

Township of Falls

BUCKS COUNTY, PA



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May 9, 2019

Pennsylvania Department of Environmental Protection
2 East Main Street
Norristown, PA 19401

RE: Elcon Recycling Services Phase II Application

To Whom it May Concern:

We, the undersigned, are the Falls Township Board of Supervisors. On April 30, 2019, we convened to consider the Preliminary Land Development Application of Elcon Recycling Services for a property located at 100 Dean Sievers Place, Fairless Hills, Falls Township, Pennsylvania. As you may know, following the Applicant's presentation, questions from the Board and the Township's professionals, as well as hearing public comment related to the application, the Board voted unanimously to deny the Preliminary Land Development Application. The accompanying written decision will be forwarded to your attention upon its execution.

For nearly five years, the Board of Supervisors has listened to concerns from residents of various municipalities in Bucks County and New Jersey and has encouraged these residents to direct their environmental concerns to the Department of Environmental Protection. After the Preliminary Land Development application was submitted, Township staff and professionals reviewed the plans carefully and found them to be wildly inappropriate for the proposed location. The Township's Consulting Engineer issued a 13-page review letter, listing off numerous deficiencies. The Fire Marshal pointed out that if there was a fire at the facility, Elcon had inexplicably failed to provide a way off of the site for workers at the back of the facility. Elcon submitted revised plans that made virtually no effort to correct this deficiency, or many of the deficiencies identified in the Township Engineer's review letter. This Plan is ill conceived and poorly drafted from a land development perspective, but it is even more outrageous from an environmental perspective.

The Township does not have jurisdiction over this plan from an environmental perspective. The Pennsylvania Department of Environmental Protection does have such jurisdiction. The Board of Supervisors joins in the concerns of area residents, and urges the DEP, in the strongest possible way, to reject Elcon's application.

Board of Supervisors

Jeff Boraski
Jeffrey E. Dence
Brian M. Galloway
Robert J. Harvie, Jr.
Jeffrey Rocco

The New Jersey Department of Environmental Protection reviewed a similar proposal from Elcon, and rejected it outright, so that it never made it as far as the submission of a land development application to any municipality. The fact that the Pennsylvania Department of Environmental Protection has not seen fit to deny this proposal thus far is stunning. The Department's core function is to protect the environment of the Commonwealth of Pennsylvania. Elcon's proposal must be denied.

Just as Elcon's submission to the Township was deficient in numerous areas, Elcon's submission to the Department contains numerous deficiencies and misrepresentations. The Board of Supervisors reviewed the entire submission and found the below deficiencies.

- Binder 1 – Section 5.3 – States the company “sent notification letters to local water authority users of the Delaware River.” There is no indication that Lower Bucks Joint Municipal Authority was notified, despite its close proximity to the proposed facility and use of the Delaware River.
- Binder 2 – Section 269a.47 – States that there are 4 fire companies in Falls Township. To the contrary, Falls Township has only 3 fire companies.
- Binder 2 – Appendix A-5, Figure 16c-1 – This listing of municipal parks fails to identify Quaker Penn Park or the Falls Township Community Park
- Binder 2 – Appendix A-5, Figure 16c-3 – This listing of state and county parks fails to identify Pennsbury Manor.
- Binder 2 – Appendix A-5, Attachment 9-1 – On Page 6, this attachment references tipping fees paid to Falls Township. Elcon would not be a facility that would pay tipping fees to Falls Township.
- Binder 2 – Appendix A-5, Attachment 9-1 – On Page 8, the attachment purports to establish causation between economic difficulties in Morrisville and the former U.S. Steel operations and current Waste Management operations. This appears to be inconsistent with statements which find no causation between the same operations and economic conditions in Falls Township.
- Binder 2 – Appendix A-5, Fiscal Impact Study – On Pages 4 through 11, the study uses an inaccurate Common Level Ratio for evaluating the assumed property value of the completed Elcon facility. The study, dated January 30, 2017, references a Common Level Ratio of 11.3%, which it states is the Bucks County 2016-2017 Common Level Ratio as determined by the PA State Tax Equalization Board. To the contrary, the Common Level Ratio Real Estate Valuation Factor for Bucks County from 7/1/16 to 6/30/17 is 9.01%. The inaccurate ratio inflates the economic benefits to Falls Township.
- Binder 3 – Appendix A-8 – Copies of letters and certified letter receipts to water authorities by Elcon again does not include any notification to Lower Bucks Joint Municipal Authority.


- Binder 3 – Appendix A-10 – The meeting minutes for a 12/22/15 meeting with DEP recommends that Elcon make contact with local fire companies, but there is no indication if that contact was made.
- Binder 6 – Attachment 7 – The emergency scenario list of local hospitals does not list Capital Health, which is the closest hospital to the site.

In addition, Falls Township and the Falls Township Fire Marshal are not listed as emergency contacts, despite the facility's location within the Township. This does not include any technical deficiencies. There are likely many, as Elcon has continuously misrepresented or omitted critical information. If Elcon cannot present accurate information to the Department or to Falls Township at this stage, it cannot be relied upon to be forthright and compliant in the future.

Again, the Board of Supervisors of Falls Township believes that the Pennsylvania Department of Environmental Protection has the ability and, in fact, the obligation to protect the environment of the Commonwealth of Pennsylvania and deny the application of Elcon Recycling Services.

Thank you.

Sincerely,

By: 
Robert Harvie, Jr., Chairman

By: 
Jeffrey Denze, Vice Chairman

By: 
Jeffrey Rocco, Secretary

By: 
Jeff Boraski, Supervisor

By: 
Brian Galloway, Supervisor