

SOURCEWATER PROTECTION AD HOC ADVISORY BOARD JUNE 6, 2018 MEETING SUMMARY

Attendees: Ray Stolinas, Jeff Ressler, Lindsay Schoch, Larry Harpster, Erik Scott, Barb Christ, James Hynes, Todd Giddings, and Charles Driscoll

Mr. Stolinas provided a brief overview of the two previous meetings. He explained that he will be providing the Ad Hoc Advisory Board's findings and recommendations from all three meetings at the July 2, 2018 Board of Supervisor meeting.

Mr. Stolinas moved onto item three, educational materials provided by the Department of Environmental Protection (DEP) North Central Office at a previous Sourcewater Protection Work Group meeting. The educational materials included a homeowner's guide to protecting drinking water, a citizen guide on how to dispose of pharmaceuticals, agriculture and drinking water, septic systems care and maintenance, tips for residential oil tank owners, and proper disposal of household material waste. DEP also provided a sample letter from Bellefonte Borough informing residents of the adoption of the Sourcewater Protection ordinance.

Mr. Giddings suggested an open-house for residents to attend where they could get information regarding the Sourcewater Protection ordinance from staff and professionals. He stated that the Township has used this format successfully in the past with various subjects. Residents would have the chance to ask questions and look at the provided material instead of just sitting through a PowerPoint presentation. Mr. Stolinas added that when the Township was adopting the Stormwater Management ordinance, about a dozen Penn State students came to an open house to provide a demonstration on Stormwater and it was very well received.

Mr. Stolinas stated that at the last meeting, there was a consensus from the Advisory Board to gather more research on blasting versus manually removing geological features before making a recommendation on Section 11.A.12. Mr. Giddings stated that blasting has to be done per DEP's standards and regulations. DEP limits the number and size of blasts that can go off in a sequence in order to limit ground motion. During the Sourcewater Protection work group discussions, Mr. Giddings felt that the ordinance should not regulate past what DEP has already regulated. Mr. Stolinas stated that the current draft ordinance prohibits blasting in Zone I radii altogether and limits blasting from 50 feet of any geological feature in Zone II radii. There was a brief discussion regarding blasting regulations in the ordinance. In response to a question from Mr. Hynes, Mr. Giddings explained that the Board of Supervisors did not give any justification for including a 50-foot distance from any geological feature in Zone II radii. Mr. Stolinas explained that during the work group meetings, he researched 10-12 different Sourcewater Protection ordinances from across Pennsylvania and only one of the ordinances addressed blasting. Mr. Giddings explained that there has been evidence of silt showing up in the water after blasting has been done near a well, however, there is no evidence that a well has caved in due to nearby blasting. Mr. Giddings spoke to the DEP requirements for a blasting permit.

There was a consensus from the Advisory Board to recommend to the Board of Supervisors that Section 11.A.12 be changed to say “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.

Mr. Stolinas referred to the agenda and stated that he gathered all of the comments received prior to the Sourcewater Protection Ordinance hearing on December 11, 2017. The comments are included in the agenda for the Advisory Board to consider.

The Advisory Board discussed the farmer comments and recommendations from December 11, 2017. Mr. Harpster explained that the second comment was geared towards residents who apply herbicides to their own lawns, not landscapers or yard services hired by residents. He went on to explain that unless a person has a commercial or agriculture license, they could not buy restricted herbicides. Mr. Giddings stated that the aforementioned comment could be addressed through the ordinance’s educational component. Mr. Giddings suggested that the aforementioned educational materials be placed on the Township website in a section dedicated to Sourcewater Protection instead of mailing those materials to every resident in the Township. Mrs. Schoch stated that Planning & Zoning staff are meeting with Diana Griffith, Community Coordinator, to discuss planning stories for the fall newsletter that is mailed to all residents. Staff could incorporate source water protection educational material into the newsletter. Mr. Hynes stated that this a potential role for local environmental groups to connect residents with this information and to make sure the information is clear and accessible. The environmental groups could channel attention to the ordinance and hold informational workshops for residents. Mr. Stolinas stated that there are a lot of options to discuss and consider regarding educational outreach. He stated that he could envision a Source Water Protection page on the Ferguson Township website that would incorporate the educational materials, explain the Source Water Protection Ordinance, and connect it to environmental groups. Mrs. Schoch added that this information could also be displayed on the Township’s Facebook page.

Regarding the fourth comment under the farmer comments/recommendations, there was a consensus to recommend removal of Appendix D from the ordinance since it only relates to Section 7, which has been recommended to be removed from the ordinance altogether. However, the Advisory Board would like to see an educational component for residents regarding Appendix D.

The Advisory Board then discussed Ron Seybert’s comments. The Advisory Board provided the following responses:

- There was a consensus to recommend the removal of “surface drainage patterns” in the draft ordinance related to Mr. Seybert’s first comment.
- There was a consensus to recommend that the language in Section 11.A.8 be rewritten 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.

- In Section 11.A.7, there was a consensus to recommend that the paragraph only refer to Section 11.A.2 b., open sinkholes.
- There was a consensus to recommend the removal of “non-intermittent” from letter e, and leave “Bodies of water or streams.”
- There was a consensus from the Advisory Board to recommend the rewording of Section 11.A.9 to refer to the Stormwater Ordinance design standards—“Detention, retention, and infiltration facilities shall be in compliance with Chapter 26, Part 1 Stormwater Management.”
- There was consensus to recommend removal of Section 11.A.11 altogether.

The Advisory Board then discussed John Sepp’s comments. Since his comments were very similar, if not the same as Mr. Seybert’s comments, the Advisory Board felt that his comments had been addressed previously in their discussions.

The Advisory Board then discussed Joe Montenegro’s comments. The Advisory Board provided the following comments and recommendations:

- There was a consensus from the Advisory Board that the Alteration definition (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, as the changing of surface conditions by causing the surface to be more or less impervious; land disturbance) does not include plowing and tilling.
- There was consensus to recommend that the draft ordinance’s definition of Best Management Practices (BMPs) be enhanced by including language that agriculture practices are intended to be consistent with the state’s nutrient management chapter.

The Advisory Board will reconvene at a later meeting to discuss the remaining comments provided by the Centre Regional Planning Commission, the Centre Regional Planning Agency, and the Penn State Physical Plant.