the Executive Committee that one of its duties is to evaluate the Executive Director's work performance during 2018. Performance evaluation forms for the Executive Director were distributed earlier to the Committee and electronically returned to Ms. Del Corso.

Mr. Del Corso will report on the evaluation process and will adjourn the meeting to an Executive Session at this point. During its December 11, 2018 meeting the Committee will discuss the 2018 performance review with the Executive Director.

11. ADJOURNMENT

Centre County Metropolitan Planning Organization (CCMPO) Coordinating Committee Meeting

Tuesday, November 27, 2018

6:00 p.m.

**PLEASE NOTE THE LOCATION:
PATTON TOWNSHIP MUNICIPAL BUILDING**

AGENDA

1. **Call to Order and Pledge of Allegiance**
2. **Approval of Minutes:** *September 25, 2018 Coordinating Committee meeting.*
3. **Citizen Comments:** *For items not on the agenda.*
4. **2019 Meeting Schedule:**
Action: Approve meeting dates and times for 2019
5. **Performance Based Planning and Programming:**
 - a. [Annual update of safety performance targets](#)
Action: Support PennDOT's safety performance targets
 - b. [Transit Asset Management \(TAM\) Plans for CATA and Centre County Office of Transportation](#)
Action: Approve agreements for developing and sharing transit data from TAM Plans
6. **Title VI Nondiscrimination Policy:**
Review and approve policy
Action: Approve policy
7. **Centre County Long Range Transportation Plan (LRTP) 2050:**
Report about municipal workshop meetings
No action required
8. **PennDOT Connects Policy:**
Report about *Connects* activities in Centre County
No action required
9. **Member Reports:**
Reports from members about a significant item(s) of interest
No action required
10. **Announcements**
11. **Adjourn**

*Next Coordinating Committee meeting:
Tentative
Tuesday, February 26, 2019
6:00 p.m.
Location TBD*



NOVEMBER 27, 2018 MEETING

ITEM 4

2019 MEETING SCHEDULE

This year, the Coordinating Committee met on the 4th Tuesday of the months in which meetings were scheduled. The 4th Tuesday was originally selected because there are no conflicts with meetings of municipal governing bodies and other regional organizations.

Meetings are typically *not* held every month. However, staff notes that along with the meetings listed below, at least one additional meeting will likely be needed in 2019 to facilitate work on the new Long Range Transportation Plan.

Should the Coordinating Committee continue to meet on the 4th Tuesday in 2019, meetings would be held as specified below.

<i>Month</i>	<i>Committee</i>	<i>Day</i>	<i>Date</i>	<i>Time</i>
February	Technical	Wed	2/13/19	9:30 AM
	Coordinating	Tues	2/26/19	6:00 PM
April	Technical	Wed	4/10/19	9:30 AM
	Coordinating	Tues	4/23/19	6:00 PM
June	Technical	Wed	6/12/19	9:30 AM
	Coordinating	Tues	6/25/19	6:00 PM
September	Technical	Wed	9/11/19	9:30 AM
	Coordinating	Tues	9/24/19	6:00 PM
November	Technical	Wed	11/13/19	9:30 AM
	Coordinating	Tues	11/26/19	6:00 PM

Presented by: Tom Zilla, CRPA

Action: Approve meeting dates and times for 2019.

NOVEMBER 27, 2018 MEETING

ITEM 5.a.

PERFORMANCE BASED PLANNING AND PROGRAMMING

Annual Update of Safety Performance Targets

In 2017, PennDOT developed performance targets for the five Highway Safety Improvement Program (HSIP) performance measures. The targets became effective on August 31, 2017. By federal rule, the CCMPO had 180 days from that date to support PennDOT's targets, or establish its own quantifiable targets. On November 28, 2017 the CCMPO took action to support PennDOT's targets, as illustrated in the table below.

Centre County MPO Supporting Values (Targets) - 2017			
Performance Measure	Baseline 2012-2016	Target 2014-2018	Actual 2014-2018
Number of fatalities	14.6	17.2	tbd
Rate of fatalities per 100 million vehicle miles traveled (VMT)	1.08	1.24	tbd
Number of serious injuries	37.8	41.3	tbd
Rate of serious injuries per 100 million VMT	2.802	2.979	tbd
Number of non-motorized fatalities and serious injuries	6.2	9.8	tbd

The goal of PennDOT's targets is to reduce fatalities and serious injuries by 2% over the next five years. Each year, PennDOT must update the targets, using a rolling five-year average. FHWA will determine whether PennDOT is making progress toward meeting the established targets by comparing actual values to the target values for the five year periods. The FHWA review process will begin in late 2019 with a comparison of the 2014-2018 actual values with the 2012-2016 baseline values.

In October, PennDOT provided target values for the next rolling five-year period, as required by federal regulations:

Centre County MPO Supporting Values (Targets) - 2018			
Performance Measure	Baseline 2013-2017	Target 2015-2019	Actual 2015-2019
Number of fatalities	15	16.4	tbd
Rate of fatalities per 100 million vehicle miles traveled (VMT)	1.102	1.173	tbd
Number of serious injuries	38.6	41.1	tbd
Rate of serious injuries per 100 million VMT	2.835	2.940	tbd
Number of non-motorized fatalities and serious injuries	8	9.5	tbd

The CCMPO must decide whether to support PennDOT's targets, or establish its own targets.

Attached is:

- ≠ Correspondence from PennDOT detailing the safety performance targets for 2018, and the CCMPO's individual targets that would apply if the MPO supports PennDOT's targets.

(Continued)

Staff recommends that the CCMPO again support PennDOT’s targets, noting that the MPO does not have the staff resources and technical capacity to establish and monitor its own individual targets. The CCMPO must establish targets by February 27, 2019. Because the Coordinating Committee is tentatively scheduled to meet on February 26, 2019, only one day prior to the deadline, staff recommends that action be taken in November.

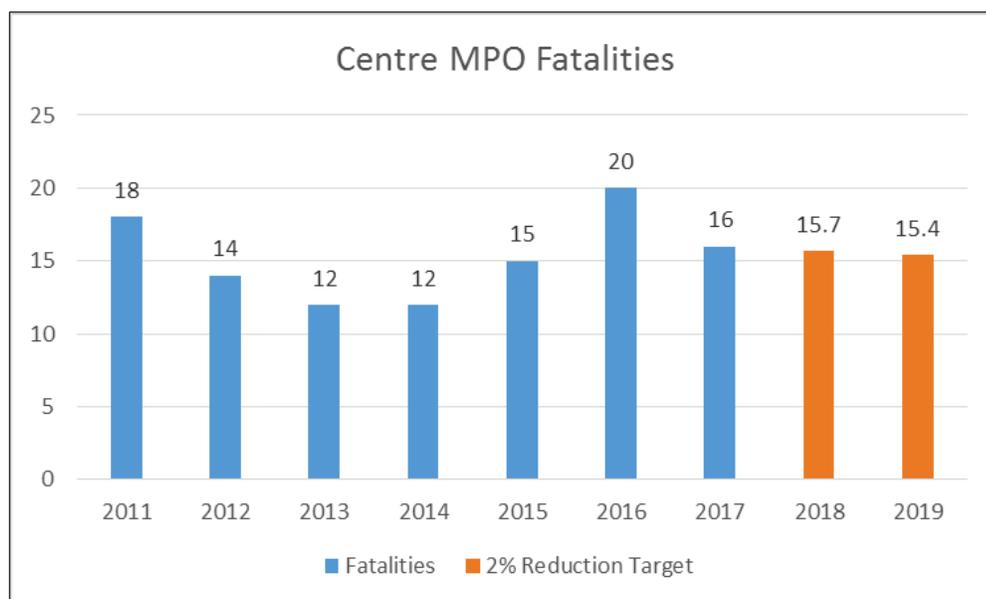
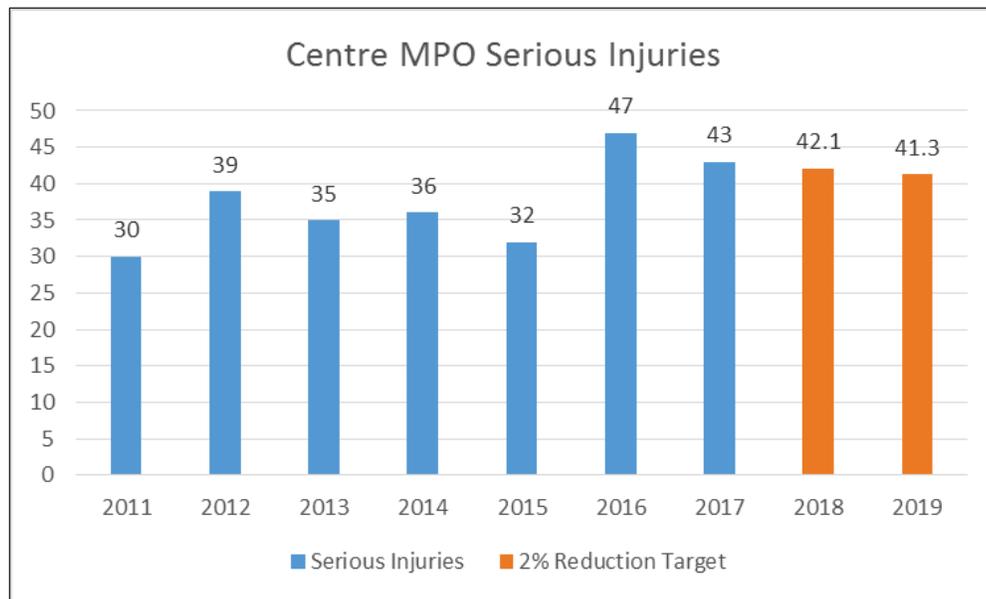
The Technical Committee has recommended that the Coordinating Committee support PennDOT’s targets.

MPO staff will provide a presentation about PennDOT’s latest safety performance targets, and the methodology used to calculate the target values. **The Coordinating Committee should receive the presentation, and take action to support PennDOT’s targets for HSIP performance measures.**

Presented by: Tom Zilla, CRPA

Action: Support PennDOT’s 2018 targets for the five HSIP performance measures.

For your information, below are charts illustrating the most recent annual data for serious injuries and fatalities in Centre County:



NOVEMBER 27, 2018 MEETING

ITEM 5.b.

PERFORMANCE BASED PLANNING AND PROGRAMMING

Transit Asset Management (TAM) Plans for CATA and Centre County Office of Transportation

Federal rulemaking requires all public transit operators to develop a Transit Asset Management (TAM) Plan by October 1, 2018. The TAM Plan must be shared with states and MPOs, but states and MPOs are not required to approve the TAM Plans.

In Centre County, the Centre Area Transportation Authority (CATA) and the Centre County Office of Transportation Services (CCOT) are subject to the federal rules. In response, CATA has prepared an individual TAM Plan, and the CCOT is included in the statewide TAM Group Plan prepared by PennDOT. Both TAM Plans include performance targets, and specify a reporting process to assess progress in meeting the targets.

Federal rulemaking also requires states, MPOs, and public transit operators to prepare specific written provisions for cooperatively developing and sharing information related to transportation performance data, including the selection of targets and documenting progress toward meeting TAM Plan targets. To meet this requirement, agreements have been prepared to document the cooperative development and sharing of public transportation performance data.

Attached are:

- Draft Agreement between CATA and CCMPO
- Draft Agreement between the CCOT and CCMPO

The MPO staff recommends that the CCMPO support the targets and data sharing responsibilities detailed in the TAM Plans, and execute the agreements with CATA and the CCOT to formalize each organization's responsibilities.

The Technical Committee has recommended that the Coordinating Committee authorize the CCMPO Secretary to execute both agreements.

MPO staff will provide a presentation that summarizes the key elements in the TAM Plans, and the contents of the draft agreements. Because of the large file sizes, the TAM Plans for CATA and the CCOT are not included in the agenda, but are available on the CCMPO website:

- ≠ CATA – https://www.crcog.net/vertical/sites/%7B6AD7E2DC-ECE4-41CD-B8E1-BAC6A6336348%7D/uploads/Item_4b.1_-_CATA_TAM_Plan_10-25-18.pdf
- ≠ CCOT – https://www.crcog.net/vertical/sites/%7B6AD7E2DC-ECE4-41CD-B8E1-BAC6A6336348%7D/uploads/Item_4b.2_-_CCOT_PennDOT_Group_TAM_Plan_09-27-18.pdf

The Coordinating Committee should receive the presentation, and take action to authorize the CCMPO Secretary to execute the data development and sharing agreements with CATA and the CCOT.

Presented by: Greg Kausch, CRPA

Action: Authorize the CCMPO Secretary to execute agreements with CATA and the CCOT for the development and sharing of public transportation performance data.

NOVEMBER 27, 2018 MEETING

ITEM 6

TITLE VI NONDISCRIMINATION POLICY

Review and Approve Policy

As a recipient of federal funds, the CCMPO is subject to the requirements of Title VI of the Civil Rights Act of 1964 and other laws that prohibit discrimination on the basis of race, color, disability, sex, age, low income, nationality or limited English proficiency.

In 2014, the Federal Highway Administration (FHWA) and PennDOT Central Office conducted a detailed review of the CCMPO's transportation planning process with the MPO staff, PennDOT District 2-0, and CATA. As an outcome of the review, the CCMPO developed a process to address Title VI-related complaints.

In August 2018, FHWA reviewed the CCMPO's Transportation Improvement Program (TIP) as part of the Statewide TIP (STIP) submission package prepared by PennDOT, and noted that the MPO must adopt a Title VI Policy. Staff reviewed Title VI policies adopted by other MPOs, and prepared the attached draft.

Attached is:

≠ Draft CCMPO Title VI Policy

The Technical Committee has recommended that the Coordinating Committee approve the policy.

MPO staff will provide a brief presentation about the draft policy. **The Coordinating Committee should review the draft, and take action to approve a Title VI Policy.**

Presented by: Greg Kausch, CRPA

Action: Approve the CCMPO's Title VI Policy.

NOVEMBER 27, 2018 MEETING

ITEM 7

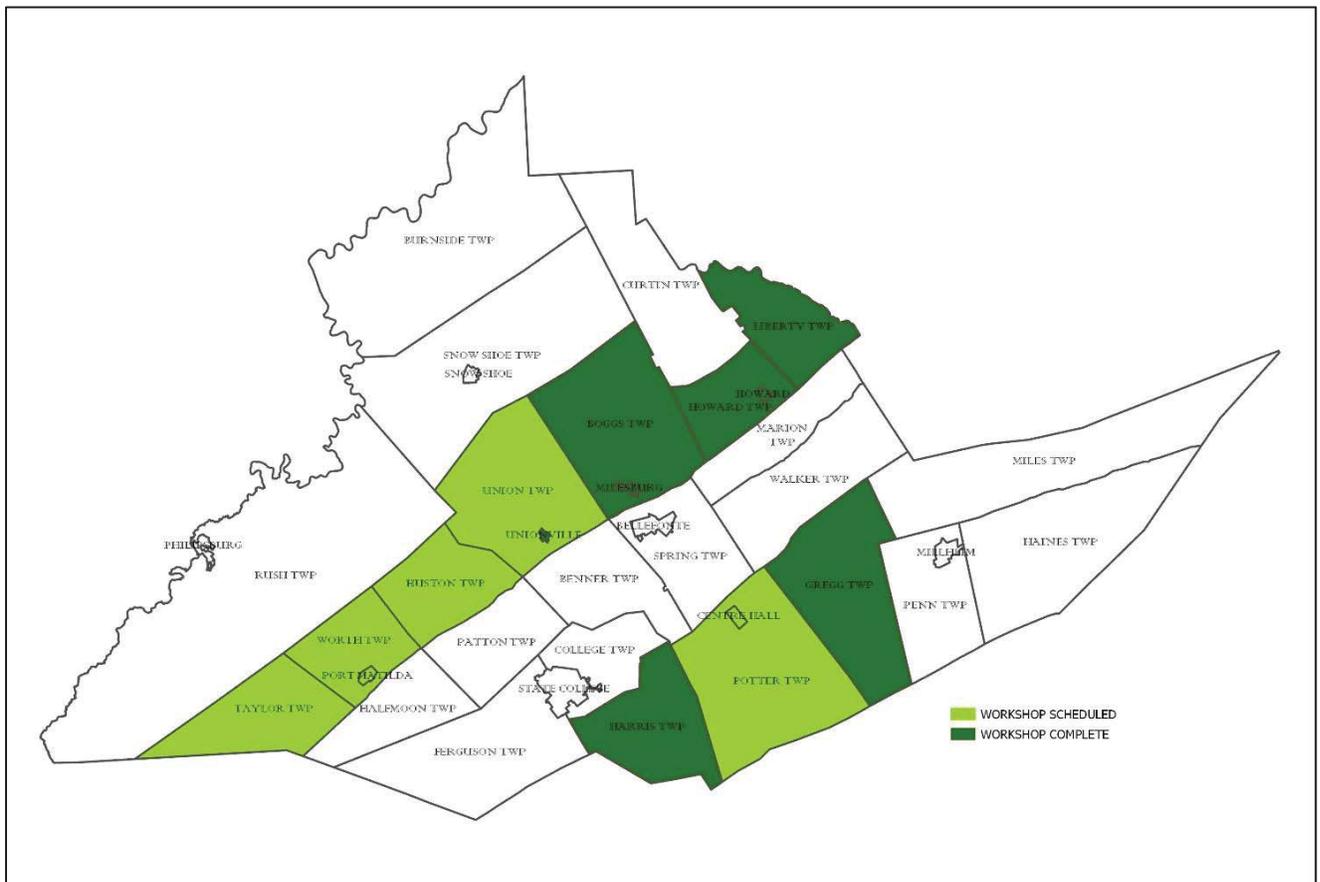
LONG RANGE TRANSPORTATION PLAN (LRTP) 2050

Report about Municipal Workshop Meetings

The CCMPO's LRTP 2044 was adopted in September 2015, and must be updated by September 2020. The MPO staff has initiated work on a new LRTP. A target adoption date of June 2020 has been set for the new "LRTP 2050", which would allow the LRTP and 2021-2024 TIP to be adopted concurrently.

A new approach is being utilized for preparing the LRTP 2050, which includes an initial data gathering effort focused on individual meetings with each municipality in the County, and other key stakeholders.

Below is a map illustrating the municipalities where meetings have been held to date or are scheduled to occur in the near future.



MPO staff will provide a report about the workshop meetings, and an update about topics raised by the Coordinating Committee in September.

The Coordinating Committee should receive the staff report.

Presented by: Leslie Warriner, CCPCDO

No action required.

NOVEMBER 27, 2018 MEETING

ITEM 8

PENNDOT CONNECTS POLICY

Report about *Connects* Activities in Centre County

In December 2016, Pennsylvania Secretary of Transportation Leslie Richards instituted the new *PennDOT Connects* policy. The policy requires PennDOT, MPO staff, and municipal officials to work cooperatively on soliciting community needs earlier in PennDOT's project development process. The purpose for early engagement includes identifying opportunities to accommodate all modes of transportation and identifying other community needs and issues, prior to including a project on the TIP and the LRTP. The policy also emphasizes the importance of having community plans and planning efforts in place to document needs and issues.

As part of the implementation of the *Connects* policy, PennDOT created an internet portal at <https://paconnects.org/>. The *Connects* support hub includes information about training opportunities; technical assistance that is available to municipalities; and other planning resources available to local officials. Municipal officials are encouraged to visit the *Connects* support hub.

Implementation of the *Connects* policy in Centre County began in 2017, and has continued through 2018. MPO staff will provide a brief report about the "lessons learned" from the *Connects* collaboration meetings held to date, and municipal outreach efforts conducted by PennDOT in early 2018. Staff will also report about a municipal training session(s) that is tentatively scheduled to be held in January 2019 in Centre County.

The Coordinating Committee should receive the report.

Presented by: Tom Zilla, CRPA

No action required.

NOVEMBER 27, 2018 MEETING

ITEM 10

ANNOUNCEMENTS

1. Future Meeting Dates

a. Technical Committee: Wednesday, February 13, 2019, 9:30 a.m.
Location TBD

- ⇒ Highway/bridge project status report from PennDOT
- ⇒ Centre County LRTP 2050
- ⇒ PennDOT Regional Operations Plan

b. Coordinating Committee: Tuesday, February 26, 2019, 6:00 p.m.
Location TBD

- ⇒ Highway/bridge project status report from PennDOT
- ⇒ Centre County LRTP 2050
- ⇒ PennDOT Regional Operations Plan

2. On September 25, 2018, FHWA and FTA approved the Pennsylvania Statewide 2019-2022 Transportation Improvement Program (STIP) and Air Quality Conformity Determinations, which included the Centre County TIP and Air Quality Conformity Analysis. The new 2019-2022 TIP took effect on October 1, 2018.

As part of the approval process, FHWA and FTA issued a STIP Planning Finding document, which specified required and recommended improvements in the transportation planning and programming process. The full document that includes the STIP/Air Quality Conformity approval letter and Planning Finding is attached. Committee members are encouraged to review the document, which provides insight into transportation planning and programming activities that are the responsibility of PennDOT, MPOs, and transit operators.

3. The CCMPO's *Procedures for Transportation Improvement Program (TIP) Revisions* allow project sponsors (typically PennDOT and CATA) to make administrative modifications that change funding on the TIP without formal approval by the Coordinating Committee. The *Procedures* specify that the administrative modifications be reported to the CCMPO for information purposes. One minor modification was completed for the 2019-2022 TIP since it became effective on October 1, 2018.

4. Attached is correspondence received from Marion Township regarding the limits of work for the Route 26 Jacksonville Road Betterment project, which is part of the I-80/I-99 Interchanges Project. The correspondence has been forwarded to PennDOT District 2-0 for consideration.

5. PennDOT has scheduled informal plans display meetings and presentations to the Marion Township and Spring Township Boards of Supervisors about the I-80/I-99 Interchanges project, as noted below:

Spring Township
Monday, December 3, 2018
Informal plans display: 6:30 – 7:00 pm
Presentation to supervisors: 7:00 pm

Marion Township
Thursday, December 6, 2018
Informal plans display: 7:00 – 7:30 pm
Presentation to supervisors: 7:30 pm

(Continued)

6. On October 2, 2018, Governor Tom Wolf announced that 42 projects were approved for funding from the PennDOT Multimodal Transportation Fund program, including two projects in Centre County.

Project	Municipality	Allocation
State Route 3011 (Pike Street) Multimodal/streetscape improvements	College Twp.	\$1,149,041
Centre County Government Local Bridge Bundle Major rehabilitation of three municipal bridges	Curtin Twp. Miles Twp. Spring Twp.	\$1,365,000

7. For municipalities with traffic signals, please note that PennDOT is accepting applications for the Green Light Go funding program. **Applications are due by January 11, 2019.** More information can be found on PennDOT’s Traffic Signal Portal website at <http://www.dot.state.pa.us/Portal%20Information/Traffic%20Signal%20Portal/FUNDGLG.html>

8. Press releases from PennDOT about road and bridge construction projects in Centre County are posted on the “Project Updates” page of the CCMPO’s website and shared on the MPO’s Facebook page. MPO staff also typically shares PennDOT’s press releases with CCMPO Committee members and emergency response providers for projects in their respective areas of the County.

For information specific to the Atherton Street Drainage/Repaving project, visit PennDOT’s website at www.penndot.gov/AthertonStreet, or visit State College Borough’s project-specific hub at <https://www.statecollegepa.us/CivicAlerts.aspx?AID=2157>.

Like and share the CCMPO’s Facebook page at <https://www.facebook.com/centrecountymPO/> for meeting announcements, project updates, PennDOT’s Local Technical Assistance Program (LTAP) announcements, District 2-0 press releases, and relevant items from PennDOT’s Facebook page.

9. For information about the *PennDOT Connects* initiative, visit the *Connects* support hub at <https://paconnects.org/>. Information about technical assistance that may be available to municipalities is posted on the *Connects* support hub.
10. For information about PennDOT’s Local Technical Assistance Program (LTAP) training courses, as sponsored by the SEDA-COG MPO, visit <http://www.seda-cog.org/transportation/Pages/LTAP.aspx>.
11. For information about the “Drive Forward” coalition formed by the Chamber of Business and Industry of Centre County (CBICC) with the support of the CCMPO, visit the Drive Forward website at www.driveforwardcc.com.



(Continued)

12. CCMPO staff contact information:

Centre Regional Planning Agency
2643 Gateway Drive
State College, PA 16801

Telephone: 814-231-3050
Fax: 814-231-3083

Jim May, Director
Tom Zilla, Principal Transportation Planner
Trish Meek, Senior Transportation Planner
Greg Kausch, Senior Transportation Planner
Colleen Barrett, Sustainability Planner
Lyssa Cromell, Office Manager

jmay@crcog.net
tzilla@crcog.net
tmeek@crcog.net
gkausch@crcog.net
cbarrett@crcog.net
lcromell@crcog.net

Centre County Plng & Community Dev. Office
420 Holmes Street – Willowbank Office Building
Bellefonte, PA 16823

Telephone: 814-355-6791
Fax: 814-355-8661

Bob Jacobs, Director
Mike Bloom, Assistant Director
Leslie Warriner, Senior Transportation Planner

rbjacobs@centrecountypa.gov
dmbloom@centrecountypa.gov
ljwarriner@centrecountypa.gov

On the web at www.ccmppo.net

Congratulations to Mike Bloom, who recently received the 2018 Robert B. Donaldson Community Planning Award from the Centre County Association of Township Officials. The CCATO's Award recognizes an individual showing leadership in community planning and dedication to the preservation of community ideals. Great job Mike!





**Manager's Report
December 3, 2018**

1. Provided with my report is a letter from the Pennsylvania Department of Conservation and Natural Resources informing the Township that its grant application for Phase II funding of Cecil Irvin Park through the Community Conservation Partnerships Program has been considered a High Value Project. As of the initial award, however, funding for the project has not been granted. Should additional funding become available, this project will be given high consideration.
2. On November 28, the Township Manager attended a Municipal Manager's Committee meeting of the Chamber of Business and Industry – Centre County. A verbal report of the meeting's topics will be provided.
3. The Board of Supervisors has scheduled a worksession to interview applicants for vacancies on the Township's Authorities, Boards, and Commissions on Thursday, December 13th at 6:30 p.m. in Conference Room 2 of the Municipal Building.
4. I attended a meeting of the PennPRIME Worker's Compensation and Liability Trusts on Friday, November 30th. Additionally, I am on the Loss Control Subcommittee which met on Thursday, November 29th. A brief verbal report on the activities of the Trust will be provided.
5. The Township was denied its request for variance from the Pennsylvania Department of Labor and Industry to allow the installation of a dumbwaiter without requiring the lower level to have an ADA accessible route. The dumbwaiter was planned to be installed as part of the building interior renovations project planned for 2019, but will be removed from the drawings.



pennsylvania
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES

RECEIVED NOV 26 2018

BUREAU OF RECREATION AND CONSERVATION

November 15, 2018

Mr. Peter Buckland
Chairman, Board of Supervisors
Ferguson Township
3147 Research Drive
State College, PA 16801

RE: Ferguson Township (Centre)
Cecil Irvin Park Phase II

Dear Mr. Buckland:

Congratulations, we have identified the above-referenced project for potential grant funding through the Department of Conservation and Natural Resources' Community Conservation Partnerships Program. Your project is considered a High Value Project. However, we either do not have the funds immediately available to support this effort and/or there are issues that need to be resolved prior to potentially awarding a grant.

Once these issues are resolved and/or we have additional funding, we will assess the viability of providing funding. Please note that to maintain eligibility for potential funding, it is important that you not initiate any project activities without our prior, written approval.

If we are unable to award grant funding by January 23, 2019, you will need to submit a new grant application for this project providing up-to-date information during the next application period that opens on January 22, 2019, and closes at 4:00 PM on April 10, 2019. The new application, if submitted, must follow all of the round 25 requirements.

Please note that all applications must be submitted electronically through our online grant system at "<https://www.dcnr.pa.gov/Communities/Grants/Pages/default.aspx>".

Please contact your DCNR Regional Advisor, M Fahringer, at 570-401-2465 to discuss your project and identify the issues that need to be addressed.

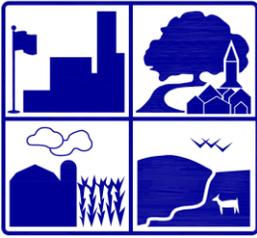
Sincerely,

Thomas P. Ford
Director
Bureau of Recreation and Conservation

cc: Bureau of Recreation and Conservation Regional Office

conserve sustain enjoy

P.O. Box 8475, 400 Market St., Harrisburg, PA 17105-8475 | Phone 717.783.2658 | Fax 717.787.9577



TOWNSHIP OF FERGUSON

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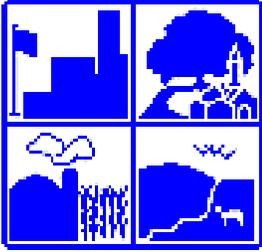
Planning & Zoning Director's Report Monday, December 3, 2018

PLANNING COMMISSION

The Ferguson Township Planning Commission will conduct their last scheduled meeting for 2018 on Tuesday, December 4th.

LAND DEVELOPMENT PLANS AND OTHER PROJECTS

- An Active Plan List is attached for the Board of Supervisors consideration (11/28/18).
- **ZONING AND SALDO UPDATE**
Staff has scheduled a meeting with Carolyn Yeagle for December 12, 2018 at 1:00 p.m. to review final comments. The Planning & Zoning Director met with the Tree Commission on November 19th and anticipates further comments on both the SALDO and Zoning ordinance drafts.
- **SOURCE WATER PROTECTION OVERLAY**
Planning & Zoning staff prepared a revised ordinance packet for the December 4th Planning Commission meeting and the Township Manager will present ordinance revisions to the Centre Regional Planning Commission at their December 6th meeting for further review and comment. Prior to public hearing, staff will also send ordinance revisions to the Centre County Planning & Community Development in accordance with PA MPC requirements.
- **PINE HALL - GENERAL MASTER PLAN SUBMISSION**
Planning & Zoning staff has been working on recommendations for the Workforce Housing Agreement and the Terms & Conditions prior to final General Master Plan consideration.
- **PINE GROVE MILLS SMALL AREA PLAN**
The Wednesday, November 14, 2018 Small Area Plan Town Hall meeting summary can be found at the following link to the Township website at <http://www.twp.ferguson.pa.us/Pine-Grove-Mills-Small-Area-Plan/>.
- **HARNER FARM CONCEPT PLAN**
Upon request by the applicant, at the December 4th meeting, the Ferguson Township Planning Commission will be conducting a Preapplication Conference for a proposed Harner Farm Concept Plan located at the corner of West Whitehall Road and West College Ave.



TOWNSHIP OF FERGUSON

3147 Research Drive, State College, Pennsylvania 16801

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

TO: Ferguson Township Board of Supervisors

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

DATE: November 27, 2018

SUBJECT: Active Plans in the Township

In an effort to keep the Planning Commission and Board of Supervisors up-to-date on current developments, staff is providing a list of Active Plans and **other Projects** in the Township.

Currently, the Township has two (2) Active Plans and one Proposed Concept Plan.

Harner Farm Concept Plan: On November 27, 2018, Penn Terra Engineering, Inc., submitted a Concept Plan to Staff for a Pre-application Conference with the Planning Commission at their meeting on December 4. The Pre-application Conference is an option a potential applicant for subdivision or land development has for the purpose of discussing or reviewing such proposals with the Planning Commission. The requirements are set forth in Section 22-302 of the Ferguson Township Subdivision and Land Development Ordinance.

The preapplication conference is strongly urged, but is not mandatory and is not regarded as a formal application for subdivision or land development. Any report, sketch plan, plat or map to be considered by the Planning Commission at the preapplication conference shall be provided by the potential applicant in ten (10) copies. The Planning and Zoning Department distributed a copy of the plans to the Township Planning Commission and Centre Regional Planning Commission via the Centre Regional Planning Agency for informational purposes only. Staff also provided the Plan to the Township Manager and Township Engineer for their information.

The Planning Commission now has the opportunity to make (or refuse to make) recommendations as a result of the preapplication conference. Any recommendations made by the Planning Commission at or in response to the preapplication conference are not binding upon the Planning Commission in its review of the plan after formal submission.

King Wealth Strategies Land Development Plan: This Plan, submitted on June 26, 2018 by Penn Terra Engineering, Inc. on behalf of the owners/applicants, Laura and Thomas King, is proposing a conversion of the existing residential rental property located at 222 Blue Course Drive to their financial planning business office. Tax Parcel 24-12-12 contains .369 acres and is zoned General Commercial and lies within the Corridor Overlay. The existing building is 2,800 square feet with 1,400 on both the first floor and the basement. Prior to the submission of the plan, five (5) variances were approved by the Zoning Hearing Board. They are as follows: Reduction of the required parking spaces by 2 spaces; Reduction of the 50' front parking setback by 34'; Reduction of the 15' flexible buffer yard by 7.5'; Reduction of the 75' required minimum distance between driveway entrances by 15'; and Reduction of the 18' required parking stall length by 2'. The Planning Commission made its initial review and comment on the Plan at its July 9 meeting. The applicant is requesting a variance and two appeals. The Variance (granted) for relief from Section 27-206, Yard

Requirements and the Appeals (tabled) for the interpretation of Section 27-206 and Chapter 26, Stormwater. *The agent plans to resubmit the land development plan, including the required stormwater plan, but has submitted a time extension since the infiltration testing needed, as part of the stormwater plan is taking longer than expected because of the wet weather in the area. Expiration is now February 23, 2018. No Update*

Step by Step for School for Early Learning: Recorded

Pine Hall Traditional Town Development General Master Plan: On February 21, Residential Housing Development, LLC submitted a General Master Plan for the Pine Hall TTD. A Master Plan currently exists for Pine Hall, but Residential Housing Development, LLC has a different vision, therefore is proposing a new General Master Plan. The Plan was at a stay until decisions were made from both the Zoning Hearing Board concerning the validity challenge and the Court of Common Pleas concerning the procedural challenge—both decisions have been denied and since, appealed by Circleville Partners. Staff submitted initial plan comments to the developer on Friday, March 30. The Board of Supervisors reviewed the Plan and made initial comments at its April 16, 2018 meeting and the Planning Commission reviewed and made initial comments at its April 23 meeting. Staff met the Pine Hall Development Team to discuss initial comments. A Joint Public Work Session with the Board of Supervisors and Planning Commission was held on June 5, 2018. The Pine Hall Design Team submitted a summary of the meeting to staff. Trans Associates submitted the Traffic Impact Study to staff on Monday, July 30 for review. The General Master Plan was formally submitted to staff for review on August 1, 2018, which started the 90-day review period for the Board of Supervisors to consider approval of the Plan. The Planning Commission reviewed the proposed plan on Monday, August 27, 2018 and had minimal comments and some public comment. Staff has prepared a schedule to move the Plan forward. The traffic study is under review, terms and conditions and agreements are being prepared in preparation for a Public Hearing later in the year. Circleville Partners appealed the decision of the Zoning Hearing Board (to the Court of Common Pleas) and the Court of Common Pleas decision (to the Commonwealth Court). Plan review comments were submitted to the developer on September 19. Staff had a meeting with the Design Team on October 2 to discuss the various agreements, terms and conditions, and other items. On October 30, the plan was resubmitted to staff, reviewed, and comment letter was sent to the developer and their team. The traffic impact study is still in discussions and the developer's transportation engineer is reviewing township comments. Plan Expiration is January 24, 2019. **No Update**



TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801

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

Public Works Director's Report to the Board of Supervisors for the regular meeting on December 3, 2018

- 1. Transportation Mobility Study** – This study is focused on identifying improvements for walking, biking, driving, and using transit in the areas of N. Atherton St., Martin St., Blue Course Dr., Cherry Ln., Clinton Ave., and Aaron Dr. Pedestrian and Bicycle Mobility Safety Audits were conducted the week of November 5th. [The consultant, McCormick Taylor, continues to review public comments and working group comments and will compile a summary of comments and list of potential projects. The working group will get together again sometime in January.](#)
- 2. LEED Gold Public Works Building** – The HVAC subconsultant, Barton Associates, requested audience with the PSU Facilities Engineering Institute to discuss the PSU FEI report findings with respect to comments on the HVAC system. [The PSU FEI director resigned recently, and this meeting has not been set up yet. Design work on this project continues. Keller Engineering has not yet submitted the 90% land development submission for staff review. The formal land development submission is expected in January with a submission to the Planning Commission and BOS in February 2019. The project is expected to be bid in July 2019. 7 Group continues to provide guidance on LEED certification and Gold certification remains the goal appears feasible.](#)
- 3. Stormwater Fee Feasibility Study** – [Staff solicited a request for proposals which are due 11/30/18.](#)
- 4. Arborist and Ferguson Township Tree Commission** – [The FTTC does not meet again in 2018. The next meeting is in January 2019. The FTTC is compiling their comments to the proposed subdivision and land development and zoning ordinance revisions and will present the comments to the Planning Director, Manager, or BOS.](#)
- 5. Operating Budget:** Responses to questions by the BOS during the public works department budget review on 11/13/18 are forthcoming.
- 6. Maintenance Section:** Maintenance work is weather dependent and includes winter storm fighting operations or leaf collection, and includes vehicle maintenance, and completion of weather dependent work orders.
- 7. Engineering Section:** Engineer staff continues work on the design of 2019 road capital projects with support from GIS staff.

8. **Contract 2016-C19 Corl Street Signal Upgrades** – Awaiting delivery of poles from the supplier. Work is likely halted for the winter with the exception of possibly installing the controller to improve traffic flow on the side street.
9. **Contract 2017-C17 Silvi Baseball Complex Improvements** – This contract was awarded to HRI and work is underway. Improvements to the complex, (utilizing DCNR matching funds), include excavation, placement of bituminous asphalt pavement over existing aggregate, provisions for ADA accessibility throughout the project area, concrete pad under existing pavilion, pavement line markings, post mounted signs, grading, installation of ADA accessible water fountain, bleachers, stone backup around site and associated work.
10. **Contract 2018-C4 West Blade Rd Turnaround** – Engineering staff prepared 4 different design options for a turn-around considering a variety of stakeholder concerns including: the ability to safely turn around a plow truck and public works and emergency vehicles in the public right of way, consideration of right of way impacts to adjoining property owners, consideration of impacts to trees (both in the right of way and on private property). Staff has met numerous times to review the options and had discussions with the adjoining residential property owners. A meeting with the property owners and the Public Works Director/Right of Way Representative to review the project and discuss right of way impacts is scheduled for 11/30/18. The suggested design option does not require any right of way from private property owners, though does require a temporary construction easement for minor grading and the removal of some private property trees.
11. **Contract 2018-C5 Chestnut Ridge Pipe Lining & Road CMP lining** – This work was awarded to Granite Inliner, LLC. Work has not yet started.
12. **Contract 2018-C15 Street Tree Pruning** – This work was awarded to Bartlett Tree Expert Company. Work has not yet started.
13. **Contract 2018-C22 Tudek Barn Roof Replacement** – This work was awarded to Spicer's General Contracting and Landscaping, LLC. Work has not yet started.