

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: WATER MANAGEMENT PERMIT APPLICATION  
PUBLIC HEARING

\* \* \* \* \*

BEFORE: LISA KASIANOWITZ, Community Relations  
Coordinator, DEP  
Maria D. Bebenek, Program Manager, DEP  
Jay Patel, Environmental Engineer  
Manager, DEP  
Jeffrey Butters, Environmental Engineering  
Specialist, DEP

HEARING: Wednesday, October 22, 2014  
7:02 p.m.

LOCATION: McConnellsburg Volunteer Fire Company  
Second Floor Meeting Room  
112 East Maple Street  
McConnellsburg, PA 17233

Reporter: Daniel Kubach

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MS. KASIANOWITZ:

Okay. We're ready to get started now. The time is now 7:02 and we are now on the record. Good evening and welcome to the Pennsylvania Department of Environmental Protection's public hearing on the water quality management permit application submitted by Country View Family Farms. My name is Lisa Kasianowitz and I am the community relations coordinator for the Department of Environmental Protection's South-Central Regional Office which is located in Harrisburg.

We are here tonight to receive comments from residents and interested parties regarding a water quality management permit application for which Country View Family Farms has applied to construct three barns on 224 acres to house 8,722 swine.

To manage the manure, Country View will construct concrete, deep pit manure storage under two of the barns with a concrete temporary manure holding area under the third barn. DEP is specifically accepting comments tonight about the construction and design of the manure storage facilities at the proposed swine farm.

1 I would like to begin tonight by  
2 thanking the McConnellsburg Fire Hall for use of their  
3 meeting room, and next I will go about introductions  
4 for DEP. Again, my name is Lisa Kasianowitz, and here  
5 with me from DEP's Clean Water Program, which is the  
6 program that received the water quality management  
7 permit application, is program manager Maria Bebenek,  
8 and then we also have environmental engineer manager  
9 Jay Patel right there (indicating), and last, we have  
10 environmental engineering specialist Jeff Butters.

11 APPLAUSE

12 MS. KASIANOWITZ:

13 Since this may be your first experience  
14 at a public hearing, I will take a few minutes first  
15 to outline how our time tonight together will be  
16 spent. I will explain the structure of the hearing  
17 and how comments can be received. Again, DEP is  
18 holding this hearing to allow you to comment on the  
19 water quality management permit application so DEP can  
20 listen and gather information that will be used during  
21 our review of the application.

22 DEP will not be responding to questions  
23 at this hearing. DEP will review all of the comments  
24 received tonight and take them into consideration  
25 before making a final decision on the permit

1 application. DEP will provide a copy of our responses  
2 to those who commented for the record. I'm also going  
3 to try and see if we can post a copy of the transcript  
4 tonight on our website for that viewing --- for  
5 viewing that, and I will let Marty know and then he'll  
6 let the group know.

7                   To submit comments in writing by October  
8 29th, please mail them to Maria Bebenek, and I have  
9 posted her --- the mailing address over there on the  
10 tables. So if you didn't get the mailing address,  
11 it's over there on the tables and you can get that  
12 mailing address at the end of the night.

13                   The permit application is still  
14 available for viewing. You can view it here in the  
15 area at the local library. You can also come to  
16 Harrisburg and view it at our South-Central Regional  
17 Office.

18                   Last, I have placed the permit  
19 application on our website, and that's  
20 [www.DEP.state.pa.us](http://www.DEP.state.pa.us), and under our regional resources  
21 category you'll find the South-Central Regional  
22 Office. The permit application is in there. That's  
23 mostly likely where the transcript from tonight will  
24 be posted as well.

25                   So we will now begin the formal comment

1 period of the hearing. We have a stenographer on hand  
2 that will record your comments. First, I will call  
3 the names of those who called into the Department and  
4 pre-registered to speak. Those who called and the  
5 order are those who I'll call up in the order tonight.  
6 Next, I will give people who signed up at the door an  
7 opportunity to testify, and after that, I will ask a  
8 few different times if anyone wants to speak. So you  
9 will have a chance to speak even if you don't decide  
10 until the last minute.

11 TELEPHONE RINGS

12 MS. KASIANOWITZ:

13 I don't know if it --- that's not funny.  
14 Please limit your remarks to five minutes each. What  
15 I'll do is I'll give a one-minute warning so that you  
16 know that there's one minute left, and then I'll let  
17 you finish your final thoughts. If there are multiple  
18 representatives of a group, we ask that you nominate a  
19 person to come up for your group. In order to hear  
20 from as many people as possible, if you heard your  
21 comments repeated before you came up, we just ask that  
22 you summarize your comment or refrain from repeating  
23 since someone else has already said that.

24 Just a reminder, all in attendance  
25 should be considerate of other people testifying. The



1 purpose of this is so that our stenographer can hear  
2 you clearly. If the stenographer cannot hear you  
3 clearly, this limits the Department's ability to  
4 respond to the comments. So we just ask that you be  
5 considerate while each person is testifying. So when  
6 you come up to testify, we'd ask that you give your  
7 name and your address for the record and you can drop  
8 off your copy --- if you did bring a copy of your  
9 transcript, you can drop that off right here in our  
10 comment box.

11 That's about it. That covers about it,  
12 so I'm going to start with those who pre-registered  
13 for the evening. First in line is Marty Hann.

14 MR. HANN:

15 Hi. I thank everybody for attending,  
16 especially the civil servants that traveled from  
17 Harrisburg to be here and to listen to us. I think  
18 the main question coming up is why are we here? And  
19 we are here to determine if Country --- if the Country  
20 View Corporation should receive a water quality  
21 management permit from our state government. Why  
22 should the corporation be granted this permit by the  
23 citizens of our Commonwealth? The corporation will  
24 tell you that the PA State Congress gave them the  
25 right to use the clean air, water and land of any

1 community despite how the local people feel.

2 Well, why shouldn't the permit be  
3 granted? This corporation plans on confining 8,700  
4 animals in a five-acre compound and then spread 11  
5 million gallons of bio and toxic waste per year  
6 throughout the community. How can that be done  
7 without negatively impacting the water quality of this  
8 community? I, for one, cannot comprehend that that is  
9 a possibility.

10 Is the facility safe for water quality?  
11 No. This facility is located in the area with  
12 multiple streams and a known flood area, and in the  
13 packets I'll provide we have pictures of previous  
14 floods. This is in January of 1996. Okay. The  
15 facility will store a portion of the 11 million  
16 gallons of manure in tanks under the building.

17 Step 13 of the Department of  
18 Environmental Protection's permit conditions relating  
19 to manure storage states that the Permittee shall  
20 implement the operation and maintenance plan for the  
21 facility and shall prevent discharges from the  
22 facility up to and including the appropriate designed  
23 storm.

24 For a new swine facility, the  
25 appropriate storm is the hundred year storm. I have

1 used the data the corporation provided Ayr Township  
2 supervisors in the hydrogeological survey and  
3 calculated the following.

4           The storm water storage capacity will be  
5 overwhelmed when there is over 10.04 inches of rain  
6 per month or 53.42 inches per year. In 1996, we had  
7 67.81 inches of rain. In September of 1996, we had  
8 over 12 inches of rain. For each inch of rain over  
9 the limit, the facility will flood the surrounding  
10 area with 150,000 gallons of water. So in 1996, this  
11 facility would have flooded the surrounding area with  
12 2,158,500 gallons of water.

13           This water could erode the soil under  
14 the manure tanks and cause them to crack. The water  
15 also will flood into the mortality pits where they  
16 discard the dead bodies of piglets that do not meet  
17 the corporate standards, or if the piglets get sick  
18 from disease from living in confined conditions. That  
19 contaminated water will enter the water table and  
20 contaminate the streams in the surrounding areas.

21 Okay. Thank you.

22 APPLAUSE

23                           MS. KASIANOWITZ:

24                           Thank you. Next we have Senator  
25 Eichelberger.

1                   SENATOR EICHELBERGER:

2                   Thank you and good evening. I'm John  
3 Eichelberger. My address for this would be 169 Main  
4 Capitol Building, Harrisburg, PA. I want to mention  
5 that I spoke with Representative Jesse Topper today,  
6 and he had another obligation tonight in Bedford  
7 County, couldn't be here, but asked me to say a few  
8 words as well on his behalf.

9                   I want to thank DEP for providing the  
10 information to our citizens locally that --- we had  
11 requested that and you did that and we appreciate that  
12 very much, and that was very helpful to the people  
13 here in this community. And thank everybody here for  
14 coming out. I mean, we've had several meetings or  
15 gatherings where this issue has been vetted. At the  
16 township, I had a town hall meeting and things like  
17 that. So this is the process, and folks are here  
18 tonight to participate in that and that's a healthy  
19 thing for our state.

20                   My purpose tonight is simply to put on  
21 the record that I would ask that the panel and  
22 everybody that works on the approval process at DEP  
23 gives the Applicant and those providing information in  
24 opposition to the project every consideration, that  
25 their material would be reviewed thoroughly and that

1 every consideration is made to any inaccuracies or any  
2 contradictions that are presented in the --- through  
3 the information. But that's the biggest concern that  
4 I had, that I've heard from people in the community,  
5 that people feel that if they present information that  
6 it's taken seriously by the State. And Jesse has also  
7 mentioned that that's a concern that he's had  
8 expressed to him over and over again.

9           So again, I appreciate you being here  
10 listening to the folks and ask that you will give them  
11 every consideration when you make your final  
12 determination. Thank you.

13 APPLAUSE

14           MS. KASIANOWITZ:

15           Thank you. Next we have Dayton Tweedy.  
16 Tweedy?

17           MR. TWEEDY:

18           Should the Water Quality --- oh, my name  
19 is Dayton Tweedy. I'm sorry. Dayton Tweedy, 2610  
20 Back Run Road, McConnellsburg. Should the Water  
21 Quality Management Permit be granted to Country View  
22 Farms for the Bivouac facility in Ayr Township? The  
23 Department of Environmental Protection has not only  
24 the responsibility to determine if Country View has  
25 completed the application, but whether the permit for

1 the project itself is likely to affect the watershed,  
2 as well as the health and safety of the citizens of  
3 Pennsylvania. I am here to demonstrate that Country  
4 View has not faithfully completed the permit  
5 application. I also intend to show that the project  
6 itself is unsound.

7           On the front page of the blueprints  
8 under Additional Requirements, question two addresses  
9 the Nutrient Management Plan. This design is not a  
10 Nutrient Management System, it says. The storage  
11 facility will provide environmental benefits if  
12 properly managed according to the overall nutrient  
13 plan.

14           Now, this is relevant because the Water  
15 Quality Permit Application assumes that the Nutrient  
16 Management Plan is in place. However, Country View  
17 has not published a Nutrient Management Plan. They  
18 have simply stated that they will work through a  
19 broker who has not provided any nutrient balance  
20 sheets. The company has not accounted for where the  
21 manure will be disposed. The People cannot simply  
22 assume that Country View will provide these  
23 environmental benefits without documentation,  
24 particularly since they have not shown good faith.

25           The Bivouac facility is not an isolated

1 project. This facility is part of a network of  
2 planned, interconnected facilities. Related to the  
3 Bivouac facility is a finishing CAFO on Back Run Road,  
4 McConnellsburg. The same personnel in charge of the  
5 Bivouac application prepared the Nutrient Management  
6 Plan for Back Run Road. In this plan, Country View  
7 did not inform the landowners listed on their own  
8 Nutrient Management Plan. If Country View was not up  
9 front on the manure dispersal on the Back Run  
10 application, how can we trust their undocumented  
11 assurances on this application?

12                   Since the facility will not operate in  
13 isolation, the danger to the watershed is cumulative.  
14 Question 18 on the General Information Form, the GIF,  
15 asked will the construction or operation of this  
16 project involve treatment, storage, reuse, or  
17 dispersal of waste? Country View answered no. The  
18 project in operation will generate millions of gallons  
19 of waste in the form of liquid pig manure which is  
20 known to contain disease-causing pathogens, residual  
21 antibiotics, and heavy metals. Given the proximity to  
22 springs and streams, including Big Cove Creek, the  
23 issue of potential waste spillage cannot just be  
24 shrugged off.

25                   The areas of danger in the planned

1 construction and operation of the project include the  
2 structural integrity of the concrete tanks, in the  
3 underground pipe system, the transfer of liquid manure  
4 of transportation, and on the dispersal on area  
5 fields.

6                   The plan does not include an effective  
7 leak detection system. The leak detection in the plan  
8 consists of a hydrostatic pressure relief channel.  
9 First, how will the company know if pathogens are  
10 escaping if liquid waste products are not obviously  
11 visible? Disease-causing pathogens do not need to be  
12 visible to cause harm. If a leak into the groundwater  
13 occurs below the level of the ditch, how will this  
14 leakage be detected? The plan for remediation of the  
15 waste spill is simply to pump the waste material back  
16 into the tank. If the waste contaminates the aquifer  
17 or the nearby streams, simply pumping it back will not  
18 be an option.

19                   Question 20 asks does your project  
20 involve installation of a field-constructed  
21 underground storage tank? And the Applicants answered  
22 no. The project clearly plans to have three  
23 underground storage tanks. These tanks will have  
24 poured concrete floors situated on landfill. Shifting  
25 of the fill underneath could result in cracks in the



1 floors. There will be no system for detecting these  
2 faults before contaminants enter the groundwater.  
3 There is no provision in the plan to inspect the  
4 floors on a regular basis for developing cracks.

5 MS. KASIANOWITZ:

6 One minute.

7 MR. TWEEDY:

8 There would also be no clear way to  
9 remediate such failures. Item 13 in the GIF asks,  
10 will the project involve operations that produce air  
11 emissions? The application answered no. Hog manure  
12 is known to produce emissions of ammonia and hydrogen  
13 sulfide gas. The facility will be using fans to pump  
14 excess gasses from the animal containment buildings  
15 into the air. The gases then can precipitate into the  
16 ground, potentially contaminating groundwater in the  
17 nearby streams. Moreover, nitrogen into the air from  
18 exhaust from the Bivouac operation is cumulative to  
19 the nitrogen from Back Run Road facility and both may  
20 endanger Big Cove Creek.

21 The presence of hydrogen sulfide gas is  
22 especially problematic. According to the Agency for  
23 Toxic Substances and Disease Registry, hydrogen  
24 sulfide gas has negative effects on the neurological,  
25 respiratory and ocular systems, and the gas will be

1 generated by both the Bivouac and Back Run Road  
2 facilities and roughly ---.

3 MS. KASIANOWITZ:

4 Time is up.

5 MR. TWEEDY:

6 Okay. Thank you. I strongly urge you  
7 to vote against this.

8 APPLAUSE

9 MS. KASIANOWITZ:

10 Thank you. Next we have Marjorie  
11 Palmer-Hudson.

12 MS. PALMER-HUDSON:

13 My name is Marjorie Hudson. I live at  
14 472 Ravensburg Road. There are a number of specific  
15 line items in the design engineer's report which will  
16 be addressed here, and a copy of each page with the  
17 notation of the specific item is attached for  
18 reference. On page three, paragraph two, there is  
19 noted as his updated design engineer's report, and the  
20 reason given for the update is --- the reason for  
21 these changes are to allow for different orientation  
22 of the buildings to take into consideration local land  
23 use concerns that surfaced during the approval  
24 process.

25 The concerns that surfaced were clearly

1 explained in the letter from Trout Unlimited whereby  
2 it was called to the Applicant's attention that  
3 encroachment on a year-round spring and stream and its  
4 riparian buffers would occur. Even though the  
5 orientation of the two buildings were reversed,  
6 encroachment remains.

7 Trout Unlimited issued a follow-up  
8 letter. The conditions explained therein have been  
9 disregarded. A copy of each Trout Unlimited letter is  
10 attached for your reference. On page four, paragraph  
11 one, please note the following sentences. A new  
12 foundation leak detection drain tile will be installed  
13 at the perimeter of each new manure storage footing  
14 and will be collected at an observation well.

15 A layer of drain fill material will be  
16 provided under the floor slabs where channels  
17 connection to the perimeter footing drains relieve any  
18 hydrostatic pressure, as well as to provide a leak  
19 detection system.

20 It is noted in the instruction guide to  
21 Module 18 for the Water Quality Management Permit that  
22 the application requires a leak detection system. A  
23 requirement of that leak detection must provide  
24 complete coverage for the entire facility to detect  
25 any leaks. Please note that the channels connected to

1 the perimeter footing drain to relieve any hydrostatic  
2 pressure are to be installed under the footing, 50  
3 feet on center. We must point out that it is not  
4 complete coverage, nor is a hydrostatic relief channel  
5 the same thing as a leak detection collection system.  
6 As there would be areas under the pits which would not  
7 be covered, leaks from cracks in the concrete pits  
8 could bypass the pressure relief channels and continue  
9 to infiltrate the subsurface to the groundwater.

10                   There is also the issue of the  
11 underground piping of manure between the farrowing  
12 barn and the gestation barn. There would be a  
13 potential there for leaks which would not be detected  
14 by the pressure relief channels under the barns.  
15 There is also another small building on the property,  
16 the mortality compost building for an estimated 50  
17 tons of dead hogs annually. What protections are  
18 there against leakage from the putrid decomposing  
19 mortality compost?

20                   That building is situated very near one  
21 of the bioretention basins. Leakage from the  
22 mortality compost building could flow into the  
23 bioretention basin and infiltrate the water table and  
24 make its way into the nearby streams and the  
25 underground aquifer. Any leakage from the pits,

1 piping and mortality compost building could travel to  
2 the shallow underground unimpeded and intersect with  
3 nearby springs and then continue on to nearby unnamed  
4 tributaries and the Big Cove Creek.

5           On page five, design criteria and  
6 quality assurance, please note the second point,  
7 quote, inspect sub-base and base materials for the  
8 manure storage if any springs, seeps or sinkholes are  
9 encountered during the excavation. The design  
10 engineer shall be notified immediate, end quote.

11           Given the overall character of this  
12 property, springs, seeps or sinkholes may be  
13 encountered. To put it into lay terms, there is a lot  
14 of water on that mountain. What happens when the  
15 design engineer is notified? What has to happen for  
16 this project to be considered wrong for this property?

17           On page nine, manure generation volume,  
18 there is an attached chart labeled gestation barn.  
19 Manure generation volume includes farrowing barn and  
20 the nutrient management plan. This is a fine example  
21 of unquestioned information concerning nitrogen. The  
22 book used for the book value is not defined. Using  
23 calculations from MidWest Plan Service's waste  
24 characteristics, total nitrogen in the hog waste will  
25 be considerably more than the noted available nitrogen

1 for nutrient purposes on the chart as 18 pounds per  
2 1,000 gallons.

3 MS. KASIANOWITZ:

4 One minute.

5 MS. HUDSON:

6 The considerable difference, therefore,  
7 if not in the manure, will have volatilized into the  
8 air in the form of ammonia which will then leave the  
9 hog barns and drop into the nearby valleys by way of  
10 the natural pathways provided by the northern and  
11 southern unnamed tributaries which bracket this  
12 proposed facility. This ammonia will contribute to  
13 eutrophication being deposited directly into the Big  
14 Cove Creek watershed each year.

15 This will negatively affect the quality  
16 of life of all living things including the residents.  
17 This outlines a few of the items concerning the  
18 residents. This project is inappropriate for this  
19 site. This project is unsafe at this site. Your  
20 written response to these concerns is requested.  
21 Thank you.

22 APPLAUSE

23 MS. KASIANOWITZ:

24 Next is John Leonard.

25 MR. LEONARD:

1           I thank everybody for the opportunity of  
2 speaking tonight. My name is John Leonard --- excuse  
3 me --- I'm the south-central regional vice-president  
4 with the Pennsylvania Chapter or Council of Trout  
5 Unlimited. I live at 222 Brindle Road in  
6 Mechanicsburg. Trout Unlimited is a national cold  
7 water conservation organization where our mission is  
8 to protect, reconnect, restore and sustain salmon and  
9 trout fisheries in our country. The first objective  
10 in our mission is to protect. That's why I'm here  
11 this evening, to help us protect Cove Creek and its  
12 tributaries.

13           Allowing a high density and high volume  
14 swine farm to be built on a hill overlooking Cove  
15 Creek with two spring tributaries to Big Cove Creek on  
16 the property is unacceptable. We all know what flows  
17 downhill and will eventually end up polluting the  
18 stream.

19           It's just not the right place to build a  
20 swine farm that will generate over eight million  
21 gallons of manure a year. After a lengthy review of  
22 the WQM permit application, we feel there's many  
23 deficiencies and oversights by the potential operator  
24 in the permit application.

25           Now, if some of this is redundant, I

1 apologize. In coordination information number 20, the  
2 question is does your project involve installation of  
3 a field constructed underground storage tank? The  
4 Applicant answered no. He should have answered yes.  
5 The pits under the barn are the very definition of  
6 field-constructed underground storage tanks and thus  
7 the answer should have been yes. In addition, the  
8 operator should have an underground storage tank  
9 permit for each barn.

10 Question 20.0.1, enter all the  
11 substances and capacity of each; separate each with  
12 semicolons. Because the Applicant answered no to  
13 question 20.0, no answer was given. They should have  
14 answered the tanks will contain swine feces and urine  
15 plus the capacity of each tank.

16 Question 22.0, does your project involve  
17 installation of a tank greater than 1,100 gallons  
18 which will contain a highly hazardous substance such  
19 as defined in DEP's Regulated Substance List? The  
20 Applicant answered no. They should have answered yes.  
21 Swine manure produced high levels of ammonia, hydrogen  
22 sulfide and methane, all very volatile and on DEP's  
23 Regulated Substance List. It should be recommended  
24 that monitoring wells should be strategically placed  
25 around the site, if approved, to assure that there is



1 no tank leakage or underground water contamination  
2 that would be missed by the perimeter drains as shown  
3 on the site plans.

4           Question 18.0, will the construction or  
5 operation of this project involve treatment, storage,  
6 reuse, or disposal of waste? Applicant answered no,  
7 should have answered yes. The facility will store  
8 over eight million gallons of swine feces and urine.

9           Question 15, will your project include  
10 infiltration of storm water or waste water to ground  
11 water within one-half mile of a public water supply,  
12 spring, or infiltration gallery? The Applicant  
13 answered no. The Applicant should have answered yes.  
14 The facility will have a storm water infiltration via  
15 rain gardens and other mechanisms on site within half  
16 a mile of two springs, in fact, some within a much  
17 closer proximity. It also appears there may be  
18 several private drinking wells within the radius and  
19 an on-site pond.

20           Question 4.0, will the project involve a  
21 construction activity that results in earth  
22 disturbance? If yes, please specify the total  
23 disturbed acreage. The Applicant answered yes and  
24 listed disturbed acreage as 20. The number of  
25 disturbed acres has been described in various

1 documents as 20 and 35 acres on engineering forms.  
2 It's important to know exactly how many acres will be  
3 disturbed so that great care can be taken to prevent  
4 sediment erosion and storm water runoff that would  
5 carry sediment down the spring-fed tributaries into  
6 Big Cove Creek. Not only is the land surface  
7 disturbed, but the Applicant plans on removing the  
8 entire top of the hill and pushing it into the sloped  
9 valley in order to create a flat surface to build the  
10 barn complex. This is a major change to the land, not  
11 just a disturbance.

12 MS. KASIANOWITZ:

13 One minute.

14 MR. LEONARD:

15 Thank you. Have you attached a  
16 Municipal --- this is question 5.0, I'm sorry. Have  
17 you attached a Municipal and County land use Letters  
18 for the project? They have, but they haven't  
19 addressed all the concerns, and the concerns have been  
20 --- I'll just skip that because it's already been  
21 spoken of, other than one. Since the manure will be  
22 transported off site, does the Hauler have an  
23 Emergency Action Plan in place to cover any potential  
24 spills that could occur during the loading of trucks  
25 and its transportation of off-site --- off-property

1 sites for the application?

2 Trout unlimited is very concerned about  
3 the future health of Big Cove Creek if this project is  
4 approved for construction at the proposed site. We  
5 want the two springs on the proposed site to continue  
6 to carry clean cold water into Big Cove Creek. We're  
7 concerned about the shallow groundwater that now  
8 filters unpolluted off the hill into Big Cove Creek.  
9 Most of all ---.

10 MS. KASIANOWITZ:

11 Time.

12 MR. LEONARD:

13 Thank you.

14 APPLAUSE

15 MS. KASIANOWITZ:

16 You're welcome. Next is Kimbra Tweedy.

17 MS. TWEEDY:

18 Hi. My name is Kimbra Tweedy and I live  
19 on 2610 Back Run Road, McConnellsburg. I would like  
20 to start by defining three terms. Number one, farm.  
21 A tract of land, usually with a house, barn, silo, et  
22 cetera on which crops or livestock are raised for  
23 livelihood.

24 Number two, factory. A building or a  
25 group of buildings with facilities to manufacture a

1 uniform product, without concern for individuality.

2           Number three. CAFO. It's a  
3 Concentrated Animal Feeding Operation. A factory  
4 where large numbers of animals of a certain type are  
5 produced in a very small area.

6           The CAFO under consideration for Ayr  
7 Township is not a farm, and the industrial nature of  
8 this enterprise must be recognized to gauge its  
9 effect. The proposed CAFO threatens our way of life.  
10 We live in a beautiful county. People visit and  
11 locate here to enjoy Fulton County's pristine fishing,  
12 hunting and scenic beauty. Sometimes, as residents,  
13 we take this beauty for granted. We should all  
14 appreciate and feel blessed to be able to enjoy all of  
15 the wonderful fishing streams, fresh open air to  
16 breathe, rural areas in which to hunt and hike, and  
17 our clean drinking water. Don't forget that hunting  
18 and fishing are significant aspects of our tourism and  
19 recreation segment of our local economy. Do we want  
20 our quality of life to become a thing of the past?

21           There are several reasons why the permit  
22 for the Bivouac CAFO should be denied. Despite what  
23 the Applicants have asserted on item number one on the  
24 general information form of their application, citizen  
25 concerns have not been addressed. Why was there not a

1 public forum held beforehand for taxpayers to discuss  
2 our concerns? We have every right to be informed. It  
3 is not as if the people of Fulton County choose to be  
4 in the dark regarding developments that severely  
5 impact our way of life. In my opinion, there has been  
6 deception and misleading information throughout the  
7 entire process.

8           A major concern for citizens is the  
9 value of our homes. According to the National  
10 Association of Realtors, the proximity of CAFOs has a  
11 significant negative impact on property values. That  
12 impact depends on the location and scale of the CAFO.  
13 The location of the proposed Bivouac facility is  
14 grossly inappropriate since it is located within four  
15 miles of 973 citizens which comprise roughly half of  
16 the population of Ayr Township. It threatens the  
17 streams that attract people to relocate here. The  
18 scale of the operation is about four times the largest  
19 CAFO currently in the county.

20           Finally, the odor, noise, light  
21 pollution, and traffic of this CAFO will negatively  
22 affect the value of the properties in Ayr Township,  
23 thus affecting the tax base. Article 1, Section 1 of  
24 the Pennsylvania Constitution says that as citizens we  
25 have the right of acquiring, possessing and protecting

1 property. The cornerstone of the real estate market  
2 is location, location, location. This facility is  
3 simply in the wrong location to operate without undue  
4 harm to the community economically.

5           This problem cannot be remediated by  
6 simply making corrections to the permit application.  
7 The construction and operation of the facility are  
8 certainly going to overload area traffic and road  
9 conditions. The plan for this operation requires the  
10 regular hauling of large amounts of manure by tanker  
11 trucks. Not only are these trucks going to put a  
12 strain on the roads of the community, but present a  
13 constant danger of major pollution events. When a  
14 large number of trucks have to pass over our bridges  
15 and drive on our small country roads, accidents are  
16 inevitable. It is just a matter of when. What plan  
17 does Country View Farms have to deal with such a  
18 disaster in the making? Will our local taxpayers be  
19 expected to bear the increased costs of repairing our  
20 roads?

21           The Bivouac operation endangers well  
22 water. You cannot replace your well water once it is  
23 contaminated. The underground plumbing, lack of  
24 inspection plans for the concrete floors of the manure  
25 pits and inadequate leak detection system described on

1 page six of the WQM report all contribute to an  
2 unacceptable level of risk to the aquifer.  
3 Underground piping from the farrowing barns to the  
4 gestation barns means there will be the potential for  
5 leaks that would not be detected by the pressure  
6 relief channels that would be under the barn.

7                   The daily operation depends on the  
8 regular spreading of this manure on the land and the  
9 nutrient management plan is deficient. With 11  
10 million gallons of manure being spread every year, how  
11 are they going to keep contamination out of our wells?

12                   Our Pennsylvania Constitution states in  
13 Article 1, Section 2 the government exists for peace,  
14 safety, and happiness of the people. There are  
15 significant safety issues to the location and scale of  
16 the proposed facilities. According to Article 1,  
17 section 27, the people have a right to clean air, pure  
18 water, and to the preservation of the natural, scenic,  
19 historic and aesthetic values of the environment. It  
20 is the Constitutional duty of the DEP to protect the  
21 Cove Creek Watershed, the environmental integrity of  
22 Ayr Township, and the health of citizens of Fulton  
23 County.

24                   In conclusion, as an elementary  
25 educator, I take an oath to protect the children who

1 cannot make the decisions for themselves. It is the  
2 obligation for all of us here to watch over those who  
3 trust us to protect their rights. Thank you.

4 MS. KASIANOWITZ:

5 Thank you. Next is David Lippert.  
6 David Lippert?

7 MR. LIPPERT:

8 My name is David Lippert. I live at  
9 1244 Ravensburg Road here in Fulton County. My home  
10 is located approximately one mile form the proposed  
11 Bivouac Sow Facility. I would like to address the  
12 leak detection system requirements in the Instruction  
13 Guide to Module 18 for water quality management  
14 permits as one of the items to be included in the  
15 design engineers report. The instruction guide in  
16 item G states, I quote, all leaks must be collected  
17 and conveyed to an observation pit or tank with no  
18 outlet or with an outlet fitted with a shut-off valve.  
19 And I quote, the layout and installation of the leak  
20 detection system must provide complete coverage of the  
21 entire facility to detect any leaks.

22 My concerns are a hydrostatic pressure  
23 relief channel is not the same thing as a leak  
24 collection system. The engineer did not describe the  
25 sub-base so that it would meet the permeability



1 requirements in item G of the instruction manual.  
2 Leaks from cracks in the concrete pits could bypass  
3 these pressure relief channels and continue to  
4 infiltrate the subsurface to the groundwater.  
5 Concrete will crack overtime, and by the time leakage  
6 occurs, if undetected it will be too late.

7           The perimeter tile system as proposed is  
8 not a suitable leak collection and detection system.  
9 Underground piping of manure from these barns to the  
10 gestation bar means there will be a potential for  
11 leaks that would not be detected by the pressure  
12 relief channels under the barns. Any leakage from the  
13 pits and piping could travel to the shallow  
14 groundwater and intersect with nearby streams and thus  
15 be discharged to the surface or continue into the  
16 groundwater.

17           I believe that DEP is responsible to  
18 help protect local residents of their right to have  
19 clean air and water. By allowing nearly 11 million  
20 gallons of swine feces and urine to be stored  
21 underground without leak collection and detection and  
22 without groundwater monitoring is simply unacceptable.

23           Additionally, leakage detection from the  
24 mortality storage and treatment is not addressed in  
25 this plan. If leaks and contamination and natural

1 runoff occur, the following impact to the community  
2 will happen. From an economic standpoint, for the  
3 County, there will be negative consequences on our  
4 local economy. Homes in the area will not sell and  
5 construction of new homes will suffer.

6           Who would want to live near this  
7 facility? Air pollution from the site to include the  
8 hydrogen sulfide, the ammonia, the methane,  
9 carbon-dioxide gases will be airborne and could result  
10 in negative breathing conditions to over 900 residents  
11 living within a three to four mile radius of the  
12 proposed facility.

13           Our local residents' water supplies  
14 cannot support 11 million gallons of water proposed to  
15 be used for the facility. Private residents' wells  
16 most likely will be affected resulting in property  
17 values near the facility drastically reduced, possibly  
18 never ever to be sold or rented.

19           Fulton County is a sportsman's paradise  
20 with excellent hunting and fishing. That will be  
21 affected. Big Cove Creek is at the heart of that. It  
22 is a pristine cold water fishery, and if contaminated  
23 by a spill or a leakage could have grave impact on the  
24 future of the stream and fishing within the county.

25           Hundreds of fisherman not only from

1 Pennsylvania, but Maryland, West Virginia, Virginia  
2 fish this stream on a regular basis adding to ---

3 MS. KASIANOWITZ:

4 One minute.

5 MR. LIPPERT:

6 --- the economic income to the County.

7 In fact, we have collected over 500 signatures of  
8 fisherman and concerned sportsmen that oppose this  
9 facility being built here on this location. In fact,  
10 my wife and I are avid fishermen and that was one of  
11 the main reasons for moving here to Fulton County to  
12 fish Big Cove Creek.

13 These concerns I respectfully submit and  
14 request that DEP take a hard look at this water  
15 quality management permit application and disapprove  
16 these plans and stop this facility from being built in  
17 this location. Thank you.

18 APPLAUSE

19 MS. KASIANOWITZ:

20 Thank you. Next is Joseph Erwin.

21 MR. ERWIN:

22 Hello, neighbors, Senator Eichelberger,  
23 who is sitting over here. Thank you all for coming  
24 down to meet with us. We appreciate you making the  
25 trip. I'm Joe Erwin, 4139 Gem Bridge Road, Needmore.

1 My wife Nancy and I live in Thompson Township. Like  
2 many military veterans and others, we chose to retire  
3 in Fulton County because of its rural character, way  
4 of life and recreational resources and the quality of  
5 life that is offered here. In fact, one of the  
6 reasons we liked it so much when we first came here  
7 about 25 years ago was that it reminded me so much of  
8 the area where I grew up raising and caring for  
9 livestock.

10 I've been professionally involved in  
11 animal care and animal facility management most of my  
12 life. My main professional expertise is in the design  
13 and evaluation of animal environments to ensure  
14 efficiency, regulatory compliance, safety and  
15 environmental health. My thoughts regarding the  
16 proposed concentrated hog operation in Ayr Township  
17 focus on how the facility design relates to the amount  
18 of manure to be produced, how it will be stored and  
19 disposed of and the consequences of manure management  
20 for environmental and public health.

21 A number of my very specific comments  
22 have already been addressed so I won't duplicate that,  
23 but I wanted to make three fairly specific points.  
24 The holding capacity needed for manure storage can  
25 only be ascertained when the number of animals is

1 known --- which we know from the application --- the  
2 amount of manure to be produced is calculated --- that  
3 has been calculated for us --- and the rate and  
4 schedule of disposal as planned. That has not been  
5 provided to us. The design cannot be adequately  
6 evaluated and the proposal should not be approved  
7 until a detailed and specific program of manure and  
8 other waste management is in place, including a  
9 comprehensive nutrient management plan.

10           If manure is to be disposed of by a  
11 contractor, the contractor must be identified in  
12 advance, must be certified under Act 49. The hauler  
13 must provide documentation of where, when, and how  
14 much manure will be applied. The locations of planned  
15 manure deposition needs to be specified in detail,  
16 including written permission from every landowner  
17 where manure will be deposited and specification of  
18 the quantity approved per acre. Then, of course, we  
19 must --- if there is an approval and if there is a  
20 facility producing this manure, we must have some sort  
21 of subsequent recordkeeping and monitoring. All of  
22 this is provided for us, as you know, under the  
23 statutes that you're required to enforce.

24           Without this level of planning, the  
25 design of the facility and the prospect for

1 safeguarding water quality and public health cannot be  
2 adequately evaluated. Enough acres of suitable  
3 cropland may not exist in the entire county to safely  
4 accommodate the large quantities of manure that will  
5 be produced by this operation and the associated  
6 operations. It is in the interest of everyone  
7 concerned ---

8 MS. KASIANOWITZ:

9 One minute.

10 MR. ERWIN:

11 --- to know in advance of approval of  
12 construction whether or not the facility can be safely  
13 operated, and there also needs to be some reasonable  
14 assurance that best practices will be followed once it  
15 is in operation. My comments are over.

16 APPLAUSE

17 MS. KASIANOWITZ:

18 Thank you. Next is David Fant.

19 MRS. FANT:

20 I'm speaking for him.

21 MS. KASIANOWITZ:

22 Oh, yes. You're speaking on his behalf?

23 MRS. FANT:

24 That would be me.

25 MS. KASIANOWITZ:

1                   Okay. Just state that for the record.

2                   MRS. FANT:

3                   I'm Catherine Fant. My husband David  
4 has a meeting to go to tonight that he was unable to  
5 attend, and it is great that we get to present our  
6 thoughts on what is happening to our community. And  
7 several of the comments have already been made, but I  
8 had a couple that my husband had left for me.

9                   One point --- oh, I should tell you,  
10 7790 Timber Ridge Road and I'm in Big Cove Tannery.  
11 There is no emergency response plan to mitigate the  
12 impact of natural or manmade emergencies. There is no  
13 plan to control odor, flies or other nuisances. And  
14 one of our concerns also is we talk about Ayr  
15 Township, but what about the other communities around,  
16 Thompson, Belfast? They may be impacted from the  
17 spreading of the manure. Who do we know is going to  
18 spread the manure?

19                   There is no proof that the available  
20 dump sites are capable of handling the amount of waste  
21 that's proposed. There is no proof that the  
22 landowners have been advised of the risks and have  
23 agreed to allow their land to be used for dumping.

24                   Another piece is the communities where  
25 dumping is proposed must be assured that dumping will

1 only occur at appropriate times and places. How do we  
2 know if the land is already receiving manure? Do we  
3 know that they can take more manure? There must be  
4 assurance that someone will be held accountable for  
5 the dumping and their mechanisms should be in place  
6 for making sure that they are accountable.

7 Are there any bonds that can be  
8 instituted that can cover the costs to rectify the  
9 damages? And local taxpayers must be protected from  
10 the costs of repairing damages to the infrastructure  
11 caused by all aspects of this proposed operation. And  
12 we were talking about the roads as one piece.

13 We must trust that the DEP will carry  
14 out its responsibility to protect the health and  
15 welfare of families at risk, and given that no  
16 credible validated evidence has been provided as to  
17 how this should be done, the application must be  
18 disapproved. Given the failure of the Applicant to  
19 provide accurate and complete information in  
20 accordance with DEP guidelines, no resubmission should  
21 be allowed. Thank you for your time.

22 APPLAUSE

23 MS. KASIANOWITZ:

24 Thank you. Next is Lorne Swope.

25 MR. SWOPE:



1 I'm also speaking for my wife.

2 MS. KASIANOWITZ:

3 Okay. Thank you. Just state that for  
4 the record.

5 MR. SWOPE:

6 My name is Lorne Swope, 404 Ravensburg  
7 Road, McConnellsburg, Pennsylvania, and I'm speaking  
8 for my wife Terry Swope at the same time. According  
9 to the calculations submitted for the building plan,  
10 the concrete required just put as slabs of the ---  
11 they're going to be over 3,000 cubic yards with a  
12 weight of over --- just shy of 16,000 ton of pre-mixed  
13 concrete. Your 4,000 pounds will be heavier. The  
14 total acreage is 4.785 on your plan. A field of large  
15 sized concrete slab and the unknown amount of fill  
16 under this pre-made concrete --- the sub-surface will  
17 be overstressed and lead to crack and leakage as  
18 concrete will crack at that expansion of joints needed  
19 to support it. The design noted in their report ---  
20 narrative report is silent with respect to the massive  
21 amount of dirt work involved under the buildings. The  
22 report has no narrative discussion on the installation  
23 of the concrete floor and how cracks could occur and  
24 upon occurring will be identified or corrected. The  
25 report does not provide a maximum concrete crack width

1 to be used as quality control measures. The permit  
2 application contained copies of an NRCS hog base  
3 (phonetic) and practice standard, but the design does  
4 not contain narrative discussion of how the facility  
5 will be constructed to meet the standards.

6           The DEP is charged with protecting  
7 citizens with clean air, water, and allowing their 11  
8 million gallons of swine feces and urine with that  
9 leak detection --- that leak detection without  
10 underground monitoring, would be a failure to address  
11 the DEP's constitutional duty. I understand the DEP  
12 is limited by the legislature and current laws on the  
13 books. I feel that the laws need to be improved to  
14 take the handcuffs off DEP and other environmental  
15 groups and returning the right to the people.

16           Having served over nine years in the  
17 military defending the Constitution of the United  
18 States in all states, by allowing this application to  
19 be approved, you will, in fact, take away my  
20 constitutional rights from the section --- Article 1,  
21 Section 27, of the Pennsylvania Constitution.

22           I feel that the inconsistency found in  
23 the application being processed without having  
24 penalties in place is unjust also. Penalties should  
25 be in place for incomplete or incorrect paperwork,

1 i.e. permit application, engineering designs and  
2 plans.

3                   The CAFO's location is suspected to  
4 increase MRSA risk by 38 percent and cause other  
5 health issues. We do not need this in our community  
6 or our county. The GIF form, page three project,  
7 questioned --- it's a thriving community, have been  
8 informed and concerns have been addressed. Prior to  
9 tonight, the answer on their form was yes, but prior  
10 to tonight, no information or concerns had been  
11 addressed, other than through our efforts at the  
12 county level.

13                   Being in Fulton County, people are not  
14 aware that we have no water running into our county.  
15 We are what I consider a headwater county. All water  
16 leaves the county. Any pollution not only endangers  
17 our county, but the state of Maryland and Chesapeake  
18 Bay Authorities (phonetic). Thank you.

19 APPLAUSE

20                   MS. KASIANOWITZ:

21                   Thank you. Next is Judy Weglarski.

22                   MS. WEGLARSKI:

23                   Weglarski.

24                   MS. KASIANOWITZ:

25                   Thank you.

1                   MS. WEGLARSKI:

2                   I have reviewed the general information  
3 form of the water quality management permit  
4 application as submitted by the Applicant for the  
5 proposed swine facility at Bivouac Farm in Big Cove  
6 Tannery, Ayr Township, and I believe that at least  
7 five of these questions have been incorrectly or  
8 insufficiently answered. In view of the faulty  
9 information given in this section of the application,  
10 I believe the Department of Environmental Protection  
11 should deny the permit.

12                   I would like to address the following.  
13 Question 4, will the project involve a construction  
14 activity that results in earth disturbance? If yes,  
15 specify the total disturbed acreage. The answer given  
16 was yes, which is correct, however, the total  
17 disturbed acreage which is listed as 20 acres on the  
18 permit application is contradicted by the Applicant's  
19 own drawings which show the total disturbed acreage as  
20 35 acres.

21                   Question 13, will the project involved  
22 operations that produce air emissions? The Applicant  
23 answered no. This particular question is egregiously  
24 incorrect and of enormous concern to me due to the  
25 impact the gases emitted from the facility will have

1 on the health and quality of life of the entire  
2 community. The manure storage pits under the barn  
3 will be agitated periodically to vent noxious gases  
4 that are produced by decomposing manure. Because they  
5 are harmful to pigs these pollutants are then vented  
6 out of the barns.

7 Gaseous emissions include ammonia,  
8 hydrogen sulfide, methane, carbon dioxide and volatile  
9 organic compounds, VOCs. Some of these gases persist  
10 in the atmosphere for hours or days and may be  
11 dispersed over many miles.

12 Ammonia and hydrogen sulfide have been  
13 linked to respiratory and neurological damage and even  
14 death. The odor caused by these gases and VOCs will  
15 diminish the quality of life for the residents exposed  
16 to them, and the stress of breaking noxious odors has  
17 been shown to depress the body's immune system.

18 Question 17 asks whether this project  
19 will lead to increased drinking water withdraw from a  
20 stream or other water body. The answer given was no.  
21 The three new wells shown on the plan will provide  
22 drinking water for more than 8,700 hogs, sanitary and  
23 drinking water for employees, water to clean  
24 facilities and water to cool the hogs. IT would seem  
25 that this is clearly an increased drinking water

1 withdrawal from the aquifer, and therefore the  
2 question should have been answered yes, not no.

3           Question 18 asks will the construction  
4 or operation of this project involve treatment,  
5 storage, reuse or disposal of waste? The answer  
6 marked was no. Exactly what is the purpose of the  
7 manure pits if not to store manure until the disposal  
8 of the manure? Manure is waste. The plans for this  
9 facility call for three barns with under-house manure  
10 storage. The facility will produce an estimated 11  
11 million gallons of manure and urine each year. The  
12 pits are sized to hold over eight million gallons of  
13 manure. So yes, the operation of this project will  
14 certainly involve the storage of waste until the  
15 manure pits are drained for land application as  
16 fertilizer. And the answer therefore should have been  
17 yes.

18           Question 20 asks whether the project  
19 involves installation of a field-constructed  
20 underground storage tank. The answer given was no.  
21 The planned under house concrete manure storage pits  
22 are field constructed and will hold over eight million  
23 gallons of manure. Certainly the answer to this  
24 question should have been yes.

25           In conclusion, I have tried to show that

1 these five questions have been incorrectly or  
2 insufficiently answered. It is my opinion that on the  
3 basis of these responses, the DEP should reject the  
4 CFC Fulton Properties water quality management permit  
5 application.

6 Certainly if I submitted false data on a  
7 job application or a driver's application I would be  
8 denied. There should be penalties for answers  
9 carelessly or intentionally misrepresented, and for  
10 that reason I think the DEP should not only deny this  
11 permit, but also should not allow the Applicant to  
12 resubmit this permit. Thank you very much for your  
13 attention. Should I just put this in here?

14 APPLAUSE

15 MS. KASIANOWITZ:

16 Oh, yes. Thank you. Next is Theresa  
17 Bivens. Oh, I'm sorry. That's the one you delivered  
18 --- okay. Thank you. Okay. Next is Maria Payan.

19 AUDIENCE MEMBER:

20 She's not going to be in.

21 MS. KASIANOWITZ:

22 She's not here tonight? Okay. Dan  
23 Adams?

24 MR. ADAMS:

25 Good evening. My name is Dan Adams.

1 263 Corner Road, Big Cove Tannery, Pennsylvania,  
2 17212. I am here to make the case that the site  
3 selected for the Bivouac hog swine operation is not a  
4 good site for an industrial-scale agricultural  
5 operation of any size or proportion. Regardless of  
6 how it might be designed, redesigned or constructed, I  
7 feel that this is the wrong place to set a large scale  
8 concentrated animal feeding operation.

9           First of all, the site sits atop a hill  
10 that slopes downward and is significantly higher than  
11 the surrounding landscape, such that if anything  
12 should go wrong, it is much more likely to impact the  
13 area around it than if it were placed on flat ground.  
14 On the basis of its topography alone, this proposal  
15 should not qualify for any further consideration.

16           Second, the property encompasses Big  
17 Cove Creek, an unsurpassed cold water fishing stream  
18 that is ideal for many species of fish and draws  
19 fisherman from near and far, as we have already heard.  
20 This creek, particularly the one mile section  
21 immediately downstream from this site, is one of the  
22 prime recreational attractions of this county. Any  
23 structure of the size and scope outlined in this  
24 proposal has the potential of threatening the  
25 long-term safety and usefulness of this waterway as



1 well as the entire economy of this area.

2           Four (sic), many of the structures in  
3 this proposal are designed to be built on fill brought  
4 in from outside which only makes some kind of  
5 breakdown in the future all the more likely. We all  
6 know that concrete and cement have a tendency to chip  
7 and crack with time, especially when exposed to  
8 liquids and chemicals. Being placed on landfill that  
9 is very likely to subside with time will only make a  
10 future rupture more probable, especially in the event  
11 of an earthquake, an eventuality that could seriously  
12 threaten, if not destroy this stream.

13           Four, even without a mechanical or  
14 structural failure, this operation as proposed will  
15 present a clear and present danger and nitrogen,  
16 hydrogen sulfide and other noxious gases would be  
17 continuously fanned outwards from these structures.  
18 As we have heard, they settle first on the land, then  
19 are washed into the stream. These chemical pollutants  
20 would provide a major threat, not only to the Big Cove  
21 Creek itself, but also to the well water of the  
22 surrounding properties.

23           Fifth, most people need to realize that  
24 pig manure is much more dangerous to human beings than  
25 manure from cows or poultry, especially when a large

1 number of these animals are kept in close proximity to  
2 each other and without access to sunlight or fresh air  
3 and are likely to receive antibiotics just to keep  
4 them alive. By so doing, the livestock in question  
5 are very likely to become resistant to all forms of  
6 antibiotics, a situation that can pose a serious and  
7 direct threat to the human population of this area,  
8 especially since these toxins may be easily  
9 transmitted by air. Hogs and swine in this  
10 concentration and number are simply dangerous to all  
11 people living in the nearby area.

12                   And this doesn't even address the issue  
13 of the odor and stench coming from the animals,  
14 whether alive or dead, that would especially impact  
15 children and adults with respiratory conditions.

16                   I hereby request that the DEP do three  
17 things. One, provide independent verification as to  
18 the hazards to the health of Fulton County residents  
19 brought by this facility from a trained and certified  
20 public health official. Two, seek independent  
21 testimony from the Humane Society as to the treatment  
22 and living conditions to which the animals housed in  
23 this facility would be subjected to. And three,  
24 explicitly recognize the full scale of its  
25 responsibilities under the Pennsylvania Constitution

1 to protect the air, water and health of all of its  
2 citizens.

3 Just casually reviewing an application,  
4 one that certainly appears to contain many faulty and  
5 incomplete answers, is not sufficient to ensure the  
6 citizens of Fulton County that the natural treasures  
7 that we have in our midst will be kept for the  
8 enjoyment of our present and future generations. We  
9 cannot afford ---

10 MS. KASIANOWITZ:

11 One minute.

12 MR. ADAMS:

13 --- the very likely impacts on the prime  
14 fishing stream in our area, the air and the well water  
15 of the surrounding properties, as well as the airborne  
16 threats to the health of all of our citizens. Thank  
17 you.

18 APPLAUSE

19 MS. KASIANOWITZ:

20 Thank you. Next is Delores Steiner.

21 MS. STEINER:

22 Thank you --- oh, Delores Steiner, 14999  
23 Great Cove Road. Thank you for coming to hear our  
24 community comment about our concerns for clean water.  
25 Bivouac Farm is proposed for a property which borders

1 my home. If my drinking water comes from a well, I am  
2 only too aware of how frail and sensitive our water is  
3 to environmental conditions. I read the paper she  
4 brought to the library and questioned some of the  
5 information collected on the general information form.

6           First, please refer to page five of  
7 seven, item number four, which asks, will the project  
8 involve the construction activity that results in a  
9 disturbance? If yes, specify those disturbance  
10 acreage. The answer on the form was marked yes, and  
11 the disturbance acreage number was extended as 20.  
12 From reading many documents prepared by or on behalf  
13 of the Applicant, I see yes means the surface acres  
14 will be approximately 36 acres. The difference  
15 between 20 and 36 acres is 16 acres. This is a huge  
16 difference, an 80-percent increase. I am very  
17 concerned about the extent of any earth disturbance on  
18 the property.

19           This property has extensive springs,  
20 contains many rivulets and unnamed tributaries of Big  
21 Cove Creek and generally contributes extensively to  
22 the water volume in Big Cove Creek and the underlying  
23 aquifer.

24           The next question I would address is  
25 also on page five of seven of the general information

1 form, Item 6.0, which asks will the project involve  
2 discharge of storm water or waste water from  
3 industrial activities for dry swale, surface water,  
4 groundwater or an existing sanitary sewer system or  
5 separate storm water system? The answer on the form  
6 is no.

7                   This project most certainly will involve  
8 the discharge of storm water to a dry swale, to  
9 surface water and/or to groundwater. What will happen  
10 to the storm water runoff from this project if it is  
11 not channeled to a dry swale, surface water or  
12 groundwater? The fans in this facility will be  
13 blowing constantly to keep the hogs healthy. They  
14 cannot live above a cesspool of manure and live.  
15 Toxic gases and piglets (phonetic) have to just fill  
16 the air and the fan keeps blowing this air all into  
17 the area around the barn.

18                   Some of that gas will be ammonia which  
19 is a form of nitrogen and when that deposits  
20 (phonetic) in the ground, it is washed into the water.  
21 Some of these particulates and pathogens would contain  
22 organisms harmful to living things including the  
23 nearby resident population. From blowing out of the  
24 houses, they can deposit nearby, can travel for miles  
25 on the wind. These can be washed into the groundwater

1 by rain. These discharges of storm water therefore  
2 have many dangers than just water. The dangers are to  
3 the water and whatever they carry into the  
4 groundwater, to nearby springs, to nearby tributaries  
5 and to streams. Eventually, my drinking water will be  
6 contaminated.

7                   What is the purpose of the information  
8 contained on the general information form? The  
9 information is incorrect. Placing this hog farm  
10 facility on this property is not safe and cannot be  
11 made safe given the topography and hydrological  
12 characteristics. You cannot change topography and you  
13 cannot change the hydrological features. Thank you  
14 for considering my comments.

15 APPLAUSE

16                   MS. KASIANOWITZ:

17                   Thank you. Next is Dee Johnson.

18                   MS. JOHNSON:

19                   Hi. Dee Johnson, 800 Back Run Road,  
20 McConnellsburg, and I'm probably going to be the only  
21 one up here asking you to accept the application and  
22 I'm okay with that. I don't have any facts or numbers  
23 to present to you, but what I do have is a lifetime of  
24 knowledge in the farming community. I grew up right  
25 over the mountain in Harrisonville on a dairy farm.

1 The dairy farm was in between three CAFOs. It was in  
2 between two pig farms and a turkey farm, and right now  
3 those farms are 20 years old, and they have never  
4 struck a leak or anything, and my father still drinks  
5 his well water. There's nothing wrong with his water.

6           Although I understand your concerns  
7 because it's something new, there are --- the engineer  
8 has put --- you know, has implemented stuff into his  
9 --- into the blueprints to protect the environment and  
10 the water. The likelihood that there is ever going to  
11 be a leak is slim to none because I have yet to hear  
12 of any in this area, where there's ever been any leak.  
13 And that as far as the nutrient management plan that  
14 was mentioned earlier, that's renewed every year, so  
15 that when this building, if it's ever implemented the  
16 nutrient management plans will be updated. Right now,  
17 yes, there is --- it's not in effect. We don't know  
18 what's going to happen with it.

19           So when and if it does get approved,  
20 then the nutrient management plans will go into  
21 effect. I see no reason for it not to be approved by  
22 the DEP because as long as they have followed the  
23 regulations and they have done everything according to  
24 your rules and your law, then there's no reason not to  
25 pass it. Thank you.

1 APPLAUSE

2 MS. KASIANOWITZ:

3 Thank you. The last pre-registered to  
4 testify is Amy Bradford. Is Amy Bradford here  
5 tonight?

6 MS. BRADFORD:

7 Amy Bradford, 2215 Forest Hills Drive,  
8 Suite 39, Harrisburg, Pennsylvania, 17112. My name is  
9 Amy Bradford with PennAg Industries Association Swine  
10 Council. My comments this evening are in support of  
11 issuing the water quality management permit number  
12 2914201 for CFC Fulton Properties, Bivouac Sow Farm.  
13 Pennsylvania's citizens and businesses, agriculture  
14 included, depend on the Pennsylvania DEP, Pennsylvania  
15 Department of Environmental Protection, to administer  
16 laws and regulations protecting our Commonwealth's air  
17 and water.

18 The same individuals and businesses  
19 depend on DEP to carry out this administration in a  
20 consistent, unbiased, non-political and non-emotional  
21 manner. My concern today is not with the manure  
22 storage facilities being proposed, rather, it is with  
23 how DEP is handling the process associated with this  
24 permit application.

25 Agriculture operations are environmental



1 stewards. They utilize the ongoing evolution of  
2 technology to ensure they are caring for the very  
3 land, natural resources and environment they depend on  
4 for their livelihood. Agriculture relies on state  
5 agencies to develop programs and compliance processes  
6 in a fashion when followed correctly and all  
7 requirements met an application is accepted allowing  
8 the farmer to proceed.

9           In this case, the Applicant has met the  
10 requirements, at times exceeding them, by providing  
11 additional information and dealing with unnecessary  
12 time delays. It is my concern by holding this  
13 evenings hearing, DEP is questioning its current  
14 program and thus setting precedence for challenge of  
15 each permit previously approved and those forthcoming.  
16 In the past 15 years, 121 water quality management  
17 permits of this type have been issued. Of these, I am  
18 not aware of any public hearings having taken place as  
19 part of the application review process.

20           DEP publicly stated within the release  
21 for this very hearing that processes and systems will  
22 be in place, quote, in accordance with state  
23 wastewater regulations and no discharges to surface  
24 waters from the proposed farm are expected, end quote.  
25 If this is the case, then why this hearing in a

1 situation where it seems requirements are being met  
2 and acceptable?

3                   It is important for community  
4 involvement to become more knowledgeable and educated  
5 about agriculture operations and the people and the  
6 hard work they involve.

7                   However, a hearing of this fashion is  
8 not the proper venue or manner in which DEP should  
9 exercise its educational responsibility. In a case  
10 such as this when an Applicant has met all  
11 requirements of a permit and there is no cause for  
12 rejection, DEP shall issue the permit without further  
13 delay. Thank you.

14 APPLAUSE

15                   MS. KASIANOWITZ:

16                   Okay. Jack Hendricks. Okay. I have  
17 you here on the list. Sorry, yes. Jack Hendricks.  
18 Sorry about that.

19                   MR. HENDRICKS:

20                   My name is Jack Hendricks. My wife and  
21 I live at 4323 Cito Road in Ayr Township. Good  
22 evening ladies and gentleman and everyone. Thank you  
23 for coming here. Thank you for coming to  
24 McConnellsburg.

25                   Let me begin by stating how glad I am

1 that there is a Department of Environmental  
2 Protection. Otherwise, there would be no careful  
3 review of the permits that might endanger water  
4 quality in Pennsylvania, especially the places like  
5 Ayr Township in Fulton County where pristine  
6 conditions have been maintained far longer than they  
7 were able to exist in more developed parts of our  
8 state. With my testimony there is a map of Fulton  
9 County showing the various small watersheds which  
10 occupy the entire area of the county.

11           It was submitted as a public document as  
12 part of the application process. The site of the  
13 proposed facility is shown, and you can see its  
14 proximity to the Cove Creek fishery. I wish this map  
15 were 100 times larger than it is, or that I had 100  
16 copies to pass out to you all, but the yellow area  
17 here is the Cove Creek Fishery. It runs directly  
18 south through the center of Ayr Township. In fact, it  
19 is almost entirely the same set of boundaries that Ayr  
20 Township has.

21           It's bowl-shaped. The water drains from  
22 the ridges to the east and west into the central  
23 creek, and the sow farm, the proposed Bivouac Sow  
24 Farm, is located on the western limb of the creek.  
25 The eastern limb of the Cove Creek drainage basin is

1 underlain by limestone. It is a karst topography and  
2 manure poured on the ground there will be able to run  
3 through cracks and crevices underground into all of  
4 the wells of the people who live along Cito Road,  
5 which runs along the western limb of the Cove Creek  
6 Fishery.

7 All the groundwater in Fulton County  
8 comes from rainfall. No streams flow into the county  
9 and the dozen or so small watersheds shown here all  
10 flow outward. All the streams run clear and pure  
11 unless we contaminate them here inside our boundaries.  
12 It's a great place to live, relatively free of  
13 pollution. I wish there were a designation called  
14 pristine watersheds in which development required a  
15 higher standard of environmental security, and maybe  
16 there is. If there is, I believe we should qualify  
17 and I hereby apply for this status.

18 Now, about the proposed sewage disposal  
19 system, in addition to the thousands of hogs at the  
20 site, there will be humans and they also will produce  
21 waste. And their waste needs to be handled  
22 separately, and on this site, it is proposed that it  
23 be put through a feature known as an elevated sand  
24 mound. These sand mounds are more sensitive to site  
25 disturbances before and during construction, and are

1 prone to failure after completion. There's little in  
2 the Module to ensure the reader that this sand mound  
3 is properly sited or that the site will be protected  
4 from disturbances during the massive barn and shed  
5 construction activity that will take place prior to  
6 and during or following its construction.

7 I request additional assurance that this  
8 site will be protected from disturbance during these  
9 phases. It would appear that the proposed sand mound  
10 would be near a steep slope on its immediate west  
11 flank. Heavy rainfall on that slope most certainly  
12 would saturate the soil on which the sand mound is to  
13 be situated.

14 MS. KASIANOWITZ:

15 One minute.

16 MR. HENDRICKS:

17 When that occurs, the components of the  
18 sand mound will slump, spilling the sewage out onto  
19 the surface and thence into the Cove Creek watershed.  
20 I consider this risk unacceptable. Please note the  
21 failure of any septic system along Cove Creek would  
22 seriously affect the pristine nature of the  
23 exceptional value fishery there which is the pride of  
24 Fulton County. It is for that reason, given the  
25 relatively short life expectancy of elevated sand

1 mounds on poor or saturated soil, that I point out the  
2 unusual risk in placing it where it is planned. Thank  
3 you for your attention.

4 MS. KASIANOWITZ:

5 Thank you. That is it for the list of  
6 pre-registered ---.

7 MR. STEINER:

8 Excuse me? I'm registered.

9 MS. KASIANOWITZ:

10 Oh.

11 MR. STEINER:

12 My name is Douglas Steiner. Actually, I  
13 registered before my wife and I have an e-mail at my  
14 house that was inviting me and confirmed it.

15 MS. KASIANOWITZ:

16 Yes. Douglas Steiner, 14999 Great Cove  
17 Road. I called up the other --- okay. Yes. Please  
18 come up. I apologize for the overview.

19 MR. STEINER:

20 My name is Douglas Steiner and I live at  
21 14999 Great Cove Road, McConnellsburg. Thank you for  
22 coming out to hear our concerns. We have been told to  
23 comment on the water quality management permit  
24 application. We have been told to address the  
25 buildings, the safety of the buildings, all in

1 relation to water quality. I'd like to state my  
2 concern on one of many concerns of this said Bivouac  
3 Sow Farm that is looking to locate directly behind my  
4 property. Building this facility at this location is  
5 not safe and cannot be made safe.

6           The particular concern has to do with  
7 the water retention basins and the rain gardens and  
8 the possibility of flooding that more than likely will  
9 take place in a natural disaster. In 2004, Hurricane  
10 Ivan came up the east coast and brought nine inches of  
11 rain in a short period of time, causing extensive  
12 flooding completely around my house. A great deal of  
13 that water came from the southern unnamed stream on  
14 the south side of said proposed Bivouac Sow Farm, and  
15 a runoff ditch that runs above my home horizontal  
16 above and through the field that I believe is a drain  
17 from the pond that exists on said property that is in  
18 question.

19           The statement from the township-required  
20 hydrogeological analysis on page 12 of 15 states the  
21 following. Site observations indicate that the  
22 intermittent and often no-flow conditions are observed  
23 in two unnamed tributaries bordering the proposed  
24 site's northern and southern tributaries, map D-2. As  
25 such, it is likely that these tributaries do not

1 receive conditioned groundwater baseflow, at least in  
2 the upper reaches of the dry channels through most of  
3 the year. I cannot speak for the northern side  
4 tributary, but I've been living here for 20 years, and  
5 the south side unnamed tributary flows nine to ten  
6 months out of the year unless unnatural extreme  
7 drought occurs, and that has also happened.

8 I have seen that four-foot stream become  
9 15-foot raging river and flood stage, and this  
10 proposed Bivouac Sow Farm wants to build water  
11 retention basins below the barns to catch storm water  
12 runoff and rain gardens along their entrance road,  
13 also for storm water runoff, and propose that these  
14 manmade structures will contain an even flow and  
15 distribution of runoff water more than likely to the  
16 southern tributary.

17 In the event of future natural disasters  
18 such as Hurricane Ivan in 2004 that which without a  
19 doubt will happen again, not if, but when, it is my  
20 concern that these proposed water runoff basins and  
21 gardens will not be able to sustain such a terrific  
22 amount of rainfall such as nine inches of rain and  
23 will more than likely cause even more catastrophic  
24 flooding to Big Cove Creek and other properties in  
25 conjunction with this unnamed tributary.



1                   Not even the United States Army Corps of  
2 Engineers could build levees to stop Hurricane  
3 Katrina's devastation, and these people want to add  
4 two retention basins and three rain gardens that will  
5 have the potential to flood. The hydrogeological  
6 analysis states that the storm water management plan  
7 for the site will be --- will, by use of the retention  
8 basins and rain gardens, induce additional recharge to  
9 the groundwater system. Exactly where will that  
10 additional recharge infiltrate to if that is the case?  
11 Who will have less water if the recharge on this  
12 property is normal?

13                   What happens in the most likely chance  
14 of drought which we have also witnessed here in Ayr  
15 Township and the proposed site continues with the  
16 amount of usage of water for these 8,700 hogs to  
17 drink? The hogs will not be able to curtail their  
18 water usage as humans are asked to in a time of  
19 drought.

20                   MS. KASIANOWITZ:

21                   One minute.

22                   MR. STEINER:

23                   The hydrogeological analysis does not  
24 include washing down and cleaning the side of  
25 buildings and the cooling of animals and the showers

1 people need to take going in and out of said facility  
2 and/or employee sewage facility. So the water usage  
3 is then under calculated and the hydrogeological  
4 analysis is then wrong, and they will consume more  
5 water than they say.

6           And with the most likely possibility of  
7 an unnatural drought, therefore, there may not be  
8 enough water for this Bivouac Sow Farm to be  
9 constructed here on this proposed site. And also, the  
10 other concerns voiced here today, whether before me or  
11 after, what I see coming if this proposed Bivouac Sow  
12 Farm is allowed to be constructed here on this site is  
13 an environmental disaster waiting to happen.

14           And with these concerns voiced and made  
15 known to DEP, I ask who will be held responsible for  
16 such an environmental disaster? But a better solution  
17 would be to vet the problem in the first place.  
18 Please deny this project in this location. Thank you.

19           MS. KASIANOWITZ:

20           Thank you. I don't believe I have  
21 anyone else --- yes, sir? Are you going to be  
22 speaking on behalf of ---?

23           MS. WEGLARSKI:

24           I'd like to speak on behalf of somebody.

25           MS. KASIANOWITZ:

1                   Are you going to present on --- you can  
2 present on ---?

3                   MS. WEGLARSKI:

4                   If I can.

5                   MS. KASIANOWITZ:

6                   You can present on behalf of Lee if you  
7 have her ---.

8                   MS. WEGLARSKI:

9                   I do.

10                  MS. KASIANOWITZ:

11                  Okay.

12                  MS. WEGLARSKI:

13                  My name is Judy Weglarski and I'm  
14 reading the testimony of J. Lee Armstrong, resident of  
15 Licking Creek Township, Fulton County, Pennsylvania.  
16 Speaking for Lee, I would like to address the  
17 Applicant's response to question one of the general  
18 information form. Have you informed the surrounding  
19 community and addressed any concerns prior to  
20 submitting the application to the Department?  
21 Applicant's answer, yes. I question the validity of  
22 this answer. The question implies an obligation to  
23 inform the community and take their concerns into  
24 account before proceeding.

25                  The GIF gives evidence that Fulton

1 Properties accomplished the first part, the  
2 requirement to inform. Legal notices were published  
3 and identical letters signed by Mr. William Fink, the  
4 environmental management specialist, were sent to the  
5 Fulton County Commissioners and the Ayr Township  
6 supervisors about two weeks before the date on the  
7 application, including a copy of the GIF. It also  
8 asks for a response, but limits the response to land  
9 use aspects of the application and directs the  
10 officials to address their concerns to the DEP. In  
11 other words, they are handing off their obligations to  
12 respond to concerns to the DEP.

13                   Accordingly, the Ayr Township  
14 supervisors sent a letter signed by all three  
15 supervisors dated April 23rd outlining the community's  
16 concerns about the proposed Bivouac project. They  
17 listed concerns; no consideration is being given to  
18 the physical characteristics of the property, nor has  
19 consideration been given to locating this facility in  
20 the Big Cove Creek Watershed. This property is  
21 located in a fragile area because of topography and  
22 geology. Existing residents rely on the present  
23 quality of the water for their drinking water. Our  
24 watershed is visited by tourists and sportsmen  
25 specifically with the quality of the water as a

1 consideration.

2                   There is significant risk of  
3 unintentional spills. The path of travel to manure  
4 application fields crosses over and alongside streams  
5 and the Big Cove Cree. Groundwater contamination  
6 sources are difficult to monitor. There are  
7 documented health hazards of contamination from animal  
8 waste storage and application, specifically a  
9 significant association between community-associated  
10 MRSA and the application of swine manure to crop  
11 fields.

12                   To date, there has been no response to  
13 the Township's letter. Through freedom of information  
14 requests and media coverage, the general public become  
15 increasingly aware of the scope of this project and  
16 voiced these and other concerns at public meetings of  
17 the Township in letters to the editor, in meetings of  
18 the Planning Commission, in a meeting with our State  
19 Senator, and in petitions signed by hundreds of Fulton  
20 County residents.

21                   More concerns were aired. Siting an  
22 industrial facility in a residential area will reduce  
23 the value of people's most valuable asset, their  
24 homes. Is there enough groundwater to support this  
25 facility without affecting people's wells? Road



1 One minute.

2 MS. WEGLARSKI:

3 The Ayr Township letter in March of 2014  
4 was a direct appeal to the DEP to fulfill its duty to  
5 protect the environment. This facility is not safe  
6 for the environment nor the population at this  
7 location. We request the permitting of this be  
8 discontinued and all permits issued to date be  
9 revoked. This facility cannot be located at this  
10 location within the Big Cove Creek watershed. What is  
11 the DEP's response? Thank you. And that was for J.  
12 Lee Armstrong.

13 APPLAUSE

14 MS. KASIANOWITZ:

15 Okay. Is there anyone that would like  
16 to testify?

17 MR. HEDGES:

18 Yes, I would like to.

19 MS. KASIANOWITZ:

20 Okay. Come up and state your name  
21 address for the record.

22 MR. HEDGES:

23 I am James Hedges. I live on Wallridge  
24 (phonetic) Road. My address is Box 212, Needmore. I  
25 was editor of a scientific journal for 11 years

1 dealing with groundwater phenomena, among other  
2 things, for the National Speleological Society  
3 Bulletin. I would like to address one point about  
4 water supply which the other folks have not brought  
5 up. This facility is going to require 11 million  
6 gallons of groundwater each year, something in that  
7 order; am I correct? Oh, you don't know. That is  
8 much more water to be withdrawn from that property  
9 than rainfall will replenish each year.

10                   Therefore, the water is going to get  
11 drawn from under the adjacent properties, and when you  
12 pump a well hard, a cone of depression forms in the  
13 water table, quite a lot below the normal water level  
14 force of the well which expands outward because the  
15 water is sucked out of the rock --- or the well. The  
16 limestone --- pardon me, the sandstone and shale  
17 bedrock in this area has very little water retaining  
18 capacity, so the cone of depression is going to be  
19 large. If it reaches Cove Creek, then water will be  
20 drawn from the creek into the bedrock toward the well,  
21 so then the effect, even if the creek is not polluted  
22 directly, there's going to be a loss of water from the  
23 creek. And you're going to have damage done to the  
24 fishery just simply by the fact that so much  
25 groundwater is being withdrawn.



1 APPLAUSE

2 MS. KASIANOWITZ:

3 Thank you. Does any one else want to  
4 speak for the record? Anyone? Last call. Okay. I  
5 --- you just remember that you have until October 29th  
6 to submit written testimony, and again, the address to  
7 send that to is located over there on the table posted  
8 on the sign. So October 29th is the last day to  
9 submit written testimony on this water quality  
10 management permit application.

11 This is the end of this hearing and it  
12 is 8:33 p.m. Thank you so much for attending, have a  
13 good evening.

14

15 \* \* \* \* \*

16 HEARING CONCLUDED AT 8:33 P.M.

17 \* \* \* \* \*

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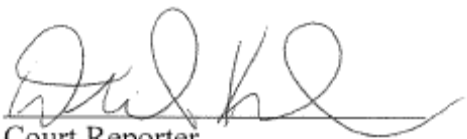
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CERTIFICATE

I hereby certify that the foregoing proceedings,  
hearing held before Coordinator Kasianowitz was  
reported by me on 10/22/2014 and that I Daniel Kubach  
read this transcript and that I attest that this  
transcript is a true and accurate record of the  
proceeding.

  
Court Reporter