



O.U.E.

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Update

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CITIZENS' RIGHTS AND DEVELOPMENT THREE CASE STUDIES FROM OUR AREA

We will take most of this issue to describe three projects being proposed in our region that, we think, are dangerously ill-advised. They all embody the imbalance of power between profit seeking companies and common people who have a declining ability to avoid the hazardous operations of private developers. Two of the articles are about projects in Mifflinburg and Point Township, about which we've not yet reported. The third is an update on the plans by a developer to build a mall in a flood zone at Montour Crossing. Perhaps we're being harsh in suggesting that the plans for these three projects are genuinely nutty, but you can read about them and judge for yourselves.

Sewage Sludge in the Buffalo Valley

We asked members of a new group in the area, Buffalo Valley Neighbors Association, to submit the following article describing the group's efforts to stop the permitting of a sewage sludge plant close to Mifflinburg. It was written by Rick Franzen, an active member of the BVNA.

The 2008 summer started out like most summers for the residents of the Buffalo Valley in central Pennsylvania. It's a great place to live, where the countryside is woven from small clusters of well kept homes and handsome family farms. The valley is often identified as some of the best farmland in Pennsylvania.

People are friendly and hard working. Summers usually bring long lists of activities to farmers and homeowners that includes crops, gardens, home care projects, lawn care, little league, vacation plans and on-and-on.

This year proved to be somewhat different. In July, residents began to learn of a project that would be located on a farm along Furnace Road on the eastern edge of Mifflinburg, PA under the name of Ag-Lime Processing, LLC. This location is adjacent to a residential development and approximately 1-1/2 miles east of the area where the Mifflinburg schools are centralized, and the Borough begins.

The facility as described in the application on file at the PA DEP in Williamsport, PA, would be allowed to receive a daily average of up to 600 tons of human and municipal sewage sludge from waste treatment facilities. Over 50 loads of material would come and go daily, traveling local roads and highways and traveling through adjacent communities. It was reported that the likely means of transport would be

open-top heavy transports. Sources for the sludge would be unrestricted and could come from Pennsylvania, surrounding states and Canada.

Few of us had any idea what the terms sewage sludge or the politically correct term "biosolids" actually meant. As the details were uncovered, concerns grew stronger. And the list of questions grew longer and longer. Questions regarding zoning, public safety, public health, disease control, pharmaceuticals, air and water quality, odors, storage, traffic, method of transport and certainly, how incoming materials would be regulated, remain unanswered.

Residents of this area were surprised that a project of this significance could surface with such little warning. Equally surprising, was the discovery that a 40,000+ square foot manufacturing facility could be readily approved for construction on an agriculturally zoned farm with apparent ease.

As it turns out, this story is playing out more and more in communities across Pennsylvania and several other states. Rural communities with limited local government are being targeted by speculators as locations for operations that larger communities can resist. And we are easy pickins!

The local reaction to this proposal was to form a grass-roots group called the Buffalo Valley Neighbors Association (BVNA). Residents circulated petitions and assembled over 500 signatures in a matter of days. A letter campaign to the PA Department of Environmental Protection quickly followed. In addition to the opposition to the proposed sludge processing facility, this group is working to better understand local government and zoning enforcement in preparation for other prospective challenges.

Planning Commission meetings, Supervisor meetings and special work sessions are regularly attended. In the past four months, there's been no shortage of surprises in attending these meetings. But we believe the presence is noticed. And although it is still early, it appears that the behavior and performance of officials at these meetings is changing.

As mentioned at the beginning of this article, public knowledge of the sewage processing facility surfaced in July 2008. And for the present the project appears to be on hold. The application to the PA-DEP which was submitted in July was deemed administratively incomplete and placed on hold in August. That simply means that DEP is patiently waiting for corrections from the applicant. Additionally, a permit approved by the township Planning Commission has expired and, to date, no extension has been requested. But most important is that public sentiment on this proposal is a common topic during local Planning Commission and Township Supervisor meetings. Residents have voiced their expectations that officials act responsibly regarding zoning issues and public safety.

For anyone who has been watching this project, or is concerned about the use of sewage sludge products being used for land applications, there is a great deal of information available. The internet is perhaps the most useful resource. Inquiries on "sewage sludge" will produce hours of interesting reading. And don't overlook articles from European resources. They have a great deal of experience with sewage sludge issues. Several nations have banned the use of sewage products for agricultural applications.

One of the best articles on the subject was written by Carolyn Snyder, Ph.D., entitled "The Dirty Work of Promoting 'Recycling' of America's Sewage Sludge." The article debuted in the *International Journal of Occupational and Environmental Health, Oct-Dec., 2005*. The article is very well written and draws on an impressive list of legitimate reference materials.

At the onset of this affair, the OUE was there with early advice and coaching materials that have been valuable to our young organization. They have remained available to assist as we struggled with the organizational learning curve.

The BVNA is still formalizing their organization. Local residents have been generous in providing startup assistance. Anyone who wishes to get involved can contact the BVNA by writing to P.O. Box 299, Mifflinburg, PA 17844. Or you can visit our web site at www.bvneighbors.org for current issues, coming events or to leave a message. Let's help our community stay a safe and healthy place to live for generations to come. □

Montour Crossing Update

Another citizens group, The Coalition for Responsible Growth and Resource Conservation (CRGRC), provided this story about a bizarre plan for a mall. The selected site is on a flood plain, so the developer wants to dig a forty seven

acre pit, take the dirt from that pit and put on top of the flood plain to make it high enough to be consistent with DEP regulations. The pit will be used as a "flood mitigator." For a description of the range of problems this project would cause, you can visit the group's web site (see the end of the article).

Ask about Montour Crossing anywhere in Fairfield Township, Montoursville or Williamsport and the response will be "it's a done deal" or "it's a dead deal". In fact, it's neither. Here's the latest update on plans for the shopping mall proposed along State Route 87 in Fairfield Township. Details of the proposed project and the environmental issues of its location on a floodplain, prime farmland, and on a historically important site can be found in earlier articles in this publication and on the web site noted below.

More than a year ago Fairfield Township Supervisors gave conditional approval to the developer, Roger Hirschhorn of RD Management in Manhattan. There were 14 conditions, and to date none of these have been satisfied. The Supervisors granted a one year extension, until May 2009, to meet these conditions. The conditions include receipt of all Pennsylvania Department of Transportation (PennDOT) approvals, Pennsylvania Department of Environmental Protection (DEP) permits, Federal Emergency Management Agency (FEMA) floodplain map revisions, sewer and water line agreements, utility easements, and security bonding.

As of this writing there are several outstanding permit applications at DEP, one of which depends on satisfying the Pennsylvania Historic & Museum Commission's (PHMC) & U.S. Army Corps of Engineers' (USACE) regulations on preservation of archeological artifacts. Artifacts from Native American habitations of sufficient cultural significance to be included in the National Historic Register have been found on the Montour Crossing site. Pending all affected parties signing a Memorandum of Agreement on how to proceed in excavating and conserving these artifacts, some permit reviews at DEP cannot be completed.

In July 2008, Loyalsock Creek was reclassified as a higher quality waterway, giving greater regulatory control over discharge pollutants into the Creek. Originally, Loyalsock Creek was classified as Trout Stocking Fishery (TSF). With the reclassification it is Exceptional Value (EV) – the highest classification possible in the state. Pending final approval by Pennsylvania's Environmental Quality Board the EV classification is in effect and covers all DEP permitting processes that had not been finalized before the reclassification. For Montour Crossing that means a major change in how storm water may be discharged – resulting in a need to redesign the excavation plans and develop new hydrological models.

FEMA issues concerning floodplain map revisions are still not resolved. PennDOT's concerns about traffic signals and rights of way are still not completely addressed. Acquisition of water from the Williamsport Municipal Water Authority and permission to run a water line across county property have not been finalized.

Thus, Montour Crossing is neither a done deal nor a dead deal. The developer has a lot of work ahead of him to satisfy Fairfield Township's conditions for approval, and he has not indicated plans to discontinue along this path.

For more information and what you can do to make your voice heard about the Montour Crossing issue, contact the Coalition for Responsible Growth & Resource Conservation at crgrc11@verizon.net or visit their web site at www.crgrc.org (also at: www.lycoming.org/crgrc) and click on the Montour Crossing tab. □

Norry Neighbors Resist Environmental Threat

We solicited the following article from Norry Neighbors, a group of citizens resisting a permit for an ethanol storage and manufacturing project in Northumberland County. The site of this project would be on Route 11 in Point Township, between Northumberland and Danville. For additional information about this story, please contact Norry Neighbors at P.O. Box 229, Northumberland, Pa., 17857, 570-274-9945.

Envision a pristine area located along the banks of the beautiful Susquehanna River. Now picture this same scenic area with an ethanol bulk storage distribution terminal located there. This is the nightmare faced by the citizens of Point Township. This facility, as well as a developer's future plans of locating an ethanol manufacturing facility there, will devastate the quality of lives of citizens of Pt. Township and of the surrounding zoning districts. Highway commercial, agricultural, residential and open space zoning districts surround the proposed site. However, the Point Township Zoning Ordinance clearly places an emphasis on protecting our health, safety and welfare. The Ordinance states the following on page 23:

*I - Industrial Districts - Section 8.01 - Intended Purpose; This district is designed to accommodate wholesale activities, warehouses and industrial operations **whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts.** (Our emphasis).*

Many Point Township citizens felt this ordinance would surely protect us. WE WERE WRONG!!! It all started in 2005 when several alarmed Point Township residents looked out the front windows of their homes and saw bulldozers beginning to excavate a once vacant field. Citizens very quickly sought information from our elected leaders. Much to their surprise, the Point Township Supervisors had already given a permit – in August, 2004 – to a company called Eldorado Properties to locate four 4,000,000 gallon bulk storage tanks **containing combustible liquids directly across from a residential neighborhood and a school zone.** This information, of course, sent citizens searching for answers and demanding to know why our leaders were not looking out for our best interests.

Some of us who lived in the Oak Park residential development, located less than 500 feet from the proposed tanks, began to meet to determine what we should do. We began investigating discrepancies with permit applications, inconsistencies in reporting by the Sunbury *Daily Item* about what would be stored in the tanks, apparent cozy business relationships between politicians and very powerful oil tycoons, and what appeared to be a township agenda to push through these bulk tanks, at any cost. We also learned that John Arnold, the owner of Eldorado Properties, was for several years chairman of the DEP tank advisory committee for the entire state of Pennsylvania. He is also the largest petroleum pipeline terminal owner/operator in Pennsylvania.

Several times, we contacted the DEP asking about the harmful VOC's (volatile organic compounds) that would vent out of these bulk tanks and contaminate our residential neighborhoods, our valuable farmland, and the air we breathe. These harmful vapors contain dangerous carcinogens that are "external physical effects" that cannot be confined to the zoning district where the tanks are located and will thus affect surrounding districts in a detrimental way. We felt that our Zoning Ordinance made it clear that they should not be allowed.

We expressed our concern to our elected leaders regarding the EPA website www.scorecard.org. The grave statistics for our zip code, 17857, showed that the air we breathe was already 80%-90% polluted. On August 4, 2005, at a special meeting of the township supervisors, we presented our concerns to David Aldenderfer, who is in charge of the DEP air quality division in our region.

In October, 2007 Point Township citizens read in the Sunbury *Daily Item* about another frightening scenario. Richard Truslowe, managing member of Lyco 1, a Bloomsburg firm, laid out his "vision" for the central Susquehanna valley in an article entitled "Energetic vision." (For the article, go to www.dailyitem.com and search for "energetic vision.") In this vision statement, Mr. Truslowe says "I want to make Northumberland the center of the cellulosic universe....There's a real economic opportunity here." His vision includes a dream to make Point Township "the hub" for the entire east coast for ethanol production. Lyco 1 submitted a permit application for three 3,000,000 gallon ethanol bulk storage tanks on October 8, 2007. The sales agreement submitted at a later Zoning Board Hearing (ZHB) clearly states that Lyco 1 plans ethanol manufacturing at the Point Township site. Mr. Truslowe is very clear about his plans for our community. Lyco 1 hired an expert consultant to perform a feasibility study to determine the most ideal site for Mr. Truslowe's dream, yet failed to provide a risk assessment study to ensure the citizens of Point Township that his vision for our community is safe.

We recently uncovered earmarks totaling \$40,000,000 for Lyco 1 in House bill 1589, the state's budget for 2008. The

bulk of the appropriation is allocated for acquisition, construction and related costs for cellulose storage sites and renewable energy facilities for a cellulose ethanol manufacturing project. Five million dollars are allocated for the acquisition, construction and related costs of a renewable energy terminal and distribution center required for the LYCO 1 renewable energy terminal project.

In January, 2008 a Point Township Zoning Hearing Board (ZHB) member resigned and vowed to fight alongside the citizens after discovering that the supervisors had not been enforcing an air quality ordinance, passed in 2002, that is:

An ordinance to protect the health, welfare and safety of the residents of Point Township as well as the environment of Point Township by providing for the registration and inspection of certain air emissions and requiring the control of air pollution nuisances within the Township and setting forth remedies for violations thereof.

However, the township supervisors placed a moratorium on the enforcement section of this air quality ordinance only days prior to the ZHB proceedings for Lyco 1. In our opinion, this was a step by the township to eliminate a potential hurdle in Section 8 (D) of the ordinance that would have required the company to submit a baseline profile. As of today, this ordinance is still in moratorium status, and, in our view, 4 of our 5 elected Supervisors continue to jeopardize the health, safety and welfare of our families in Point Township.

In April, 2008, the ZHB approved the Lyco 1 application for the three 3,000,000 gallon ethanol storage tanks, despite our submitting extensive evidence about its potential hazards. Two citizens and an OUE member appealed the ruling to the Court of Common Pleas of Northumberland County, but the judge upheld the ruling by the ZHB. These three have now appealed the ruling to Commonwealth Court and will carry their fight all the way to the State Supreme Court, if necessary.

The Lyco 1 project will bring increased train traffic bringing ethanol from out of state, additional tank trucks carrying

hazardous fuel onto already crowded and dangerous Route 11, and its storage tanks will be venting VOCs. Thus, it will have a negative impact on people throughout the area. Norry Neighbors can also provide an informative DVD to interested parties about an enormous, devastating fire that followed the explosion at an ethanol tank farm in Kansas City on June 8th 2008. Please contact Norry Neighbors if you would like to join us in our efforts to stop this project. □

PPL plans new nuke near Berwick

In case you haven't heard, PPL Generation, a subsidiary of PPL Corporation, submitted an application to the U. S. Nuclear Regulatory Commission (NRC) on October 10th. PPL seeks a combined construction and operating license (COL) for a new nuclear reactor to be located about 7 miles north-east of Berwick. The name of the new project is Bell Bend, supposedly named for the bend in the river near the proposed location, which is close to the two-unit Susquehanna nuclear power plant. The design for the proposed Bell Bend reactor is a U.S. Areva Evolutionary Power Reactor (EPR), one which has not yet been approved by the NRC and is expected to be under review by that agency until 2011. Meanwhile, PPL is getting its ducks in a row. In September, the energy giant also submitted preliminary paperwork for federal loan guarantees for the project. PPL's own early estimate for the Bell Bend reactor is about \$15 billion dollars. Of course, that does not include the cost of storing the radioactive waste, a global problem that has no ready solution. The company will also be looking for additional investors. See our web site: www.ouenew.org for more information about nuclear power. □

OUE BOARD MEETINGS

The OUE Board meets at 7:00 p.m. on the first Monday of every month at United Methodist Church in Watsonstown. Our meetings are open to the public, and we encourage local citizens to attend and, better yet, to join us in our work. □

OUE Publications Committee: Co-Editors, this issue, Charles Sackrey and Linda Godfrey; Associate Editors, Sally and Thom Lauver, and Clyde Peeling; Distribution, Bessie Bush and Linda Godfrey

Organizations United for the Environment

P.O. Box 193, Allenwood, PA 17810

Phone and Fax (570) 523-0010

OUE is a grass-roots organization dedicated to protecting the environment. As a non-profit, charitable organization, OUE is completely dependent on public support to continue its work, and you can help us along with a tax-deductible contribution. Donations are used to fund efforts such as the *Ban the Burner* campaign in the early 1990s, activities of *The Task Force on Hog Factories*, additional alternative energy projects to be built at local schools, and for public education. Our web site is: www.ouenews.org. Please send comments to: editor@ouenews.org.