



Board of Chosen Freeholders
County of Burlington
New Jersey



Department of: RESOURCE CONSERVATION

MARY PAT ROBBIE
Director of Resource Conservation

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Pemberton, New Jersey 08068

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P.O. Box 6000
Mount Holly, New Jersey 08060

BURLINGTON CADB RESOLUTION
2016-30

Conflict Resolution - Commercial Farm Eligibility Determination

Pig Farm Recycling, Inc.
Mr. James Messner, Jr. – Owner / Operator

September 8, 2016

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-10.1(a) and the State Agriculture Development Committee's (Committee) Right to Farm Rules, N.J.A.C. 2:76-2.7(a), any person aggrieved by the operation of a commercial farm shall file a complaint with the applicable County Agriculture Development Board (CADB); and

WHEREAS, on September 28, 2015 the Burlington CADB received a written complaint filed by Jill Bowman against Pig Farm Recycling, Inc. owned by James Messner, Jr., concerning odors originating from the farm operation; and

WHEREAS, Pig Farm Recycling, Inc. ("The Farm") operates on Block 3301, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 26, 27, & 47 and Block 2702, Lots 10, 11, 12, and 15 in Southampton Township; and

WHEREAS, The Farm consists of approximately 2,500 pigs that are raised for sale; and

WHEREAS, the pigs are fed source separated food waste that is imported and prepared on site for the pig's consumption; and

WHEREAS, the pig manure is collected, stored, dried and turned into compost on The Farm; and

WHEREAS, the liquids from the manure are stored in a lagoon and later field applied on The Farm; and

WHEREAS, the exact origin of the odor is undetermined and could be from one or a combination of the following: the pigs, source separated food waste, manure lagoon, compost; and



WHEREAS, pursuant to N.J.A.C. 2:76-2.7(b) if a board exists, then the board shall contact the commercial farm owner or operator to provide evidence that the agricultural operation is a commercial farm pursuant to N.J.S.A. 4:1C-3.

1. The landowner supplied a receipt of sales to meet the income requirement (See attachment A)
2. The Farm is farmland assessed and located in Forest Zones A, B, & C of Southampton Township where agriculture is a permitted use; and

WHEREAS, The Farm meets the definition of a commercial farm pursuant to N.J.S.A. 4:1C-3; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.7(c)1 the board shall, at one or more regular meeting(s), determine commercial farm eligibility and/or determine whether the operation or practice is included in one or more of the permitted activities set forth in N.J.S.A. 4:1C-9.; and

WHEREAS, livestock production, including pig operations and the on-site disposal of organic wastes, are both considered protected activities set forth in N.J.S.A. 4:1C-9; and

WHEREAS, pursuant to N.J.S.A. 4:1C-9, the commercial farm must be in conformance with any relevant Agricultural Management Practices (“AMP”) to receive Right to Farm protection for the activity addressed by the AMP; and

WHEREAS, the only relevant adopted AMP that applies to the farm operation is the on-farm composting AMP; and

WHEREAS, the farm operation does not conform with the adopted on-farm compost AMP because a portion of the compost product is sold and/or distributed off site; and

WHEREAS, pursuant to N.J.S.A. 4:1C-9, the commercial farm must be in conformance with all relevant federal or State statutes or rules and regulations adopted pursuant thereto, and not pose a direct threat to public health and safety; and

WHEREAS, to determine the status of conformance with all relevant federal and state laws CADB staff sent requests to federal and state agencies with jurisdiction over the Farm’s operation; and

WHEREAS, the New Jersey Department of Agriculture Division of Animal Health confirmed that the farm operation is a licensed New Jersey Garbage Feeding Hog Farm and is in compliance with the Swine Health Protection Act and all applicable rules and regulations that govern the feeding of food waste to pigs (See attachment B); and

WHEREAS, the Burlington County Department of Health is charged by the New Jersey Department of Environmental Protection (NJDEP) with enforcement of the Air Pollution and Control Act and all applicable rules and regulations; and

WHEREAS, The Burlington County Department of Health verified that the farm has no outstanding violations for odors and is in compliance with the Air Quality and Pollution Control Act and all applicable rules and regulations (See attachment C); and

WHEREAS, The Farm was a Concentrated Animal Feeding Operation (CAFO) permitted by the New Jersey Department of Environmental Protection (NJDEP) and was required to implement and be in compliance with an approved Comprehensive Waste Management Plan (CWMP); and

WHEREAS, as per correspondence from the NJDEP received on 9/6/2016, the CAFO permit for the farm has recently expired. The farm is now required to obtain an individual stormwater permit which may have different requirements than the CAFO permit; and

WHEREAS, in addition to obtaining a stormwater permit the NJDEP is still requiring various improvements to the site including a roof structure to cover the source separated food waste; and

WHEREAS, an updated Comprehensive Nutrient Management Plan prepared in accordance with NRCS's Comprehensive Nutrient Management Planning Technical Guidance is required; and

WHEREAS, pursuant to N.J.S.A. 4:1C-9 although the Farm meets the definition of a commercial farm, the Burlington CADB is unable to verify that the farm operation is in conformance with all relevant federal or State statutes or rules and regulations; and

NOW THEREFORE BE IT RESOLVED the Burlington CADB finds that the Farm does not meet the eligibility criteria of the Right to Farm Act and does not retain jurisdiction over this matter and hereby dismisses the complaint filed by Jill Bowman; and now therefore be it

FURTHER RESOLVED that this resolution does not preclude the Farm from seeking Right to Farm eligibility at a future date when the operation can verify it meets all Right to Farm eligibility requirements; and now therefore be it

FURTHER RESOLVED pursuant to 2:76-2.7(k) any person aggrieved by the decision of the board shall appeal the decision to the Committee within 10 days from receipt of the board's decision. The Committee shall schedule a hearing and make a determination within 90 days of receipt of the petition for review.

NEW HOLLAND SALES STABLES, Inc.

ALL KINDS OF LIVESTOCK SOLD ON COMMISSION
 P.O. BOX 96 • NEW HOLLAND, PA 17657
 PHONE: (717) 354-4341

2735648

NO GUARANTEE AGAINST
 SICKNESS, ACCIDENT OR DEATH

Attachment A //

Seller 6

JAMES MESSNER JR

09/14/15

PF 29893

HEAD	TAG	DESC	COMMENTS	BUYER	WGT	PRICE	AMOUNT
10	2	HOG		KREISL 150	2840	48.00	1,363.20
21	2	HOG		KREISL 150	6110	48.00	2,932.80
8	2	HOG		SCHISLER 501 -1	2385	49.00	1,168.65
19	2	HOG		KREISL 150 -2	5550	46.00	2,553.00
22	2	HOG		KREISL 150 -2	6250	46.00	2,875.00
28	2	HOG		KREISL 150 -2	7950	46.00	3,657.00
10	2	HOG		MOHR 486 -2	2895	51.00	1,476.45
1	2	HOG		KREISL 150 -2	270	40.00	108.00
1	2	HOG		KREISL 150 -2	285	40.00	114.00

120 Totals

34535

16,248.10

HOG 120 34535 287.79 47.05

Trucking: RHOADS BROS., INC

525.00

Miscellaneous Charge For: TAGGING

59.00

Pork Pro

64.99

Comm

600.00

Net

14,999.11

***** Please Remember To Sign Your BSE Certificate *****

Thank You For Signing Your COOL Affidavit

SPECIAL HORSE SALE SEPT 18TH AT 6PM!!!

Attachment B



RECEIVED
Burlington County

NOV 02 2015

DEPARTMENT OF
RESOURCE CONSERVATION

State of New Jersey

DEPARTMENT OF AGRICULTURE
HEALTH / AGRICULTURE BUILDING
PO Box 330
TRENTON NJ 08625-0330

CHRIS CHRISTIE
Governor
KIM GUADAGNO
Lt. Governor

DOUGLAS H. FISHER
Secretary

October 26, 2015

Brian D. Wilson
Coordinator, Farmland Preservation Program
P.O. Box 6000
Mount Holly, NJ 08060

Dear Mr. Wilson:

James Messner, Jr., Pig Farm Recycling, Inc., [redacted], New Jersey, 08088, is currently licensed as a New Jersey Garbage Feeding Hog Farm through the New Jersey Department of Agriculture.

I inspect the licensed facility minimally, every three months, for compliance with the Swine Health Protection Act and any other state regulations that govern the feeding of garbage to swine (9 CFR Part 166 – Swine Health Protection Act, N.J.S.A. 4.5-106.1 through 106.20 and N.J.A.C. 2:2-4.1 through 4.37). The facility is currently in compliance with all state and federal regulations that govern the feeding of garbage to swine.

If you need additional information, I can be reached at (609) 287-3158.

Sincerely,

A handwritten signature in black ink that reads "Susan M Luchese".

Susan M. Luchese
Principal Animal Health Technician
New Jersey Department of Agriculture
Division of Animal Health

Enclosures: 9 CFR Part 166 – Swine Health Protection Act
N.J.S.A. 4.5-106.1 through 106.20
N.J.A.C. 2:2-4.1 through 4.37

Cc: James Messner, Jr.
David Kimmel, Coordinator, SADC Right to Farm

Attachment C

RECEIVED
Burlington County

OCT 27 2015

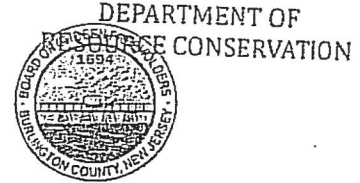


Public Health
Prevent. Promote. Protect.

Department of: HEALTH
Office of Environmental

Phone: (609) 265-5515
Fax: (609) 265-5541
E-Mail: bchd@co.burlington.nj.us

Board of Chosen Freeholders County of Burlington New Jersey



Physical Address:
15 Pioneer Boulevard
Westampton, NJ 08060

Mailing Address:
49 Rancocas Road
P.O. Box 6000
Mount Holly, NJ 08060-6000

October 21, 2015

Mr. Brian Wilson
Department of Resource Conservation
Farmland Preservation Program Coordinator

Southampton, NJ 08060

Re: Messner Pig Farm — Southampton Twp.

Mr. Wilson,

The Burlington County Health Department is in receipt of your letter and request for our response regarding compliance with the Air Pollution and Control Act (APCA) for the above referenced site. The Burlington County Health Department conducts citizen complaints for odors. They are received locally or via NJDEP referrals. To date we do not have any open investigations nor do we have any violations of the APCA. There have not been any violations or enforcement actions against the referenced property in the past. The facility is complaint within our enforcement jurisdiction. The NJDEP may have additional divisions that have direct knowledge or site inspections pertaining to their programs for the referenced site.

Please let me know if you need any additional information or have questions I can answer.

Sincerely,

Thomas Fox
Supervising Environmental Health Spec.

Member	Yes	No	Abstain	Absent
Chairman Phillip Prickett	X			
Vice Chair John J. Logue	X			
Louis DeLorenzo		X		
Robert T. Eckert				X
John M. Hlubik	X			
Peter Johnson	X			
Lawrence Kuser				X
Timothy Lutz	X			
Lisa Post		X		
Paul Shinn	X			
D. Todd Wilkinson				X


 9/8/16
 Chairman Phillip Prickett Date