



Comments of Ted Evgeniadis – Lower Susquehanna Riverkeeper representing the Lower Susquehanna Riverkeeper Association 1/29/2020 -

RE: (NOI) submitted by Matter Family Farms, LLC (Matter Family Farms) to be covered under DEP's PAG-12 general National Pollutant Discharge Elimination System (NPDES) permit for Concentrated Animal Feeding Operations (CAFO).

Matter Family Farms' proposal is for the population of a duck finishing facility which includes one building housing a maximum of 38,000 ducks. Matter Family Farms' facility is located in Greenwood Township, Perry County at 188 Cocolamus Road, Millerstown, PA 17062 (Operation). Manure is proposed to be collected at the Operation in a concrete tank adjacent to the building. The receiving stream, Cocolamus Creek (TSF, MF), is in watershed 12-B and classified for: Migratory Fishes and Trout Stocking.

Waste from agricultural livestock operations has been a long-standing concern with respect to contamination of water resources, particularly in terms of nutrient pollution. However, the recent growth of concentrated animal feeding operations (CAFOs) presents a greater risk to water quality because of both the increased volume of waste and to contaminants that may be present (e.g., antibiotics and other veterinary drugs) that may have both environmental and public health importance. Based on available data, generally accepted livestock waste management practices do not adequately or effectively protect water resources from contamination with excessive nutrients, microbial pathogens, and pharmaceuticals present in the waste. It's also unfortunate that Pennsylvania does not have water quality standards for nitrogen and phosphorus.

The proposed CAFO at Matter Family Farms sits on property that is adjacent to Cocolamus Creek and poses a threat to not just water quality for Cocolamus Creek, the Juniata and Susquehanna River, but also a threat to human health where groundwater has a high probability of being polluted in addition to the general nuisance it provides to neighboring landowners. The proposed CAFO site sits on slopes steeply to the north-northeast toward Cocolamus Creek and its associated wetlands. Specifically, the site ranges in elevation from 1,060 feet above mean sea level (amsl) at Field A4 to 540 feet amsl at Cocolamus Creek and is riparian forested wetland corridor. Moreover, 17.3 acres or 59.7% of the proposed manure application fields exist at or above 15% slope, and are thereby unsuitable for manure spreading and such manure spreading will likely result in manure/nutrient runoff and surface water quality and ecological impact of the adjacent Cocolamus Creek. Given area topography, hydrology and geomorphology, near surface groundwater is interpreted to flow north-northeasterly toward Cocolamus Creek. Also, the National Wetland Inventory web mapper shows forested/shrub scrub wetlands (PF01A at 3.26 acres) adjacent to the northwest of field A1 and the proposed CAFO barn location, and 9.21 acres of PFOA1 wetlands along the northside of Cocolamus Creek north of the site.

I am concerned about the long-term potential for the proposed barn, manure pit and storage areas to leak into groundwater, contaminating near surface groundwater its venting into adjacent surface waters, and impact to groundwater aquifer(s) utilized in the vicinity of the proposed Matter Farms CAFO as the sole-source of drinking water. Importantly, given the long-term potential for barn waste pit

leakage (i.e., especially at the junction of the concrete footer and basin walls), the presence of porous and permeable silt loam soils, the shallow depth to groundwater/drinking water aquifer(s), the potential for the presence of karst geology at or near the proposed CAFO site, and the potential for groundwater/drinking water and surface water contamination this location, the placement of the proposed poultry CAFO facility would be inappropriate in this setting. Neither soil, geologic or hydrogeologic conditions at the site provide meaningful protection to groundwater in the event of surface spillage, or the accumulation of air-borne pollutant deposition of nutrients, bacteria or pathogens at and around the proposed poultry CAFO facility, storm water system failure or leakage, and the land application of solids and liquid effluent.

Sections 301 and 307 of the Pennsylvania Clean Streams Law prohibit the discharge of pollutants and waste into waters of the Commonwealth. Section 401 of the Clean Streams Law explicitly makes it unlawful for any person to discharge from property owned or occupied by them “any substance of any kind” that results in pollution of waters of the Commonwealth. Also, no detail regarding stormwater management is provided in the Manure Management Plan, and no stormwater control best management plans (BMPs) were proposed.

The proposed Matter CAFO barn would exist within 1,300 feet of four (4) residences to the southeast and within 200 feet of proposed manure application field A2. A residence also exists to the west within 400 feet of application field A3, 500 feet of application field A4, and within 1,500 feet of the proposed Matter CAFO barn. Poultry CAFOs are often the sources of air pollutant emissions, vector insects carrying pathogens, dust/particulates carrying pollutants and/or pathogens, and nuisance odors. Such common CAFO conditions often result in the unreasonable interference with the comfortable use and enjoyment of neighbors’ and vicinity landowners’ property and lowering property values. It has been documented that nuisance odors can occur 3 miles and up to 6 miles distance from CAFOs. Matter Family Farms CAFO site plans reviewed do not possess an odor management plan addressing the likelihood of nuisance odors that may be generated by this facility, as proposed.

Based on information and belief, Matter Family Farms’ LLC’s General NPDES Permit application, manure management plan, stormwater management plan, and odor management plans are inadequate or do not exist. Such plans must comply with Pennsylvania law, be disclosed by the Applicant, and made available for public review and comment prior to any final agency decision-making in this matter.

Most operations are only subject to the lenient and unenforceable recommendations found in Pennsylvania’s Manure Management Manual. In fact, farmers who follow the Manual are encouraged to over-apply manure in order to meet crop nitrogen needs, based on optimistic estimates of crop yield, with no consideration of cropping history, soil nutrient levels, or phosphorus runoff risk. There is very little oversight of these operations’ manure applications, and it is likely that many fields receive even more manure than the Manual would recommend.

Concentrated Animal Operations (CAOs) and Concentrated Animal Feeding Operations (CAFOs) are subject to more stringent Nutrient Management Plan requirements and water discharge permits, but again, given the flexibility in nutrient management planning regulations and the limited degree of compliance monitoring and enforcement, operators following NMPs may also be systematically over-applying manure to cropland. And once manure from CAOs and CAFOs is exported to neighboring farms, the level of care with which it is land-applied is significantly diminished and the Commonwealth has no effective mechanism to track the transfer.

- Based on typical poultry CAFO dust accumulation, release, and deposition, lack of a robust stormwater management plan and the presence of the adjacent Cocolamus Creek, this location is inappropriate for the siting and operation of a poultry CAFO as proposed.

- 17.3 acres or 59.7% of the proposed manure application fields exist at or above 15% slope, and are thereby unsuitable for manure spreading and such manure spreading will likely result in manure/nutrient runoff and surface water quality and ecological impact of the adjacent Cocolamus Creek and larger order water bodies being the Juniata and Susquehanna River.
- Much concern remains about the long-term potential for the proposed barn, manure pit and storage areas leaking into groundwater, contaminating near surface groundwater its venting into adjacent surface waters, and impact to groundwater aquifer(s) utilized in the vicinity of the proposed Matter Farms CAFO as the sole-source of drinking water.
- Based on information and belief and despite its proximity to and slope toward Cocolamus Creek, no detail has been provided regarding stormwater management/BMPs at the proposed Matter Family Farm CAFO, and thereby the NPDES as proposed should be denied.
- Based on customary engineering practices and documented regional precipitation records, an appropriate stormwater management plan's basis of design for the proposed CAFO facility should be at a 50-year, 24-hour storm event at a minimum.
- Normal operations at this facility are likely to result in nuisance odors to residents and their many land uses in the vicinity of the proposed poultry CAFO. There isn't any odor management plan.
- A valid stormwater management plan should rely upon "good house-keeping and (hazardous and potentially polluting) materials management" for pollution and spill prevention. It is highly recommended that customary engineering practices be followed requiring the secondary containment and release monitoring (e.g., through leak detection, inventory management, etc.) for all waste, petroleum and other liquid hazardous substances/products, and that all dry agricultural inputs storage and mixing be required to within a "covered shed" with a concrete floor with no floor drains.

This site is ill-suited for the siting and operation of a poultry CAFO facility as proposed. Based on information and belief, fundamental permit application(s) and required plans are inadequate, have not been developed, and/or are not available for public review. Therefore, I strongly urge the PADEP to deny the NPDES permit as proposed.

Thank you.



Ted Evgeniadis
Lower Susquehanna Riverkeeper
Executive Director – LSRA

#The Lower Susquehanna Riverkeeper Association is dedicated to improving the ecological health of the Lower Susquehanna River Watershed and the Chesapeake Bay. Current and future citizens of the Lower Susquehanna River Watershed deserve high water quality, wise and sustainable use of all aquatic resources, and preservation of aesthetic value of our waterways. Improvement will come about through education, research, advocacy, and insistence upon compliance with the law.