

**TOWNSHIP OF FALLS  
BOARD OF SUPERVISORS MEETING**

**ROLL CALL:**

<b>ROBERT HARVIE, JR., CHAIRMAN</b>	<b>PRESENT</b>
<b>JEFFRY DENCE, VICE-CHAIRMAN</b>	<b>PRESENT</b>
<b>JEFFREY ROCCO, SECRETARY-TREASURER</b>	<b>PRESENT</b>
<b>JEFF BORASKI, SUPERVISOR</b>	<b>PRESENT</b>
<b>BRIAN GALLOWAY, SUPERVISOR</b>	<b>PRESENT</b>

The meeting commenced at 7:02 p.m. with roll call and pledge to the flag. All Board members were present. Also present were Township Manager Peter Gray, Township Solicitor Michael Clarke, Township Solicitor Lauren Gallagher, Chief Code Enforcement Officer & Zoning Officer Tom Bennett, Township Fire Marshal Rich Dippolito, Township Engineer Joe Jones, Engineering Associate Colleen Kane, and Traffic Engineer Christopher Fazio.

Chairman Harvie said per the fire marshal, everyone should take a seat. There is no standing in the aisles.

**ITEM # 1 ELCON RECYCLING PRESENTATION**

Present on behalf of the applicant, Elcon Recycling Services, LLC, is Ms. Kim Friemuth (Esq., Fox Rothschild), Mr. Erik Garton (Civil Engineer with Gilmore & Associates), and Ms. Marjorie Fitzpatrick (Environmental Consultant with IES Engineers). Ms. Friemuth said they appeared before the Planning Commission last month. The proposed Elcon facility will be located at 100 Dean Sievers Place within the Keystone Industrial Port Complex. It is approximately 32 acres and is owned by U.S. Steel. Elcon is the equitable owner of the property and is under agreement to purchase the property. U.S. Steel is currently under a consent order with the EPA to clean up the entire site. The property is zoned as Materials Processing and Manufacturing (MPM) and permits heavy industrial use which is being proposed this evening. Elcon is proposing a wastewater treatment facility for hazardous liquids at the site. Chairman Harvie reminded the audience that this meeting will be conducted in a respectable manner. Ms. Friemuth spoke about the types of waste that will be treated at this facility. The liquid waste streams will be from industrial operations such as pharmaceutical, petroleum, semiconductor, or petrochemical operations. Most of this waste, up to 95%, is comprised of water. They will not accept waste that is radioactive, medical, oil and gas fracking, PCB, reactive, or dioxin- and furan-containing. Before any waste arrives, a customer will provide information about each waste stream. Elcon will verify they are able to accept the waste stream under its DEP permit and will develop a waste treatment plan. Then Elcon will complete detailed documentation for submission to the DEP. The DEP is the approver for waste to come to this site. This process will occur for each waste stream and each customer. The waste will arrive at the site by tanker trucks or trucks with containers. Elcon checks shipping documents and takes a sample to confirm

the waste stream. The trucks get weighed, moved to a stacking area, and then the unloading area. All unloading operations are designed to hold the full contents of the trucks and a heavy rainfall for spill protection. Ms. Friemuth outlined Elcon's four step process. The waste stream is screened, stored in permitted storage tanks, and pre-treated. Solids and salts are removed from the waste stream and dried, then treated to remove the volatile organic compounds (VOCs). The VOCs are removed from the waste stream as gases and sent to the pollution control system for treatment. Energy created by the process is captured and recycled. The end products are distilled water for reuse onsite, salts, and sludge. Any remaining solids are sent for disposal to a licensed landfill. Salts and sludge will be stored in totes in the onsite warehouse building until transport to a licensed hazardous waste landfill. We are anticipating no more than one truck per day leaving the site and about 20 trucks per day arriving at the site. Elcon has committed to perform various enhancements at the site that go beyond state and federal regulations. They have performed sophisticated spill modeling on site. Spill modeling concluded there would be no impact on public water supply. Elcon has taken protective measures to eliminate flood hazards. Elevation of all hazardous waste treatment and flood plain storage areas will be five feet above the 100-year flood plain and also above the 500-year flood plain. They will provide a barrier wall to protect against future floods. We believe that Elcon will be the most flood-protected facility within the KIPC. They have agreed not to use Pennsylvania Avenue as a truck route. They contracted with a private hauling company to collect and transport the liquid waste streams coming to its facility. They agreed to a prohibition on barge deliveries and deliveries by rail. They will not have any industrial wastewater discharge into any body of water, including the Delaware River. Rainwater falling within the containment area will be captured into the wastewater treatment process. Rainwater falling elsewhere on the site will be collected and conveyed to the stormwater basin, which discharges to on-site wetlands that flow to Biles Creek and then the Delaware River. The stormwater basin will contain an emergency shut off valve leading into and exiting the basin and is lined with an impermeable liner to prevent infiltration into the groundwater table. The liner and shutoff valve would contain any release of contaminants within the basin so the water could be treated within Elcon's treatment facility. Elcon's facility is a treatment and storage facility for which no monitoring wells are ordinarily required by law. In order to address concerns expressed by the public regarding potential impacts from Elcon's operations on public drinking water supplies, Elcon has agreed to install a groundwater monitoring well network at the facility to act as an early warning system in case of accidental releases not contained by the numerous controls, secondary containment, and barrier wall at the facility. Elcon will provide funding for a full-time inspector working directly for the township, to be stationed at the facility as an impartial observer to ensure that Elcon is complying with its permits and all applicable regulations and the other commitments Elcon has made. This would all be at Elcon's expense. Ms. Friemuth displayed the record plan. The original plan was submitted on January 25<sup>th</sup>. Following that submission, they did receive some review letters. The plans were revised and resubmitted on April 22<sup>nd</sup>. They have received review letters from the township fire marshal, the township engineer, and traffic consultant, Remington Vernick. We are not asking for any zoning relief and there are no waivers in connection with this development. Elcon believes it can comply with the comments in each

## **Board of Supervisors – April 30, 2019**

of the outstanding review letters. Ms. Friemuth said that Elcon has repeatedly asked for additional time to resubmit plans and to work with the township's consultants to work through those letters. It is their understanding that the township intends to take action of this plan this evening. Elcon is prepared to fully comply with the review letters.

### **ITEM # 2 BOARD/TOWNSHIP STAFF QUESTIONS**

Member Boraski asked if purchase of the property were contingent upon the DEP approval. Ms. Fitzpatrick said yes. Member Boraski asked if the purchase of the property contingent on the approval of the Board of Supervisors. Ms. Fitzpatrick said environmental permits are the only condition in the agreement of sale that addresses purchase of property. Member Boraski asked about the full-time inspector. Ms. Fitzpatrick said the township would hire the inspector and Elcon would provide funding for the inspector, but the intent is that the inspector would report directly to the township. Member Boraski asked what would happen with the inspector if Elcon went out of business. Would it cost the employee their position or are we stuck with that person? Mr. Clarke said if the employee were in one of the unions in the township and unless there were an agreement ahead of time with the union, then yes, that person would continue to be an employee. Member Boraski said the plans aren't very clear in regard to the existing water main along Dean Sievers Place. Is that the only connection on Steel Road? Mr. Garton said it is their intention to extend public water to the site up through Dean Sievers Place. It would be advantageous to loop the system as it comes into the site and back out. Those are details we are still working on. U.S. Steel provides the water and has given us the assurance that they have the capacity to serve Elcon's needs. Member Boraski said if there were a break in that line you would have no water for emergency services. Ms. Friemuth said we have been dealing with the fire marshal and we will continue to work through any concerns they have. Ms. Friemuth said she has asked for a continuance; there is no need for the board to take action. Elcon has granted a waiver of the time periods under the Municipalities Planning Code and the township ordinances. These plans were submitted last week. We just received the review letters in the past six days. Member Dence asked why they submitted plans. Ms. Friemuth said they have that right to submit plans and would like to be treated like any other applicant in this municipality. Plans are typically reviewed and extensions are typically granted. This is no different than any other application. Mr. Garton said there is a proposed fire water tank on site that will be worked out with the fire marshal. Member Boraski said he doesn't see a back-up generator. Ms. Fitzpatrick said there will be back-up water generator fire pumps as well as providing power to the facility for lighting and emergency lighting. Member Boraski asked if this was on the plan. Mr. Garton said those are building permit issues not land development issues and not requirements of your land development ordinance or zoning ordinance. Those are all issues that will be worked out during the building permit stage and will be worked out with your fire marshal. Member Boraski asked how office workers get off the site and also said he had concerns with the parking lot. How do you get out of the driveway if there is an emergency and the driveway is blocked? Ms. Fitzpatrick said you would walk off the site. Mr. Garton said people would have to walk away from the site. Member Dence asked if there is an emergency, how would the employees and emergency personnel get off the site if they are in the back corner of the

property where the retaining wall is 7 ft. high? Mr. Garton said that is one of the issues that IES is currently working out with the fire marshal. Ms. Friemuth said these are comments they just received yesterday and today. We are willing to work with the township and we believe we can provide safe access in and out of the site. We will meet all of the fire code requirements. We are willing to work with the township's consultants to address all of these comments and we believe we are allowed by law to do that. Member Boraski said after reviewing the plans, he doesn't believe this site fits based on you wanting to raise it. To bring it into the 500-year flood plain, you have to build the retaining wall, you have to bring in fill, and you have to raise that site and sit above everyone else and that is a concern for him. Mr. Garton said this exceeds the township ordinance. Chairman Harvie said before we get to another board member and just to clarify the first review letter was issued on March 14<sup>th</sup>. You did get another review letter yesterday. Ms. Friemuth said yes, but with all due respect, typically plans of this nature would not be pushed through the process this quickly. Plans would go through numerous reviews and the parties would work together to address the comments. Member Galloway said he has heard comments and had no further comment. Member Dence said you spoke about a containment area where trucks offload and it shows concrete on the plan. Does it have walls? Ms. Fitzpatrick said there are different containment areas and where the tanks are, they are in walled containment areas. The unloading area where the trucks are - they will back out down a slope and that is also concrete and lined. Member Dence asked if this would hold during a rainstorm. Ms. Fitzpatrick said yes. Member Dence asked if there were any chance of going into the basin if it overflows. Ms. Fitzpatrick said it will drain into a drain that goes into the wastewater treatment plant for processing along with rainwater. Member Dence asked about the reasoning for the storm sewer pipes with the black backflow preventors. Mr. Garton said it is an additional safety measure shut off. In the event a spill occurs outside the containment areas, we would have the ability to shut off the storm sewer and prevent it from getting into the basin to contain it in the pipes. In the event it goes into the basin, there is another shut off valve at the outlet structure to contain it into the basin. Member Dence said the pipes are below the 100-year flood elevation. Mr. Garton said yes, the pipes are. The basin was designed with the proper backflow preventors so that if the 100-year flood occurred, the berm of the basin would still be above that so the 100-year flood wouldn't get into the basin. Member Dence asked what if this got clogged. Mr. Garton said there is a storm water maintenance agreement the township requires and Elcon is paying for a township employee to be on site and that employee can inspect it every day to make sure it is not clogged. Mr. Garton said the pipes themselves are not above the 100-year flood plain. The basin discharges for the onsite wetlands which is connected to Biles Creek and the Delaware River. Mr. Garton said the basin itself is not within the 100-year flood plain on the site. Member Dence asked about the truck stacking area? Is that contained? Ms. Fitzpatrick said no. At that point the trucks are just sitting there. In the unlikely event of a spill, it would go to the impermeable lined basin and that would be shut off. Member Dence asked if they don't think there is any chance of those trucks having a malfunction or leaking. Ms. Fitzpatrick said it would be highly unlikely for those trucks to malfunction. Member Dence asked about the fire lanes. Mr. Garton said we can provide fire lanes whenever the fire marshal would like fire lanes. Member Dence asked if you have any idea of how many

trucks would be coming here each day. Ms. Friemuth said they expect about 20 trucks per day coming onto the site and no more than 1 per day exiting the site. Member Rocco asked if, in a catastrophic failure, the basin is intended to collect that waste. Ms. Fitzpatrick said that is correct. In the event of a catastrophic failure, the first line of defense is the secondary containment that all the treatment, storage, and unloading activities occur within. If there is a catastrophic failure of that area, then the basin would serve as back up of the initial containment area. Member Rocco asked if the shut off valves were a manual process to close them. Are you relying on someone to know to go there and turn it off? Ms. Friemuth said yes and they would be trained to know that. There was a brief break in the meeting at 7:35 p.m. and the meeting reconvened at 7:37 p.m. Mr. Clarke said he does not have any questions for Elcon but does have questions for the township engineer and the township fire marshal. Mr. Clarke asked Mr. Jones if he is the township engineer and if so, how long he has been township engineer. Mr. Jones said yes, he is the engineer of record and was assistant to the engineer since January of 2007. Mr. Clarke asked if he were a licensed professional engineer and, in his position, does he review plans that are submitted as part of the land development process. Mr. Jones said yes to both questions. Mr. Clarke asked if Mr. Jones had the opportunity to review plans submitted by the applicant in January of this year. Mr. Jones said yes. Mr. Clarke asked if he issued a review letter outlining concerns or areas that did not comply with the township Subdivision and Land Development Ordinance (SALDO). Mr. Jones said yes. Mr. Clarke asked if the applicant submitted revised plans. Mr. Jones said yes. Mr. Clarke asked Mr. Jones if he reviewed them. Mr. Jones said yes. Mr. Clarke asked Mr. Jones if he provided a second review letter and were both of these letters submitted to the applicant. Mr. Jones said that is correct. Mr. Clarke asked what changes were made from the first set of plans to the second set of plans. Mr. Jones said in general, there were changes made to address some of our review comments. They weren't very substantive in terms of the changes. They added an access lane to the basin, they adjusted the parking lot to remove fill from the swale, they did some plan things and bookkeeping things to try to clean up the letter. Mr. Clarke said there are a few comments on your letters that he wants to discuss with Mr. Jones. The applicant is proposing to construct a retaining wall. Mr. Jones said yes. Mr. Clarke asked Mr. Jones to describe a retaining wall. Mr. Jones said a retaining wall is a structure that holds and retains soil behind it. Mr. Clarke asked how this wall is designed. Mr. Jones said it is designed as a cantilever type of reinforced poured concrete wall. Mr. Clarke asked Mr. Jones if he had a reasoning behind the use of the retaining wall. Mr. Jones said yes, we think we do. The wall appears to be constructed to support a significant amount of fill to bring the sites elevation above the flood line. Mr. Clarke asked if the retaining wall were necessary to provide a structure to hold back the amount of fill that will be added for this proposed facility. Mr. Jones said yes. Mr. Clarke asked what is meant when you use the word fill. Mr. Jones said fill is a material, usually soil, that is brought to a site and compacted in place to change and raise the elevations of the improvements above the existing elevations on site. Mr. Clarke asked what our township code states regarding the use of fill in this type of project. Mr. Jones said the Subdivision and Land Development Ordinance, Section 191-29E, says that land developments shall be properly designed in order to prevent the necessity for excessive amounts of cut or fill. Mr. Clarke asked about the volume of fill being proposed by the applicant. Mr. Jones said it is 70,000 cubic yards of material. Mr.

Clarke asked how many dump trucks that would be. Mr. Jones said at 14 yards per dump truck; it is about 5,000 dump trucks but may be an underestimate. Mr. Clarke asked about the anticipated time frame for bringing in that amount of fill. Mr. Jones said there are many factors that go into this such as weather conditions. We are talking about months, not weeks. Mr. Clarke asked Mr. Jones if he has had any experience in reviewing similar plans with this amount of fill. Mr. Jones said no. Mr. Clarke asked Mr. Jones if he has experience where fill is used. Mr. Jones said yes. Mr. Clarke asked Mr. Jones if this is the most amount of fill you have ever reviewed as an engineer. Mr. Jones said it is exorbitant. When you enter into a project as a design engineer, it is always to balance the site and have no need for importation of fill or exportation of cut. Mr. Clarke said we have talked about the project being proposed near the river. Can you describe the proximity of the retaining wall to the nearby river? Mr. Jones said as the crow flies, this project site is about 2,000 feet to Biles Creek and about 7,000 feet to the river channel. Mr. Clarke asked if Mr. Jones had an opinion that if this retaining wall were to fail, what would be the potential result as it relates to the river. Mr. Jones said if the retaining wall were to fail, then you would experience consolidation of the existing soil. In this case, we would experience differential settlement which would cause cracks to pavement systems, concrete slabs, etc. If those slabs were to crack, you may have leaching into the ground water. Mr. Clarke asked Mr. Jones to describe the location of the flood plain in relation to the proposed development. Mr. Jones said the horizontal distance from our site to the flood plain is about 2,000 feet by the way FEMA maps the 100-year special flood hazard area. This site is in the 'shaded zone X' which is the 500-year flood plain and the definition of which is subject to low-level flooding or protected from the 100-year flood by levees. Horizontally, it is about 2,000 feet from the 100-year flood plain but vertically the elevations on site range from about 3-feet below to about 2 ½-feet above the flood plain. Ms. Friemuth referenced the review letter from Mr. Jones where it mentions the 70,000 cubic yards of material. His letter does not state that is excessive. Mr. Jones said not specifically. Ms. Friemuth said your letter does not direct the applicant to reduce the amount of fill. Mr. Jones said no, it simply states the case. Ms. Friemuth said in the flood plain management ordinance in your letter, there are three comments one of which is to obtain a permit from the flood plain administrator, submit a permit application, and identify the base elevation for the site. Is that correct? Mr. Jones said yes, that is correct. Chairman Harvie asked Mr. Garton how many projects he has done that brought in 70,000 cubic yards of fill. Mr. Garton said he does not believe he has done any projects that brought in 70,000 cubic yards of fill. Mr. Clarke asked Mr. Dippolito how long he has been fire marshal and what his responsibilities would be. Mr. Dippolito said it'll be eleven years in August. He investigates all fires for origin and cause, reviews all plans for fire suppression and fire alarms, and supervises a staff that does inspections. Mr. Clarke said in addition, you are a firefighter in the township and spent almost 20 years as chief? Mr. Dippolito said yes; he has been a volunteer firefighter in Fairless Hills for almost 42 years. Mr. Clarke asked as fire marshal, do you review land development plans? Mr. Dippolito said he does. The fire marshal review is different from the township engineer review. He said he looks for life safety issues, water supply, egress/ingress, fire lanes, basic things like that as part of land development. Mr. Clarke asked Mr. Dippolito if he reviewed the applicant's plans submitted in January. Mr. Dippolito said yes. Mr. Clarke asked if

there were any specific plans you reviewed. Mr. Dippolito said they were the land development plans that were submitted. Mr. Clarke asked if Mr. Dippolito received an emergency or contingency response plan. Mr. Dippolito said no. Mr. Clarke asked if Mr. Dippolito issued a review letter and indicated any issues with the plan and if so, what were they. Mr. Dippolito said yes. On the initial review letter, he was looking for the fire hydrants, fire lanes, size of the fire pump and fire water circulation around the property, road widths and locations of fire department connection were the items he listed. Mr. Clarke asked if Mr. Dippolito had his first review letter and asked about comment #8. Mr. Dippolito said yes. Mr. Clarke asked what Mr. Dippolito's concern was. Mr. Dippolito said comment 8 referred to the retaining wall that you just spoke with Mr. Jones about. His concern was about the 7-foot elevation with a fence on top. He had concern with employees and fire departments escaping the property if there were some type of catastrophic event. Mr. Clarke asked if Mr. Dippolito noted that in his review letter. Mr. Dippolito said yes, he did. Mr. Clarke asked if Mr. Dippolito reviewed the revised plans. Mr. Dippolito said yes. Mr. Clarke asked if Mr. Dippolito issued a second review letter. Mr. Dippolito said after reviewing the revised plans, yes he did. Mr. Clarke asked if there were any concerns. Mr. Dippolito said some of them were addressed, but he is still looking at this. It is under review. The comment in regard to the retaining wall has not yet been satisfactorily addressed. Mr. Clarke asked if there were an event that required emergency services would you be notified regarding that event? Mr. Dippolito said yes. Mr. Clarke asked how long would you anticipate for you to be notified? Mr. Dippolito said standard procedure. To understand the process an incident happens, someone notifies 911, they take information and they notify the respective fire department. If it is something severe, they would notify me. From the initial call, it could be a few minutes. Mr. Clarke asked Mr. Dippolito if he notifies other agencies once he is notified. Mr. Dippolito said depending on the situation, yes. Mr. Clarke asked if there were a serious accident at the site, you would anticipate you would be notified and then you would notify other agencies. Mr. Dippolito said yes. Mr. Clarke asked what emergency services would be available if there were a significant event at this site. Mr. Dippolito said the first line of defense are the fire departments, if a hazmat incident, then another operation. Initially, the county hazmat team gets notified and they would notify the City of Trenton and have them respond with their hazmat team. Mr. Clarke asked how long it takes for each of those entities to respond. Mr. Dippolito said normal response time is within 4 minutes. From the station to the scene it is about an 8-9 minute response, in addition to the 4 minutes up front. Mr. Clarke asked Mr. Dippolito if he is aware of any specific equipment that would be needed to respond to an emergency at the applicant's development based on what they will be doing at this site. Mr. Dippolito said not yet. Mr. Clarke asked if there were a significant emergency event, do you have any concerns regarding the ability to respond to any other emergencies within the township? Mr. Dippolito said we cannot be two places at the same time. If we are at the U.S. Steel property, it is probably the furthest point in our township so it could take some time to get to another incident somewhere in the township. Mr. Clarke said in regard to the 8-9 minutes, is that fire and EMS? Mr. Dippolito said yes. Mr. Clarke asked how long hazmat would take. Mr. Dippolito said by the time they get the members - realistically it could be someone from Quakertown, Springfield or within an hour. Mr. Clarke asked if that response time, several years ago, why we started working with Trenton Hazmat. Mr.

Dippolito said yes. Mr. Clarke asked about their response time. Mr. Dippolito said they are on duty 24/7, but still need to get their equipment. It would probably be at least 15 minutes to come across the bridge. Ms. Friemuth asked if there were other sites in the township where there could be the hazmat incident in the township as well other sites within the KIPC zone. Mr. Dippolito said yes. Ms. Friemuth said you mentioned you haven't received an emergency action plan in connection with this land development review. Ms. Friemuth asked Mr. Dippolito if it is typical that you would not receive it. Mr. Dippolito said probably yes. Ms. Friemuth asked about comment # 8. In your review letter regarding emergency egress stairs along the retaining wall, you identify IFC 1028.5 which states exit discharge shall provide a direct and unobstructed access to a public way. That was the code section that your basis for your comment. Mr. Dippolito said he doesn't have it here, but he will take Ms. Friemuth's word for it. Ms. Friemuth said that section requires clear and unobstructed access from a building to a public way be provided. Ms. Friemuth asked Mr. Dippolito if he has seen the applicant's response to your first review letter. Mr. Dippolito said yes. I think he mentioned that we had discussed it. Ms. Friemuth said he indicated that with discussions with the fire marshal, additional modifications may be made to the land development plans. In the meantime, dispersal areas as well as facility egress paths have been provided at the site as set forth in the drawings and a second site access drive has been provided. The applicant believes they met that requirement but indicated if you had additional concerns, they would address with you. Is that your understanding? Mr. Dippolito said his understanding is that he was told they didn't know how they would be able to provide stairways as such to a walkable surface and they were still going to work on it is how he took it. Ms. Friemuth said there is no code requirement to provide retaining stairs on a retaining wall. Mr. Dippolito said some of this had to do with him being the authority having jurisdiction and he has to find a safe pathway. Ms. Friemuth said the requirement is clear and unobstructed access from a building to a public way, which the applicant believes they have provided but the applicant is willing to work with you if you felt something additional was necessary. Member Dence said if you are in the back of the site at the retaining wall and you have first responders with all their gear on and a fence, what are you going to do with those people? This is a legitimate concern on Mr. Dippolito's part. You are acting like a set of stairs is unrealistic. Ms. Friemuth said the applicant received the comment. They revised the plan as they felt appropriate to address the requirements for that section of the code and indicated to the fire marshal that they would be willing to make additional revisions. We just received his letter yesterday and haven't had a chance to address his concerns. Chairman Harvie said the comment you are referring to was in the March 15<sup>th</sup> letter and the letter you just received. Ms. Friemuth said we believe we have addressed the comment with respect to the code requirement. The fire marshal has asked for something additional. We believe we have met the required code requirement which is to provide unobstructed access. Chairman Harvie asked Mr. Dippolito if he can state any concerns he has regarding fire truck access. Mr. Dippolito said in the latest review that they just received he still has concerns with turning and circulation throughout the complex as well as fire lanes; that was part of his second review. Chairman Harvie mentioned the area between where the storage tanks are and the warehouse. It seems like it is a pretty tight area. Mr. Dippolito said yes, he has concerns. There are a few spots that



look like they are tight or may not work. Chairman Harvie asked Mr. Jones about trucks coming to the site carrying hazardous materials. It seems to him it is a pretty tight turn. Mr. Jones said it is a pretty tight layout in general. There are numerous areas where there are extremely tight turning radius for those movements in particular, along the tank farm there is no protection between the driveway and the building or tank wall. Chairman Harvie asked Mr. Fazio if he has any concerns on his end. Mr. Fazio said he has several concerns. There is a route that is shown on the plan. How are the truck drivers going to know the route? Pennsylvania Avenue is restricted for access. How does enforcement occur and how do the drivers know where they are allowed to go? Ms. Friemuth indicated that Elcon will be contracting with a private trucking company and they will be required in their contract to utilize a specific route which we will identify. Mr. Fazio said there are several other comments that are in the letter relating to circulation. Ms. Friemuth asked Mr. Garton if he believes he can revise the plan with respect to the truck turning comments made by the engineer, fire marshal, and traffic engineer (Remington Vernick)? Mr. Garton said yes. He has done quite a few jobs in Falls Township over the years and worked with the township engineer and fire marshal on those projects. The comments in their letters are items we can address upon re-submission. Ms. Fitzpatrick said trucks will all be equipped with GPS that will be tracked by the owner so they have contractual control over the route the drivers take. There is a system with fines as well as dismissal of the driver with delivering materials to Elcon. The GPS is utilized as a monitoring device to track the route of the truck. Chairman Harvie asked Mr. Fazio if his first review letter was dated March 6<sup>th</sup>. Mr. Fazio said that is correct. Chairman Harvie said Mr. Jones made reference in his review letter, and there was a response from Gilmore dated April 22<sup>nd</sup>, regarding downstream analysis. What is your concern about that? Mr. Jones said we are asking the applicant to take a look at the hydraulic connection which they mentioned between this site through the various culverts and channels directly to Biles Creek. Because FEMA doesn't have the best available information that we may have doesn't mean that the site is not inundated or subject to that flooding. It just means that we can't regulate to the FEMA flood plain. We want them to look downstream to see if there is a backwater effect that would bring the base flood onto the site and ask them to design the infrastructure accordingly including the basin and storm sewer pipes and everything else that Member Dence had asked. Ms. Friemuth referenced comment # 8 from the engineer review letter. She said the applicant did provide a response in our April 22<sup>nd</sup> letter and asked Mr. Jones if he received that letter. Mr. Jones said yes. Ms. Friemuth said in your letter we received yesterday, you re-iterated the same comment without responding to any of the information provided by the applicant. Mr. Jones said we were not comfortable with them saying they weren't going to do it. Ms. Friemuth said the applicant would find it difficult to respond to the same comment twice if the comment doesn't indicate what information is being requested. Ms. Friemuth said we are willing to have a conversation with you to find out exactly what it is you need. Member Dence said you keep saying you will comply with the fire marshal issues. I do not see how you can do it. Ms. Friemuth said we are happy to resubmit plans showing they can comply. We are not asking you to make a decision this evening. Member Dence said he doesn't think this site fits in this space. You will need another 30 to 40 feet between the driveway and the retaining wall and that is not going to happen no matter what you do. Ms. Friemuth said we are happy to show you that we can make this work. Member Boraski moved to deny the

application; Member Dence seconded the motion. The board took a short break at 8:13 p.m. and the meeting reconvened at 8:15 p.m. Mr. Clarke said the law requires that public comment be taken before any vote. Chairman Harvie said there is a 3-minute time limit per speaker with a ninety-minute maximum.

**ITEM # 2 PUBLIC COMMENT – THREE MINUTE LIMIT PER PERSON  
NINETY MINUTE MAXIMUM**

Ms. Shivani Patel said she is a senior at Pennsbury High School. Instead of using her time planning for her prom, graduation party, and doing schoolwork, she has been spending time canvassing in order to stand up for her community's clean air, health and environment. Ms. Patel used foul language and Chairman Harvie asked her to take her seat as obscenities will not be tolerated.

Ms. Bonnie Edwards said she signed the wrong paper. (no comment)

Ms. Erica Bradeis said she is part of the Clean Air and Water Council. She has been spending a lot of time and energy into opposing Elcon building this site. She is here to voice her concern with this facility. Ms. Bradeis said she has lived in Falls Township her entire life. The proposed Elcon site is 1.8 miles away from her mother's home. Her children spend time with her mother. Her job is to protect her children and her family. The risk for traffic and trucks increase exposure that could impact her family and residents in a negative way. She worries about a spill, fire, or an explosion that could affect us.

Ms. Kathleen Bird said she has a petition from Falls Township residents with almost 4,000 signatures from Falls Township and 1,400 signatures from other non-Falls Township residents. That does not include online petitions.

Mr. Brandon Roberts said he is a lifetime resident of Falls Township. He would hate to see this area destroyed by a hazardous waste plant. There are so many other areas where they could locate instead of right near the Delaware River. Why is this location best? Ms. Friemuth said the property is zoned for this permitted use at this site. Mr. Roberts said this area is confined. There is not even a staircase for people to get out. He doesn't feel this is right.

Ms. Amanda Vendetti said she asked the DEP a question but did not receive an answer. If there are multiples of this type of facility in the area, what happens when the industrial emissions allowance of building A combine with B, C, and D? Cumulatively, will it be over the emissions allowance. Chairman Harvie said this is not our field. This is a regulatory question for the DEP.

Mr. Donald Markert is a 64-year Falls Township resident. He lives less than three miles from the proposed Elcon site. He is opposed to Elcon locating in Falls Township or any other place. Please reject this site in Falls Township. Elcon does not recycle one thing.

## Board of Supervisors – April 30, 2019

They will disperse all over the township. If you are going to recycle, then recycle. Don't hide or disguise this with something you are not. Mr. Markert spoke about accountability. He looked at some recent corporations that have impunity from the law. Boeing built an aircraft that is not stable and then tries to make software adjustments to make it fly correctly. People are killed, they will pay a fine, and everyone walks away. He said he sees this again and again. On March 5<sup>th</sup> or 6<sup>th</sup>, at the DEP meeting, DEP doesn't have the resources necessary to provide the oversight that he heard Elcon talk about tonight. What is amazing to him is that the DEP was only interested in going through a check list process and rubber stamp of the Elcon application. They have a responsibility to the state to do their job and not rubber stamp. When you look at superfund sites in Pennsylvania and Bucks County, they don't even show up on the register anymore. There is one in Croydon that was capped. The EPA considers that site remediated, but it is still there. Mr. Markert urges you to reject this and don't allow Elcon here in Falls Township.

Ms. Joan Graves said since the last couple of times she has spoken she looked at the zoning. This is not MPM. The intent is to protect the existing areas of the township devoted to large scale production, etc. Under the manufacturing zoning what products is Elcon producing that is a requirement for this zoning? In the zoning it states that water treatment and sanitary and industrial waste treatment facilities would be located in the MPM. She doesn't think this was water treatment; she thinks this is processing hazardous waste. Ms. Graves said there is a school adjacent to the egress ramp on Tyburn Road. There have been several trash truck incidents in the past and it would only take one to prove harmful to these children. When she picks up her grandchildren from school, Ms. Graves can see vehicles proceeding down the ramp. Children are playing on the grass adjacent to that ramp. What if these were my children in harm's way? This school also offers an after-school program so children are at the school for an extended period of time. The American Lung Association released its annual report and Bucks County received an 'F' and the orange days for pollution got a 35. Ms. Graves asked to present to the board a petition in opposition of location of the Elcon facility. This has been signed by people in Falls Township, Newtown Township, Morrisville, Yardley, Levittown - all the areas that service this school.

Dr. Seema Kazmi is from Penns Grant. She attended this school 20 years ago. She is expressing her opposition to building this facility in our community. According to the PA Constitution, Article 1, Section 27, the people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. She believes that the proposed location of Elcon violates her right for clean air. Her house is 6.1 miles from the proposed location of 100 Dean Sievers Place. This would be within the 30-mile radius that would be affected by toxic fumes emitted by the plant. Such fumes would include carbon monoxide, lead, sulfur dioxide, and particulate matter. Dr. Kazmi said the government has a legal duty to protect the constitution for clean air and water. In the Elcon October 2018 submission, Elcon wants permission to collect and treat up to 10 tons of hydrochloric acid which could lead to acidic rain. This could result in air particles that are harmful to our health. Dr. Kazmi asked the board not to allow Elcon into our community.

Ms. Sandra Gartner thanked the board for their time and service. Ms. Gartner told Ms. Friemuth that you are in no rush to conclude Elcon's proposal and there seems to be no limit to how many times you will be revising and submitting. There also seems to be nothing that you are not willing to say you will do in order for us to allow Elcon to open up its facility here. She doesn't know if you are a mother, but she is sure you must have close family members to you. Ms. Gartner asks you to put yourself in our situation because for the past five years most especially the past five months, we have gone to sleep wondering if we have to move out of the town that we grew up in, wondering if we can bathe our children in water that might be contaminated, and wondering if we should breathe the air. Please have an open heart and open mind to what we are going through.

Ms. Toni Battiste said she was listening to the Elcon presentation. You are expecting 20 trucks and you will process each of those every day. One tank holds a tanker plus rainfall. If you are talking about rainfall that tank will be open. During hot days all the contents will be evaporating. If you are getting 20 trucks a day and you are reusing that; every time you get 20 more trucks, you will drown in about three weeks. Ms. Battiste wonders how you are confirming what is in the trucks? If you are going to test it, how long will it take to test? You say you are not mixing any truck contents. If there is an accident, what happens? So far, your only facility is in Israel in the desert. You have a history of violations at this facility in Israel. Will we expect violations here and you say it's the cost of doing business? To the board, you are elected to represent the people of Falls. You are morally obligated to support our neighbors to not support Elcon. We hope and pray you will make a decision to represent both the township and our neighbors for our health, safety, and welfare. Vote no to Elcon.

Ms. Gloria Lituma said Falls Township is her home and a place where she planned to raise her family. She thinks about all the phrases or slogans attached to the word home. Home is where the heart is, a person's home is their castle, home sweet home, there is no place like home. Ms. Lituma said she thinks about this project and said it puts the most vulnerable at risk - our seniors and children. On February 4, 2014, when Elcon presented its initial pitch, Dr. Elgat mentioned the environmental dangers associated with this business. He said if you don't operate it correctly, anything can happen. This facility would be the first plant of its kind in the US. Red flags must be raised high. How can we allow this to happen? There is no amount money and no amount of job creation for putting our families at risk. Our air quality is the second worst rating in the state. Drive up Route 13 and view the caravan of trucks that you'll see. Falls Township has wonderful things going for it. Pennsbury schools, Pennsbury Manor, Fallsington the township park, and the citizens that are here this evening. If Elcon is allowed to set up shop, we might have to rethink about some of those home slogans I mentioned earlier. Falls Township is her home. She wonders how many of the Elcon representatives can say the same thing. Israel provides national healthcare for its citizens. Unfortunately, the US does not.

Ms. Joely Wilkinson said she will finish speaking for Shavani Patel. Yesterday she watched a video of Greta Thunberg, a climate activist. You say you love your children above all else

## **Board of Supervisors – April 30, 2019**

and yet you steal their future in front of their very eyes. Elcon would negatively impact our generation and all generations to come. We have the worst air quality in the state. In history class, we learned about Love Canal. If you chose to abandon your responsibility you are choosing bank accounts above the good of the people. Allow yourself to be put in the position of diseased men, women, and children. Every day she goes to Pennsbury Manor and she writes. On Monday, she saw an overturned trash truck. It happens so frequently.

Ms. Judy Lang said she is not a scientist or environmentalist, but she has common sense. Common sense says not to build a facility so close to the Delaware River where 2 million people depend on the water. Common sense says not to have hazardous waste trucks on our roads going to unknown locations to dispose of waste. If you want a treatment facility, put it in a location that is harmless not harmful to people. We urge you not to vote for Elcon Remember, Three Mile Island wasn't supposed to happen but as we know, it did.

Mr. Brian Lachewitz said he believes that every landowner has the right to use their land as they would like as long as they comply with each and every code with the township ordinance and SALDO. He believes it is up to all involved parties to live to the letter of the law and the spirit of the law when reviewing any project, especially a risky first-time trial offer. The DEP defers everything back to you. Tonight, Elcon's attorney stipulated they are not asking for any variances or waivers. He believes this is a fraudulent statement because one needs to get into the actual thing that they are proposing and a look at SALDO. The Bucks County Planning Commission letter dated February 26, 2019, identifies this as a hazardous waste recycling facility. Each and every zoning code for any and all commercial uses for real estate in Falls Township precludes anything to do with hazardous waste. If you look at zoning code Chapter 209-27, Light Industrial, there are 21 approved uses in light industrial none of them involve hazardous waste recycling. If you look at zoning code Chapter 209-28, PIP, it lists 27 approved uses plus 6 conditional uses – none of which includes hazardous waste recycling. Chapter 209-29, HI, states the purpose and intent of an industrial district is to include office, product distribution, electrical substations, building material yard, product distribution and warehousing, marine port, and any use of the same general characteristics of the above.

Mr. Al Angelini said he is a 68-year old Bucks County resident. He thanked the board for handling this very professionally and thanked the Elcon representatives for their patience. Tomorrow is promised to no one and yet we are predicting spills and how to handle it. No one in this building can give you a guarantee not only about leakage, but trucks overturning. That is an issue. In 2015, the Philadelphia Water Department called the proposed industrial plant a risk to the high-quality drinking supply that millions of people have come to expect. They used a model that this is going to be a problem. If there were a leakage or contamination, it could impact up to 60% of the drinking water. It affects a very large region. Thank you for moving in the direction he thinks you will take. No means no.

Ms. Finn Connor is a student at Pennsbury High School. She opposes Elcon building a hazardous waste facility in Falls Township. Bucks County has the highest ozone levels and orange days. The odor from these waste plants is noticeable and in particular, for those

## **Board of Supervisors – April 30, 2019**

closest to the site. This can worsen our quality of life and lower property values. A similar place was built in Love Canal. Over ten years, the landfill site held 20,000 tons of hazardous chemicals. Following an accident in construction and heavy rainfall, leakage began. Puddles of noxious substances were reported by the residents. They were everywhere. Some of these puddles were in their yards, basements, and schoolyards. Soon after this accident, the rise of defects skyrocketed. Due to exposure of waste, the New York Department of Health reported cancers of the kidney and bladder were high especially to those who were subjected to the waste as children. Within ten years, the same amount of time Love Canal accumulated this waste, Elcon's plant will hold a proposed 105 times that amount. Elcon has conducted spill modeling admitting that spills are a risk. Twenty truckloads of hazardous waste will be traveling on our roads every day. A single accident can have catastrophic effects. Bucks County is not being considered just as it was not for the citizens of Love Canal.

Mr. Tom Tracy has been a Lower Makefield resident for 24 years. His three daughters went to Pennsbury. Mr. Tracy thanked everyone in the room in support of this initiative. He also thanks everyone on the stage. You have put a lot of heart and soul into what you have done. Please do the right thing.

Mr. Dylan Tchang is a Pennsbury High School student. He wanted to speak since he is very concerned about his future especially with issues with the environment. It was mentioned a few times that in Israel, their plant is about a third of the size of what is being proposed here. Thyroid cancer is a problem and is on the rise. With up to 20 trucks per day, we have a good amount of assurances, but as another speaker mentioned, Love Canal also had a lot of assurances. Look at what happened. In the end, this is about money and profit. When those trucks come, what is going to stop them? We can have a lot of assurances, but in the end, this is about our lives and our water. Mr. Tchang said he has two years left in high school and wants to live a life where he doesn't have to worry about thyroid cancer like those kids did in Israel.

Ms. Kathryn Panzitta said we talk about the terrain and how they will need to dump 70,000 cubic yards of fill. Is that site currently receiving that fill? Chairman Harvie said no. Ms. Panzitta said it was all a lie and we see lots of dump trucks going to and coming off of that property. She was surprised that they are 100% in compliance with zoning. Just put a no to your vote and not bring everyone out again.

Mr. Steve Cickay said one reason to vote against this project is that you won't have to listen to him anymore. Please vote against this. Mr. Cickay thank the board for listening to the people. You have graciously allowed the people to speak. He likes good government and good government protects the health and safety of the community. The EAC and the Planning Commission came to you and said this was a horrible thing. They recommended denying this project. Mr. Cickay said he heard a lot of testimony. What is the benefit of Elcon? What is it good for? There may be a few jobs but in California they are installing a lot of solar power, paying a lot of money, and cannot find enough people. This is a

## Board of Supervisors – April 30, 2019

dangerous, risky, and bad idea to build a hazardous waste facility so close to a river that supplies drinking water to millions of people. This will worsen the air quality. They will bring in 20 truckloads of poison every day. There is no benefit to the people of Bucks County to build this facility in our historic community.

Ms. Barbara Stakes said regardless of assurances by Elcon, the list of chemical compounds is too difficult for the average person without a chemical science degree to understand. She doesn't trust big corporations that appear to have their only interest in their pockets. A spill from one of these trucks is enough to contaminate our drinking water. We have PFA contamination in Warrington and now we are going to contaminate the Delaware River. Then they will fine either the trucking company or Elcon. That is the only remedy. You cannot drink a dollar bill.

Ms. Gina Sullivan said she is here to read a statement from New Jersey Assemblyman Herb Conaway. For the past 21 years, he has had the honor to represent the 7<sup>th</sup> Legislative District in New Jersey. His district is made up of seventeen towns in Burlington County which are located directly on the Delaware River. Mr. Conaway strongly opposes the construction of Elcon due to the unknown potential health and safety hazards. As a physician and director of the Bucks County Health Department, he has seen the impact of air and water pollution on an individual's health. The hazardous waste they will be processing has the potential to increase air and water pollution to this region, exposing the population to a number of health risks. Elcon will be receiving between 17 and 25 truckloads of 268 hazardous chemicals from ten neighboring states on a daily basis. Annually, we will see anywhere between 6,205 to 9,125 trucks carrying volatile organic chemicals that are linked to cancer. Handling that volume of chemicals could cause irreversible damage to our region. Construction of this type of facility along the Delaware River and the nearly 200,000 tons of waste it will receive each year compose a threat to the drinking water to over eight million people in this region. I respectfully request that you vote no on this matter.

Ms. Kelly Rypkema said she is a resident of Hamilton Township, New Jersey. She appreciates the time for public comment. She watches this with a great deal of concern. Elcon has done its best to present their facility in a positive light, but new technology doesn't necessarily make her feel comfortable. This company had two other facilities and one of them had to shut down. They will produce 23.4 tons of smog-producing chemicals per year with their smokestacks running 23 hours per day. Elcon said it won't affect air quality in Bucks County or surrounding areas in Pennsylvania. She guesses they think the winds will blow to New Jersey where she lives. There is little margin for error. If there were a spill, the impact would be far-reaching and long lasting. The Delaware is a tidal river. A spill will come back to visit us twice a day. Her greatest concern is how the chemicals will be transported. Her understanding is that they plan to increase their facility, effectively doubling it. Does that ultimately mean 40 trucks per day? They will not be using Pennsylvania Avenue. What route will they be taking? What if they decide to start accepting fracking waste? What is our recourse if they decide not to uphold those assurances? They have no social interest in our community; just a financial interest.

Ms. Barbara Michalski said she is a Lenape descendent. This is her homeland. We need to learn from our past mistakes. The land is already contaminated. How many communities have already turned down this proposal? You promise that you won't add any more toxic waste. How will we know you will keep your promise? Why did you pick a place near a water supply? There is no room for error. Our air quality is already an F. You keep using the word volunteer. What makes you think you will keep volunteering information? What about evaporation? Why they reach negative results, what will you do? Will you live in a house next to this facility with your loved ones? When a disaster occurs, will you be there to clean it up? Is it true that the facility in Israel has violations for air and ground contamination? We need to heal the earth in Bucks County. We already had 35 orange days in Bucks County. With this facility, how many more orange and red days will there be? I have spoken for the ones who cannot speak. Support your earth and support the Indians.

Ms. Ruthanne Tickel-Logan is president of the organization called Arrows. They support the native people. Bluejay is the granddaughter of a Chief. One focus of the Lenape people is protection of the water and the land in this area. She hopes everyone would respect that. The price of Elcon could be the health of her children as well as her health. Ms. Tickel-Logan has noticed that the eagles are back and they eat out of the Delaware River. She has a medical and science background and she knows what some of these chemicals do to the body. Elcon is a five-letter word for cancer. Birth defects are another potential hazard. There is no room for error. She is not convinced people have the expertise or safety precautions to keep everyone safe. The people have spoken. This is a government for the people, by the people.

Mr. Gerald Williams is an attorney and has the opportunity to represent the Delaware Riverkeeper Network which is an organization designed to protect the Delaware River and the waterways and land around it. We have already submitted previously the network's position regarding the legality of the Elcon site. Mr. Williams would like to respond to a few points. One is the very toxic nature of the materials they will handle. Their toxicity and the risk they impose to the environment and the Delaware River is not changed by them being in water. The Elcon assurances are things the board should consider negatively. The very small elevations of inlets and outlets above the 100-year flood plain are meaningless in this era of climate change when we have had 100-year storms and 500-year storms every other year. With respect to their assurances, even though they say they won't receive fracking waste, they won't accept waste by barge or rail – these are Elcon's statements today. There is nothing to stop them from starting these practices in the future once they get in there. Our constitution makes municipalities and you the township, are trustees of the environment and the people who live in this environment. It is an obligation that cannot be delegated or deferred to the state or anyone else. We urge you to vote no.

Ms. Michele Adams is a professional engineer and is here on behalf of the Delaware Riverkeepers Network. She said that Mr. Jones had cited Section 187-12 of your ordinance.



## Board of Supervisors – April 30, 2019

In her opinion, this has not been answered by the applicant. Ms. Adams spoke about the elevation of the Delaware and the berm. The only reason this is not in the 100-year flood plain is because of fill and material that was placed there over the years. FEMA is an engineering estimate based on past historical rainfall events. It does not take into consideration a storm charge like Hurricane Sandy. For those reasons, it is recommended that the critical structures be at least two feet over the 100-year flood. This site is hydraulically connected to the Delaware River by Biles Creek and that system of culverts that Mr. Jones mentioned. We know that levees can fail. We have seen that in the Midwest. This is a site that is subject to inundation and flooding. It should be considered as such and is not the location for hazardous materials.

Mr. Jeff Tittel is Director of the New Jersey Sierra Club. He represents the 3.5M Sierra Club members and supporters. This is ground zero in the battle against toxic waste and hazardous facilities. Mr. Tittel said he lives in Lambertville and works in Trenton. New Jersey, Pennsylvania, and Falls Township have enough air and water pollution. Between the two states there are over 200 superfund sites. If this gets approved, it will be a future superfund site. Mr. Tittel said his father was a steelworker and made things like bridges, tanks, and automobiles, not toxic air. Once Elcon gets in the door, they will double and triple their facility. They will be the first to bring in fracking waste. We are here today because your job as supervisors is to protect public health and safety. Seven thousand dump trucks and a 7-foot wall that won't work. This is a wall that will fail in a flood. We had two 1,000-year floods in New Jersey in two years. The Delaware had 300-year floods back to back. There is no way that wall will stand, and the toxic waste won't end up in the river. Your job is to protect the people in your community and the people in New Jersey. Vote no.

Ms. Patricia McCarron is with the Clean Air and Water Council. We have been fighting Elcon for a number of years. In the Philadelphia newspaper, they are saying this could be catastrophic for millions of people and their water supply could be shut down for numerous days. She feels that the Falls Township supervisors are doing the right thing. They want to care for our families and the whole entire Delaware Valley. We would like to submit resolutions from three municipalities: Newtown Borough, Newtown Township, and Upper Makefield and all the other environmental groups have worked hard getting other resolutions from both sides of the river.

Mr. Bradfore Laire is an attorney representing the Clean Air and Water Council. They have the resolutions from three townships representing over 30,000 Bucks County residents who are opposed to this application. In this case, they thought it was important enough to have meetings and open hearings and then have resolutions signed. In addition, we have a letter from the Director of the Philadelphia Water Department who states that an event could be catastrophic if there is a leak or damage to this plant. They are concerned with the drinking water for over 5 million people. Your position takes courage, but you are not alone. You have many people behind you. We would like party status. We appreciate your time and effort and the good judgement we believe you are about to make.

**Board of Supervisors – April 30, 2019**

Ms. Joann Pannone is a member of the New Jersey Sierra Club, the Delaware Riverkeeper, and Environment New Jersey. She is here to request denial because she sees this plant causing our town to become another Flint, Michigan. The Philadelphia Water Department takes 60% of their water for the city from the Delaware and they ask that this project be rejected. When the Oyster Creek Nuclear Power Plant was built forty years ago, we were promised no harm would be done to the environment. After it was turned on, fish floated and Barnegat Bay was destroyed. When will we learn? We have to say no.

Ms. Kip Cherry is with the Sierra Club and is the Central Conservation Chair for Central New Jersey. Mercer County, Burlington, and Bucks County are all in a non-attainment area for ozone. Ozone causes many health problems, development problems, reproductive problems, lung cancer, and heart problems. This facility will make our ozone worse. In terms of potable water, we all have concerns about making sure we have potable water from the Delaware. This facility poses huge risks. If the second containment area failed, toxic materials would be released into the Delaware. The Pennsylvania DEP has said they cannot look at cumulative issues and we challenged that. We had a conference call with the NJ DEP and they said there should be a detailed emergency response plan and that it is a requirement. Your Planning Board voted against this and you should take their recommendation. We are getting more and more precipitation. The flood plain maps are changing as we speak. She thinks this facility is in the 100-year flood plain.

Ms. Timeke Thio said we have enough problems and we don't need this dangerous facility. She would like to support the people who have already spoken about climate change. In North Carolina they had two 1,000-year floods within two years of each other. The FEMA maps need to be updated. Research at MIT has shown that hurricane landfalls move up the coast at a pace of 30 miles per decade. Ms. Thio commended the board. She hopes you will use your intelligence and common sense to turn down this application.

Mr. John Brodowski is the Deputy Mayor of the City of Bordentown, NJ. He thanked the Board of Supervisors for giving this item the serious attention it deserves. Thank you for hearing us all out. Thank you to the Planning Commission for turning down this proposal. He also thanks all of the citizens who are engaged in this. Why did Elcon choose this site? He thinks they took a look at what is here and thought it would be easy. The residents have shown that they don't want this here. Elcon should respect the board's decision. Let's not drag this out because no matter what, we are not going away.

Mr. James Morrissey is a member of numerous yacht clubs. He remembers growing up fishing and swimming. When he got older he got into boating. He raised his kids on the Delaware River and they enjoyed boating, fishing, and swimming without any concerns of anything harming them. In the 70's the Delaware River was so toxic. It took decades for the river to get clean. We utilize it in our recreation, and we utilize it in our jobs. Mr. Morrissey is requesting on behalf of his organizations, for the supervisors to perform the duty of their elected offices. Respect and represent the residents of Falls Township and the communities that are your neighbors. Vote thumbs down to Elcon.

Chairman Harvie said this concludes public comment. The township has about five minutes of business to conduct.

**ITEM # 4 BOARD ACTION**

A vote was taken on the Member Boraski's motion to deny the Elcon application; all board members were in favor to deny. (5-0)

Chairman Harvie thanked the staff and the professionals. A reminder that there is a separate phase of this project which is the DEP application. The DEP has yet to rule on this. Having reviewed this himself, the eight binders, Chairman Harvie has some points he would like to make that he hopes can be incorporated by the solicitors into communication to the DEP.

Binder 1, Section 5-3.

The company sent notification letters to local water authority users of the Delaware River and then listed the companies who were sent notification letters. The Lower Bucks County Joint Municipal Authority (LBCJMA) was not one of them.

Binder 2, 269A.47

Elcon states in their application and make mention of four township fire companies. Falls Township has three fire companies.

Appendix A-5, Figure 16C-2

This section fails to identify the Quaker Penn Park or the Falls Township Community Park on a map that is supposed to include parks near the site.

Figure 16C-3

They failed to identify Pennsbury Manor as a historic site near the site.

Attachment 9-1, page 6

Mentions tipping fees paid in Falls Township. Elcon is not a facility that would be paying tipping fees.

Attachment 9-1, page 8

Establishes causation between economic difficulties in Morrisville and the former U.S. Steel Operations and the Waste Management Operations, yet finds no causation between those operations and economic conditions in Falls Township.

Pages 4-11

The physical impact study uses an inaccurate common-level ratio for evaluating the assumed property values of the completed Elcon project. This inaccurate ratio inflates the economic benefits to Falls Township.

## **Board of Supervisors – April 30, 2019**

### **Binder 3, Appendix A-8**

Copies of letters and certified letter receipts. This does not include any notifications to the Lower Bucks County Joint Municipal Authority (LBCJMA).

### **Appendix A-10**

These are the meeting minutes from December 22, 2015 for a meeting between Elcon and the DEP and the DEP recommended that Elcon make contact with the local fire companies. To the best of our knowledge that was never done.

### **Section G, Attachment 7**

This lists local hospitals, but does not list Capital Health which is the closest hospital.

### **Technical Survey, Binder 1, Section C, Appendix C-3**

The radiation protection monitoring plan (page 1) does not list Falls Township as an emergency contact.

### **Binder 2, Section G, Appendix G-1**

Preliminary containment plan. It lists Fairless Hills Fire Company as the preliminary contact when it should be the Falls Township Fire Company. It does not list the Falls Township Fire Marshal as one of the contacts.

## **ITEM # 5 MANAGER COMMENT**

- A. Member Dence moved to authorize the township engineer to move forward to submit grant paperwork for the South Olds Boulevard culvert project; Member Galloway seconded the motion; all board members were in favor. (5-0)
- B. Member Rocco moved to approve the purchase of five 911 tablets for the police department in the amount of \$26,334.80; Member Boraski seconded the motion; all board members were in favor. (5-0)

### **Summary of Executive Session:**

Mr. Clarke said the board met prior to the meeting to discuss various personnel matters and two matters involving collective bargaining agreements.

## **ITEM # 6 BOARD COMMENT**

Member Boraski spoke about the Touch a Truck event. There was about \$12,000 raised this year which will be donated to the Barkan Family Healing Hearts Foundation. This organization helps families who are in need.

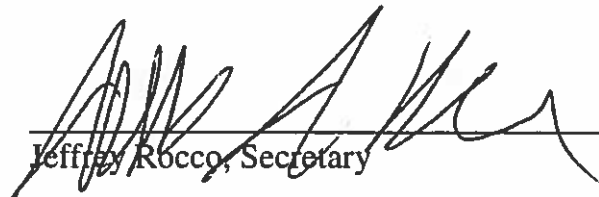
Member Dence thanked Chairman Harvie for running tonight's meeting and the past few meetings.

Member Rocco – no comment.

**Board of Supervisors – April 30, 2019**

Chairman Harvie said he appreciates all the input they have heard. The DEP has yet to make a ruling. Over the past several months, a lot of people have spoken about Lakewood, New Jersey. Chairman Harvie said he spoke with someone in Lakewood, New Jersey. They did not deny this; it was actually the DEP. It never got past the DEP.

Member Dence moved to adjourn the meeting; Member Boraski seconded the motion all board members were in favor. (5-0) The meeting was adjourned at 9:59 p.m.

  
\_\_\_\_\_  
Jeffrey Rocco, Secretary

