



# O.U.E. Update

*A Publication of Organizations United for the Environment*

## RESISTING AND CONSERVING: SOME GOOD WORKS ALONG THE ENVIRONMENTAL FRONT IN OUR AREA

Despite the grim news in our ears about the British Petroleum leak in the Gulf Coast, and the continuing evidence of global warming, all the news in the environmental world is not bad. In our area, as we report in detail below, there are good works being done on behalf of clean air and water, and in energy and land conservation. In the first part, we have three articles about area citizens resisting, with imagination and grit, the encroachment of polluting corporations. We follow with two articles about groups working successfully to conserve land and energy, showing us the path we all eventually will need to take. Hats off to all these environmental volunteers!

### PART ONE: RESISTANCE

#### Responsible Drilling Alliance

RDA is this area's principal organization working to keep the drilling in Marcellus Shale from becoming the nightmare assault on the environment it already is in other parts of the country. Currently, RDA's major push is a continuing program of public education, and it has discovered a remarkably powerful vehicle to do this with a film called *Gasland*, a new documentary about fracking (drilling for gas). In early May, RDA sponsored a showing of the film in Williamsport, and it was attended by over 1,600 people. OUE Board members who attended agreed that it is hard to watch this film and then not become an opponent of the spread of such drilling in our area. To give you an idea of what's in the film, here's a brief review from the website of the Sundance Film Festival, where it won a special jury award for documentaries.

***Gasland: A Review.*** It is happening all across America—rural landowners wake up one day to find a lucrative offer from an energy company wanting to lease their property. Reason? The company hopes to tap into a reservoir dubbed the “Saudi Arabia of natural gas.” Halliburton developed a way to get the gas out of the ground—a hydraulic drilling process called “fracking”—and suddenly America finds itself on the precipice of becoming an energy superpower.

But what comes out of the ground with that “natural” gas? How does it affect our air and drinking water? *Gasland* is a powerful personal documentary that confronts these questions with spirit, strength, and a sense of humor. When filmmaker Josh Fox receives his cash offer [to lease his land to a gas company] in the mail, he travels across 32 states to meet other rural residents on the front lines of fracking. He discovers toxic streams, ruined aquifers, dying livestock, brutal illnesses, and kitchen sinks that burst into flame. He learns that all water is connected and perhaps

some things are more valuable than money.

On June 21st, HBO will show *Gasland* at 9:00 p.m., and we urge readers who haven't seen this film to do so. To find out about how to order the film, or the locations where it is being shown, contact: Joanna Lara, [gasland@gmail.com](mailto:gasland@gmail.com).

Also, in late June — the exact date has not yet been set — RDA will sponsor a public lecture by Dr. Anthony Ingraffea, who has a PhD. in “rock fracture” and is one of the nation's foremost experts in hydraulic fracturing. He is the Dwight C. Baum Professor of Engineering at Cornell University and is well-known in upstate New York for his public information lectures about the problems of fracking in that state's Marcellus Shale. Please check the RDA web-site for the time and place: [responsibledrillingalliance@comcast.net](mailto:responsibledrillingalliance@comcast.net). In the meantime, we suggest that you go the internet, and under his name you will find a link to “Videos for Anthony Ingraffea.” These videos, and others you can link to, provide the essentials of his views about the threat of the drilling in this region. Dr. Ingraffea is an inviting and compelling lecturer, and he draws you into his subject the minute he starts talking.

For more detailed information about these matters, RDA's website is regularly updated to include the very latest news about this gas drilling and what roles people can play to help. For more detailed information about these matters, RDA's website is regularly updated to include the very latest news about this gas drilling and what roles people can play to help to regulate it and/or to terminate it. ♦

#### Holding Back the Flow of Sewage Sludge into the Buffalo Valley

*We invited the directors of the Buffalo Valley Neighbors Association to submit the following update for this issue of our newsletter. Their work exemplifies well the kind of success that groups can achieve by resisting an application for an environmentally unfriendly proposal or project on legal grounds and within the terms of their township's own zoning laws.*

This is our third article in the OUE newsletter regarding a 2008 proposal by Ag-Lime Processing, LLC (ALP) to construct and operate a sewage sludge processing facility in central Pennsylvania. The applicant is still pushing to construct a 54,000 square foot processing facility on agriculturally zoned land located between Lewisburg and Mifflinburg, PA.

The local leadership and residents have challenged the applications, arguing that a processing facility is a waste treatment facility and falls under commercial/industrial guidelines. As such, it should not be located on agriculturally zoned land. This challenge has been led by the people in Buffalo Valley Neighbors Association (BVNA), and below we will give more details about the organization.

ALP's original 2008 permit application to the PA-Department of Environmental protection proposed importing and processing an average of 600 tons daily. The sewage sludge would arrive from municipalities across PA, surrounding states and Canada. ALP would receive disposal fees of between \$50-\$100 per ton, plus transportation costs, or daily receipts of between \$30,000 and \$60,000. To put this volume of waste in perspective, the waste treatment facility in Mifflinburg generates approximately 750 tons of sewage sludge per year.

The proposed facility would process the sewage sludge by mechanically blending it with lime and other waste products. After processing, it would be stored, eventually to be sold for application to agricultural fields or disposed of by other means.

The Zoning Officer ultimately denied the permit. And PA-DEP denied the application on March 2, 2009, citing several concerns and determining that it was administratively incomplete. In early 2009, the Zoning Officer also denied the application to construct the 54,000 square foot facility, determining that the processing facility would not meet agricultural zoning guidelines. And the Buffalo Township Planning Commission voted unanimously to deny the application.

ALP appealed the denials by the Zoning Officer and Planning Commission, and in July 2009 the Zoning Hearing Board heard arguments and also voted unanimously to deny the application. In November, 2009, the company appealed this decision to the Court of Common Pleas, where a ruling is still pending.

More recently, in January, 2010, the township Zoning Officer received a new application that was essentially identical to the 2008 proposal. The only difference between the two is a verbal offer to modify the operation to the Buffalo Township Planning Commission in these two ways: the facility would reduce its average daily receipts from 600 to only 300 tons per day, and all finished product would be applied to land managed by the applicant, including lands that are both owned and leased.

The Zoning Officer determined that the proposal did not meet agricultural guidelines and denied it. The Zoning Hearing Board heard an appeal, on April 21, 2010, again, it voted unanimously to deny the application.

This brings us to the present. It is likely that the application and appeal process will continue to play out, over and over. And a ruling from the Court of Common Appeals, on the original appeal, should be forthcoming this year.

Since the discovery of this project in July of 2008, area citizens have

learned a great deal. Most important is the vulnerability of rural communities. At the local level, rural Pennsylvania communities have a minimum of government and small operating budgets. It is, therefore, difficult to anticipate every challenge that may come along. The reality is that the local officials that we know, trust and elect want to do good work, but their authority is largely limited. And they need our help.

People generally assume that County and State government will act responsibly and fill the gap. But often their attentions are devoted to larger communities and issues. And with economic conditions what they are in Pa., administrative and regulatory resources may be reduced, rendering them even less effective. Our advice to other rural Pennsylvania residents is to learn how your local government operates and when possible to take the time to attend local Planning Commission and Supervisor meetings. Don't wait until an unwelcome polluter arrives in your back yard. It is likely that there is a group working in your area to identify new dangers, and you will want to contact them first of all.

The organized challenge to ALP's application is being carried forward by BVNA. Some of us in the Mifflinburg area founded this group in 2009, and we continue to work at informing the public on projects that will have both negative and positive impacts on the community. Public support and involvement is necessary to nurture and protect our communities and countryside. We all must share in the responsibility. Fortunately, OUE was there to assist and advise early on. They are familiar with the challenges facing rural Pennsylvania communities today. They are supportive, knowledgeable, and honest about the difficulties in organizing the public. But it has been worth it. Anyone interested in assisting or supporting the efforts of either the OUE or the BVNA is welcome. ♦

To contact the BVNA, please visit the active website at [www.bvneighbors.org](http://www.bvneighbors.org), or mail to: BVNA, Inc., P.O. Box 299, Mifflinburg, PA, 17844

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## Community of Concerned Citizens Against CAFOs (CCC)

*This group, from the Catawissa area, contacted OUE in response to the invitation on our web site to area citizens besieged by a polluting company. We met with its members, found that they were already organized, and we were impressed by their knowledge and commitment to stop the factory farm they describe in the report below. The report is taken from CCC's web site and an update sent to us in late May.*

**The Basic Problem.** Our environmental problem started in early fall, 2009, when we discovered that a local farmer intended to build a Concentrated Animal Feeding Operation (CAFO) for 4,300 hogs in our city, Catawissa, in Columbia County. This plan concerned us greatly because we knew that these CAFOs caused air and water pollution and the decline in property values. We were especially worried about the need for such a CAFO to maintain a lagoon with approximately 1.5 million gallons of manure, which ultimately would be spread as slurry throughout the area. This spreading could ultimately contaminate the local Roaring Creek Watershed, other creeks and rivers, and the Chesapeake Bay area.

In the face of this threat, and especially at the urging of Dave Hayle, we

organized CCC, began to meet, and hired an attorney to help us to appeal any decisions to approve this CAFO by the township, Columbia County, or the state. Then in early February, 2010, the farmer unexpectedly withdrew plans for his CAFO while his nutrient management plan (NMP) was being reviewed by the local Conservation District and by the DEP. He then said that he would reduce his operations to 2,000+ hogs. No doubt this decision was influenced by the fact that with this smaller number, he would not have to get approval for his NMP from anyone. Although we considered his decision as a kind of good news, we remain absolutely opposed to this new plan and facility.

An Update. Our group's last meeting was on Thursday, May 20th, and we first were met with the bad news that Joseph Gulden passed away during the previous week. Joe will be sorely missed because he did a majority of research for our group to understand what we were up against.

Chris Radzewicz attended the May meeting of the Catawissa Township Supervisors, and they reported that the farmer has not yet applied for the building permit. However, Chris was told that, since the farmer planned to build on land classified as agriculture, he might not need to apply. The supervisors said that they had reviewed the information about the health threats of CAFOs that we had submitted to them in April, but they did not make any response to it. We are hoping that, nevertheless, they know of our concerns.

Dave Halye recently attended a meeting of the Columbia County Planning Commission, and he reported that they had given approval to the farmer for building barns for the hogs, but only conditionally. He will need to pay the Commission for fees incurred by them, and he will need to have adequate money in the banks to serve as a bond when building. Apparently, he has not paid the fees nor indicated that the necessary funds are in the bank.

Presently, we are waiting to see whether the farmer will push ahead with his plans for a CAFO, despite our concerns. As we wait, we will continue to meet and work to add numbers to our group. We will also keep spreading the word that one approved CAFO is an invitation to many others and thus carries the threat of spoiling our area like they have spoiled so many others. We are urging everyone to get involved by joining us at our bi-weekly Thursday meetings at the Catawissa Township Municipal Building. Our next meeting is at 7:00 on June 17th. For further information, please contact Lillian Romania, (570) 356-2761. ♦

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## **PART TWO: CONSERVATION**

### **Protecting Our Land And Water Resources**

*During the early spring, Geoff Goodenow, of the Merrill W. Lind Conservancy, visited an OUE meeting and described the group's work in land conservation. After his talk, we invited him to submit an article for the newsletter to describe what we considered the valuable work of the Conservancy. His article follows.*

**T**he Merrill W. Linn Land and Waterways Conservancy was founded in April of 1988 in memory of Merrill W. Linn, a Lewisburg attorney and avid outdoor enthusiast. Mr. Linn was well known for his woodland explorations and solo sojourns on the Susquehanna River. Upon his death, friends decided that a fitting memorial to him was creation of

an organization dedicated to conservation and preservation of the natural environment that he treasured so much. And so was born the Merrill Linn Conservancy.

The Merrill Linn Conservancy works with owners of ecologically valuable land mostly in Union, Snyder and upper Northumberland counties of Pennsylvania to preserve its natural beauty and biodiversity, scenic forested and agricultural lands, open space and water resources for future generations. The Conservancy accomplishes this mission primarily by partnering with landowners who have a vision for keeping their property in a particular state beyond their time of ownership. These partnerships culminate in the development of a special land protection tool called a conservation easement.

Conservation easements are voluntary legal agreements between a landowner and a land trust (or other qualified organization) in which the land owner, not some outside agency, places restrictions on the use of his or her property, in order to protect the natural values of the land. They (easements) are flexible and tailored to meet a landowner's needs and vision for his/her land. A conservation easement protects the land permanently while keeping it in private ownership. The landowner retains ownership of the property and all rights and privileges for its use, except for the uses restricted under the easement.

As part of the conservation easement donation process, the landowner, working with a land trust, identifies specific permitted uses of the property. An easement may cover portions of the property or the entire parcel. It is legally binding on all future owners and will be monitored and enforced by a land trust. The landowner retains all other rights over the property including the right to sell, lease, transfer or mortgage. The landowner can use the land in any way that is consistent with the easement. The easement does not give the public the right to enter the property, unless the landowner specifically requests that this be allowed.

Because each conservation easement is written in accordance with the landowner's wishes for future use of the land, the greatest reward for most landowners is the knowledge that their land's special features will be protected — forever. By protecting the character of their community and its surroundings whether it be agricultural, forestland, open space, or scenic waterways, the gift of a conservation easement enables a private landowner to make a contribution to the community that will last forever. This charitable gift might be deductible from income for federal income tax purposes, as long as certain IRS conditions are met. Estate taxes and local property taxes might also be affected in the land owner's favor.

Key points then to remember about conservation easements are that (1) ownership stays in private hands, (2) all agreements are uniquely tailored to meet the desires of the property owner, (3) the terms ride with the deed forever, (4) those terms are enforced by a land trust such as the Linn Conservancy, (5) both you, as the land owner, and future generations enjoy the long term benefits of natural resource protection.

As of May 2010, the Merrill Linn Conservancy in partnership with landowners has permanently protected a total of 665 acres of wetlands, farmland, forestland and waterways in Union, Snyder and

Northumberland counties. If you have further questions about conservation easements or other means of protecting your land, please contact the Merrill Linn Conservancy, PO Box 501, Lewisburg, Pa. 17837, (570) 524-8666, [www.Linnconservancy.org](http://www.Linnconservancy.org); or the Northcentral Conservancy, 330 Government Place, Williamsport, Pa. 17701, (570) 323-6222, [www.npcweb.org](http://www.npcweb.org). ♦

## Energy Pathways to Local Prosperity

*We invited Katie Ruiz, an Energy Specialist in the Energy Resource Center of SEDA-COG (Susquehanna Economic Development Agency-Council of Governments), to submit the following article describing the ERC's work to encourage the region's conservation of energy resources. SEDA-COG'S website is: [www.seda-cog.org](http://www.seda-cog.org)*

Central Pennsylvania is home to a variety of energy sources, marking it as a prime location for renewable energy projects that harness its abundant wind, solar, biomass waste and agricultural resources. Our region is nestled against the Eastern Seaboard, which hosts the nation's greatest energy demand, offering the potential for significant economic gains through alternative energy investments. Our abundant resources and close proximity to major markets has captured the active attention of outside investors interested in using our energy feed stocks. Such interest has led to lease agreements that provide landowners throughout the region with nominal leasing revenues, while allowing outside investing companies to see the true financial benefits of the harvested local resource. The Commonwealth should use, not give away its renewable energy feedstocks, allowing Pennsylvania's municipalities, businesses and citizens to benefit from increased, continuous revenues, as well as a steady source of energy security. Instead of allowing the profits of our resources to flow to the hands of outside organizations, we must work to retain wealth through local project ownership and job creation. Wealth and jobs can be created and re-generated in our region if our municipalities, schools and businesses seek to reduce energy costs by converting waste to energy, owning and producing renewable energy projects that could turn current cost centers for their taxpayers into profit centers. For example, the Milton Regional Authority has plans to use the nutrient-rich food waste of ConAgra Foods to bolster the biogas potential of the Authority's solid waste biomass to generate 1.2 megawatts of electricity, turning a traditional cost center into a profit center. SEDA-COG's Energy Resource Center (ERC) works to foster the generation, on-site use and local ownership of renewable energy within our

region, and helps building trades and manufactures to participate in the new renewable and energy efficiency markets. The ERC provides energy conservation and renewable energy education, training and technical assistance to residents, local governments, businesses, hospitals, building trades, non-profit agencies and schools throughout its 11-county Central Pennsylvania service area. Over 40 seminars, workshops and technical trainings have been offered throughout the region, which have attracted over 2,000 attendees representing 680 organizations. Attendees have learned about green building principles and technologies, energy demand management and alternative energy policy and market drivers. Additionally, through the seminar series, the ERC has provided a regular network for individuals and organizations to connect with one another, leading to a variety of business partnerships and developing a renewable energy and energy efficiency marketplace.

The Energy Resource Center also assists municipalities and municipal authorities, businesses, and other organizations in the planning and implementation of renewable energy and energy conservation projects. For example, the ERC has assisted the Borough of Bellefonte in the identification and execution of municipality-wide energy conservation investments following the ERC utility bill analysis completed in Bellefonte in 2007. The Borough has avoided over \$220,000 in energy costs, and is poised to reduce costs even more by undertaking one or more energy projects including a solar farm, the installation of a micro hydro electricity generator, and a wastewater treatment plant waste-to-energy project.

As our region works towards an energy framework where renewable energy sources are effectively harnessed and energy is used efficiently, it is important to understand that our changing relationship with energy is a process - not an overnight change - requiring a planning vision. Greater awareness of the energy-related opportunities present in our region is the first step in the development of this vision. The ERC's seminars and technical assistance serve to increase this awareness, encouraging communities and businesses to capitalize on our region's energy resources, create jobs and new businesses, and turn cost centers into profit centers while preserving our region's land, open space, and quality of life. Our region needs to accept and pursue a vision that encourages the maximization of local ownership of alternative energy projects, in turn maximizing our economic prosperity and energy security into the future. ♦

The OUE Board meets on the first Monday of every month at 7:00p.m. in the meeting room of the Mondragón Co-op Bookstore, 111 Market Street, Lewisburg. Please join us!

**OUE Publications Committee:** Editor, Charles Sackrey; Associate Editors, Linda Godfrey, Sally Lauver, Thom Lauver and Clyde Peeling; Distribution, Bessie Bush and David Laidacker.

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