

HALFMOON TOWNSHIP
Planning Commission Meeting
Joint Session with Board of Supervisors
July 6, 2010 7:00 pm

Present: Danelle Del Corso, Bob Eberhart, Larry Fennessey, Jordan Finkelstein, Lorin Nauman, John Stevens, Joe Tylka
Absent: Sebastian DeGregorio
Others present: Susan Steele, Township Manager; D. J. Liggett, CRPA; Jim May, CRPA; Dave Piper, Zoning Officer; Andrew Merritt, Board of Supervisors; Walt Schneider, Centre Region Code Administration Director; Mark Stevenson, Board of Supervisors; Melissa Gartner, recording secretary

1. Call To Order

Chair Lorin Nauman called the meeting to order at 7:02 p.m.

2. Citizen Comments

None

3. Approval of June 15, 2010 Minutes

Motion. Mr. Stevens moved to approve the minutes of June 15, 2010. Mr. Tylka seconded. Vote: 7-0

4. Reports

a. BOS Update

The BOS will meet this Thursday (July 8) evening. Eric Vorwald will present the wind turbine ordinance information. Zarkowers would like to wait until August. They may be selling their property, and would like to decide on the impact of having a conservation lease on the property.

In regard to the Dennis Thompson issue: The OSP Board will meet on Wednesday (July 7). Dennis will be putting together suggestions for the OSP Board to review. The issue is not resolved yet.

As an update on codification, Ms. Steele has found the PC comments and revisions, the Open Space revisions, staff, and engineers. They are hoping to send it to Code this month or next month to get the books put together. The legislative process to approve will follow. Ms. Steele has sent 2007-2009 ordinances for codification. Code will not analyze, only codify these ordinances. Ordinances will be online and should be easier for users and for revisions.

b. Zoning Officer's Report

Mr. Piper stated he has nothing to report.

5. Water/Geothermal Well Ordinance

Ms. Steele thanked the Board members present and the PC for meeting together. She then reviewed the goals for the policy: protect the groundwater, stay as cost-effective as possible for citizens, and streamline the process. Then, this raises further questions. To protect the groundwater, is 50 feet better than 20 feet? Are more inspections better?

Mr. May listed the main differences between Halfmoon's draft ordinance and the Code ordinance: increasing the depth of grout from 20 to 50 feet, increasing separation distances between drill sites and sewage fields, requiring wrought iron or steel casings for potable water wells, allowing PVC only on geothermal wells, and requiring a yield test and a water quality test for potable water wells.

Mr. Schneider stated that he's anticipating some pushback from the geothermal industry on the issue of site locations and setback distances. Mr. Fennessey clarified that Mr. Mark Ralston, author of the original Halfmoon ordinance, has indicated he has no reason to have different standards for potable water wells and geothermal borehole.

Mr. Tylka asked how the different setbacks originated. Mr. Schneider said that one example is that Halfmoon requires two locations for septic, one to be protected as a backup. This may preclude a homeowner from having available space to put in a geothermal borehole.

Mr. Piper clarified that if anyone drills a well within 100 feet of a septic site or the backup septic site, this violates the Pennsylvania Sewage Facilities Act and he must pull the permit. Since most lots in Halfmoon Township are on public water, most are not set up with a separate well area that would fall outside the 100-foot radius of the septic area.

Mr. Fennessey stated that the fundamental reason for the ordinance is to protect the groundwater. If we allow all lots, regardless of size, should still have the right to use the technology, and disregard the proximity to septic sites, then we are not protecting that ground water. You do not inherently have the right to use every technology available.

Mr. Nauman asked how this would affect a closed-loop system. Mr. Piper said closed-loop systems have a variable distance, depending on the particular septic system nearby. However, if it is any type of open system, the 100-foot clearance applies. It all depends on how the system is set up. Mr. Nauman then asked about people who are using one well for water and heating. Mr. Piper said that they would still need a second hole for discharge that would also require the 100-foot clearance.

Ms. Steele asked what the setback distance is in the Code ordinance. Mr. Schneider said that it is 50 feet for a water well, and 25 feet for a closed loop geothermal system. Mr. Eberhart asked why there is a difference, since the purpose of the ordinance is to protect the groundwater. Mr. Schneider said that closed loop systems have the whole casing grouted, while open loop systems have an open shaft (and therefore more risk of contamination) so they are treated the same as water wells.

Mr. Fennessey read from a 2009 Penn State publication, "Drinking Water Quality Management in Rural Pennsylvania and Effective Management Practices." The focus is not on things in water geologically. Pathogens survive longer in wet soils,

especially around septic systems. This study examined the effectiveness of sanitary well caps, separation distances, grouting, and topographic mounding (mounding the earth away from the well). No single treatment method solves the problem; only a combination of methods makes a cumulative and significant effect.

Mr. Stevenson said that his main concern is now, due to Mr. Piper's comments, is the 100-foot distance in this ordinance then preventing someone from having a geothermal well? He is also concerned that the Halfmoon ordinance does not have a scheduled inspection. Mr. Schneider said that if Halfmoon adopts the COG ordinance, his staff can come out and do the inspections. Mr. Stevenson is uncomfortable with only the driller and the homeowner verifying that the requisite testing has been done. In his opinion, the third leg of the "stool" is inspection.

Mr. Stevens asked whether it matters what you hit, bedrock or other. Mr. Fennessey said that no matter what you hit, you still need to use grouting. He went on to explain that grouting makes it more challenging for surface water to seep down the shaft and potentially reach the ground water. He also said that if a driller is going to cheat, he is going to cheat and a final stage inspection won't stop that cheating. Mr. Stevenson said that the COG inspections are more in-depth than that.

Mr. Merritt asked about the permit fee. Mr. Schneider said this is a \$150 permit and that gets you the first five holes. The driller will mark the hole locations with paint, and Mr. Schneider's staff will verify that the locations match the plan. His staff will sign and date the bentonite bags at that time if the bags are onsite. The staff then come back for the pressure test of the system and verify that the bentonite bags are there. The staff will also GPS all of the holes so they can be plotted on an overlay. Prior to the final inspection, the driller must fill out the completion report. At the final inspection, the zoning officer signs off if required. If you have a ten-hole system, it will cost another \$75.

Mr. Merritt said that if the point is to protect groundwater, then this third party representing the region doesn't seem to be negative or excessive. Mr. Schneider handed out a 2-page flow chart showing Code's inspection process.

Mr. Finkelstein asked if we are debating nothing. Mr. Fennessey said we are not 'debating nothing.' He referred to the comments on the RVD survey which indicate that people moved to Halfmoon to be in the country, stay in the State College School District, and to be left alone. Citizens stated they did not want ordinances, regulations, and excessive rules. Mr. Stevenson said that a lack of ordinances does not preserve the rural life. Mr. Fennessey continued that there is no animosity between he and Mr. Schneider; he simply sees no reason for Code to be involved since the Township is dealing with licensed drillers.

Ms. Steele asked Mr. Fennessey about the cost. The inspection, under Code, would be \$150. Halfmoon is then asking a homeowner to pay to grout the hole an extra 30 feet (increasing the grout distance from 20 to 50 feet). Mr. Fennessey said that grouting is inexpensive. She then asked about the cost to the Township to hire a WEO (Water Enforcement Officer) to inspect a site for approximately 2 hours. This fee would then be passed on to the citizens, which would cost more than \$150.

Mr. Nauman asked what current inspections are being done under the existing well ordinance. Mr. Piper said that well inspections would fall onto him, but no one is building private wells these days. Ms. Steele added that at this time, no one is

inspecting water quality; it is self-regulating. Mr. Schneider said that his staff is not inspecting yield and water quality.

Mr. May reviewed that the group seems to be in agreement on the technical aspects. Mr. Stevenson agreed with the exception that the 100-foot setback would keep someone from having a geothermal borehole system. The group clarified that the Halfmoon ordinance wouldn't be the mechanism preventing someone from drilling, it would be the Pennsylvania Sewage Facilities Act. Mr. Piper also stated that about 50% of the lots in Halfmoon Township would not pass the 100-foot setback. However, an open-loop system with an open trench would be permissible in tighter lots.

Mr. Finkelstein asked for a motion because he approves of all five bulleted items on the agenda. The Halfmoon ordinance will:

- increase the setback distances between geothermal boreholes, water wells, and sewage facilities and other uses to 100 feet,
- increase the depth of required grouting of the borehole from 20 feet to 50 feet,
- require wrought iron or steel casings for potable water wells,
- require a yield test for potable water wells,
- require a water quality test that includes *E. coli* for potable water wells.

Members informally agreed with these items. Discussion continued on the issue of inspections.

Ms. Steele asked Mr. Schneider if Code could handle the inspections with these changes, and he said that changing the setback distances and the grouting depths are no problem for his staff. His staff would not handle the yield test and water quality test for potable water wells.

Ms. Steele then brought up the issue of Code inspection. Ms. Del Corso asked for the pros and cons for Code involvement. Mr. Fennessey said that Code is not involved in any septic issues except the 3-year inspection. Mr. May explained that inspecting boreholes originally came to Code because it already had a mechanism for inspection that other municipalities did not have. Mr. Schneider also said that they would GPS every borehole for a database to include the locations on an overlay.

Informal poll: approving COG to handle inspections: 5-2 (Fennessey, Nauman opposed)

Mr. Eberhart asked if this would still be a stand-alone ordinance. Ms. Steele said that it would since the Halfmoon version would also include the yield and water quality issues.

Mr. Stevenson would like to discuss the water ordinance on Thursday's meeting. Ms. Steele said that would be possible, and then a public hearing would be set for the second BOS meeting in July.

6. Adjournment

The meeting was adjourned at 8:32 p.m.

Respectfully submitted,
Melissa Gartner
Recording Secretary