



TOWNSHIP OF UPPER UWCHLAN  
BOARD OF SUPERVISORS

**CONDITIONAL USE HEARING**  
**Applicant: The Hankin Group**

April 7, 2016  
7:00 p.m.  
Approved

Location: Pickering Valley Elementary School  
121 Byers Road, Chester Springs PA 19425

Attending:

Board of Supervisors

Kevin C. Kerr, Member  
Guy A. Donatelli, Member  
Jamie W. Goncharoff, Member

Kristin Camp, Esq. Township Solicitor  
Mark Hagerty, Court Stenographer

Township Administration

Cary B. Vargo, Township Manager  
Gwen A. Jonik, Township Secretary  
John DeMarco, Police Chief  
Al Gaspari, Codes Administrator  
Dave Leh, P.E., Township Engineer

Mr. Donatelli called the meeting to order at 7:02 p.m., led the Pledge of Allegiance, and announced that tonight's Conditional Use Hearing would proceed until 8:30 p.m., at which time it would be determined whether or not to continue with the testimony this evening or to another date.

Approximately 20 residents were in attendance.

Mr. Donatelli asked Ms. Camp, Esq., to proceed to conduct the Conditional Use Hearing. Mark Hagerty, Court Stenographer, recorded the proceedings.

Ms. Camp announced that tonight's Hearing was a continuation of the March 21, 2016 Hearing for the Application filed by The Hankin Group, seeking approval through Township Code Section 200-49.M.(1) to manufacture silicone hydrogel, the base material for soft contact lenses, on a portion of Eagleview Corporate Center Lot #1, near the Sierra Drive cul-de-sac. The silicone hydrogel would be manufactured by building tenant DSM Biomedical.

Neal Fisher, P.E., Hankin Group, and Mike Malloy, Esq., Hankin Group, were in attendance. Mr. Malloy has 3 expert witnesses to provide testimony for the Applicant this evening.

Ms. Camp read the list of Parties to the Proceedings – Steve McNaughton, Joanne McNaughton, Patrick Dennin, Rhys Williams and Allison Aramany -- and asked if anyone else was interested in becoming a Party. There were none. Ms. Camp announced the following Board Exhibits; Mr. Malloy accepted them into the Record:

- B-7 Proof of publication
- B-8 Affidavit of property posting
- B-9 Letter of Hearing Notice and list of property owners

The testimony provided this evening will be available in detail through the Court Stenographer's transcript.

Mr. Malloy, Esq., called his first witness, Maureen Wall, who will testify regarding DSM Biomedical's process safety management. Ms. Wall familiarized herself with DSM's safety processes throughout the manufacturing process and does not believe there to be any potential hazards to adjoining properties or outside of the facility. The procedures, policies, chemical information, type of equipment, etc. have been taken into consideration to design, operate and maintain a safe facility. She is familiar with how acetone will be used in this case. It is flammable. In this case it is a solvent used to clean the manufacturing equipment within a closed-loop system; no exposure to the atmosphere or the rooms housing the equipment. It is proposed that there would be (2) 3,000 gallon tanks of acetone and (1) 3,000 gallon tank of waste acetone, (2) 3,000 gallon aqueous waste tanks and (1) 3,000 gallon nitrogen tank. Ms. Wall described how the acetone would be delivered, received, inspected, etc. There is mechanical ventilation and fire suppression systems designed to keep the tank storage room safe.

The Board of Supervisors posed questions relating to which DSM facility was reviewed, the dimensions of a 3,000 gallon tank, and whether or not she completed a hazard analysis review. Ms. Wall responded that she reviewed corporate documents and the proposed new plan, not the current DSM facility in Eagleview Corporate Center; the dimensions of a 3,000 gallon tank will vary depending on the shape, and she reviewed the list of the chemicals that might or could be used at the proposed facility and the hazardous nature of the chemical.

Steve McNaughton posed questions relating to the documents Ms. Wall reviewed, what safety equipment was necessary, and he commented that the waste acetone and 2 aqueous waste tank materials are generated on-site, rather than being consumed on-site. Ms. Wall responded that she reviewed DSM's reports for appropriate codes and standards; safety glasses and gloves would need to be worn when handling the connections for acetone tanks, but not respirators. The acetone is used to clean the equipment throughout the manufacturing process, after the product moves to the next vessel in the process or to the finished product storage.

Joanne McNaughton asked if catalysts are involved in this process and what agencies permit the inside storage of these types and quantities of materials. Ms. Wall didn't see anything labeled catalyst and she wasn't sure which agency (EPA, OSHA, PaDEP) would review and approve a permit for inside storage; however, if the particular materials are allowed to be stored inside, and design standards and codes are met, the proper agency would approve a permit.

No other Parties to the Proceedings were present or had questions.

Several residents asked questions regarding the flammability of acetone and the aqueous waste, construction of the tanks, and if there would be an effect on the gas pipeline.

Mr. Malloy called the next witness, Carl Bones, who provided testimony regarding environmental issues and emergency response planning for a facility such as this. Through the "Emergency Response Guidebook" acetone and other chemicals/materials are given a specific number which prevents miscommunication of what the material is when responding to an emergency (some chemicals/materials have several different names and are referred to differently depending on the industry) that may involve that material. Acetone isn't an inhalation hazard for an emergency responder. Transfer operations are the most likely time a release could occur, but there are secondary containment areas.

Board members posed questions regarding the safety of acetone near a pipeline, and the construction of the tank. Mr. Bones replied that with pipelines being underground for their protection, a fire or leak wouldn't affect the pipeline. He did not know the tank's specific construction material but supposed it would be carbon steel.

Steve McNaughton questioned the fire rating of acetone and the containment of a spill. Mr. Bones responded acetone is flammable, not explosive; and there is a containment area large enough to contain the entire contents of the truck delivering acetone.

Joanne McNaughton asked if Mr. Bones worked on the emergency action plan for this facility, which he did not.

No other Parties had questions or were present.

Several residents asked questions regarding the volume of waste material, the distance from the pipeline, and the corrosiveness of acetone.

Mr. Donatelli announced a short recess would be taken, until 9:00 p.m. Mr. Donatelli reconvened the Hearing at 9:03 p.m.

Mr. Malloy called Mark DiPrinzio, who provided testimony regarding the permitting process for the manufacturing process – air quality, environmental impact. He reviewed information provided by DSM and compared it with regulations for permitting standards. The process is either compliant, exempt (because emissions are too low), or not relevant. Emissions associated with this facility are expected to be well below the threshold requiring an air quality permit and would therefore be exempted. The EPA and PaDEP have jurisdiction, would inspect the facility and would identify any falsification of DSM's records if they're monitoring themselves. The tanks have to be registered with the DEP; the design and installation is also inspected before permits are approved. DEP will make sure that the tank is made of the proper material to hold/store the materials in this process. DSM would have to report the existence and quantities of hazardous substances to the State and local emergency planning committee. That would also identify them as a small-, medium- or large-hazardous waste generator and the design of the tanks, storage room, etc. would have to meet certain standards accordingly.

The Board asked the purpose of reporting to the emergency planning commission(s). Mr. DiPrinzio advised the purpose is so that the emergency responders would know what is at that location, what they might have to respond to, the appropriate and safe methods to respond, etc.

Steve McNaughton questioned the EPA's reporting program and the permitting of the storage tanks. Mr. DiPrinzio advised state and local organizations are also involved in the reporting and review the materials and quantities that would be located on site. The storage tank permits will have to approved prior to any materials being brought on-site.

Joanne McNaughton questioned the reporting of waste generation. Mr. DiPrinzio advised that every time hazardous waste is sent off site, a waste manifest report has to be generated.

No other Parties had questions or were present.

A resident asked if there was an emergency evacuation plan. Mr. DiPrinzio advised the hazardous waste contingency plan will include that.

Board members asked if DSM will be a large quantity hazardous waste generator, and if so, why shouldn't the community be afraid; and is the DSM facility currently operating in Upper Uwchlan generating any quantity of hazardous waste. Mr. DiPrinzio advised that yes, DSM will probably be considered a large quantity waste generator, and the community wouldn't need to be afraid as the facility would be required to comply with the stringent requirements that have been in place for such-sized facilities, including additional employee training, emergency planning, etc. He did not know if the existing DSM facility generates any quantity of hazardous waste.

Residents asked how frequently outside agencies inspect these types of facilities and are they random or announced; what happens if DSM leaves this building; what if the manufacturing process or components used in the process change. Mr. DiPrinzio advised that the frequency of inspections is dependent on the program and the Agency involved; if DSM would leave the building, there are closure requirements that the tenant would have to meet before they could exit the building; and if the process or components change, DSM would report those changes to the appropriate agencies and the emergency response agencies.

Mr. Malloy requested the following Applicant's Exhibits entered into the Record, and closed his Case in Chief:

A-18 is withdrawn – Mr. Sarrac's C.V.

A-18 to become the definition of "manufacturing"

A-19 Sworn affidavit of Mr. Joe Powlovsky, Hankin Group's construction site manager

The Board of Supervisors and Ms. Camp accepted the Applicant's exhibits as stated above.

Steve McNaughton objected to Richard Ruth's letter (Exhibit A-8) since it wasn't dated nor on letterhead and questioned Neal Fisher's letter of transmittal of the plan to Mr. Ruth. Mr. Malloy stated Neal Fisher's letter of transmittal of the plan to Mr. Ruth will become Exhibit A-20.

A-20 Neal Fisher's letter of transmittal to Richard Ruth.

Ms. Camp asked if any of the Parties wished to present any witnesses. Steve McNaughton and Joanne McNaughton replied that they would like to present evidence or testimony, perhaps totaling 1 to 1.5 hours.

After brief discussion off the record to determine a Hearing date, Ms. Camp announced that the Hearing would be continued to Monday, April 25, 2016 at 7:30 p.m. at the Township Building.

Mr. Donatelli adjourned the evening at 10:12 p.m.

Respectfully submitted,

Gwen A. Jonik  
Township Secretary