

**HONEY BROOK TOWNSHIP
CHESTER COUNTY, PA
ORDINANCE # 213-2025**

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK AMENDING THE CODE OF ORDINANCES OF HONEY BROOK TOWNSHIP, CHAPTER 27 ENTITLED “ZONING”, TO ADD DEFINITIONS AND REGULATIONS RELATED TO REGIONAL ANAEROBIC DIGESTERS.

WHEREAS, the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the uses of property; and

WHEREAS, the Board of Supervisors of Honey Brook Township enacted a comprehensive Zoning Ordinance on September 12, 2018 by Ordinance No. 196-2018, and as further subsequently amended from time to time; and

WHEREAS, the Zoning Ordinance is codified as Chapter 27 of the Code of Ordinances of the Township Zoning Ordinance; and

WHEREAS, the Board of Supervisors of Honey Brook Township desires to modify its regulations related to Manure Digesters within certain areas of the Township, subject to certain regulations.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania, pursuant to the authority conferred by the Second Class Township Code and the Municipalities Planning Code, that the following be and is hereby enacted:

SECTION 1. The Code of Ordinances of Honey Brook Township, Chapter 27 entitled “Zoning,” Part 2 entitled “Definitions,” Section 27-202 entitled “Definitions,” is hereby amended to:

- A. Repeal the definitions of the following terms: Manure digester; Anaerobic digestion; and Biogas; and
- B. Alphabetically add the following definitions:

ANAEROBIC DIGESTER - A facility, the sole purpose of which is to use anaerobic digestion processes to manage and convert livestock and poultry manure that is mixed with liquid food waste organic materials brought into a facility from off-site in order to create biogas which is captured and either used on site to produce electricity, heat, and water or is conveyed via pipeline for use off-site. Types of anaerobic digesters include covered anaerobic lagoons, plug flow, and/or complete mix (or continually stirred tank reactor), along with other appurtenant sites, structures and buildings, electrical infrastructure, transmission pipelines to an off-site gas compression station, and other appurtenant structures and facilities. An anaerobic digester shall not include a solid food de-packaging facility and shall not accept or utilize any solid food waste for use in the anaerobic digestion process.

ANAEROBIC DIGESTION - The process in which microorganisms, in the absence of oxygen, convert the energy stored in volatile acids in livestock and poultry manure or other organic materials into biogas and digestate.

BIOGAS - The principal product of anaerobic digestion which consists primarily of methane and lower amounts of carbon dioxide, hydrogen sulfide, water vapor, and trace amounts of other gases.

DIGESTATE - The secondary and residual product of anaerobic digestion which consists of liquid and solid components.

GAS COMPRESSION STATION - A permanent combination of one or more compressors that move biogas at increased pressure through gathering or transmission pipelines, or into or out of storage.

REGIONAL ANAEROBIC DIGESTER - An anaerobic digester that accepts and utilizes livestock and poultry manure which is collected from on-site agricultural operations and liquid food waste organic materials generated off-site and delivered to the Regional Anaerobic Digester for the purpose of producing biogas through anaerobic digestion.

RENEWABLE ENERGY SYSTEM - An energy system which makes use of recurring natural resources or byproducts to produce energy without consuming nonrenewable resources nor causing significant disturbance to natural systems. Renewable energy systems include, but are not limited to, geothermal, solar, and wind energy systems; as well as anaerobic digesters and outdoor wood-fired boilers (OWBs). Such systems are usually independent of the primary utility supplied energy system but may be connected thereto.

SECTION 2: The Code of Ordinances of Honey Brook Township, Chapter 27 entitled "Zoning," Part 10 entitled "Supplemental Use Regulations," Section 27-1053 entitled "Renewable Energy Systems," Subsection 27-1053.F entitled "Manure Digesters," is hereby repealed in its entirety.

SECTION 3: The Code of Ordinances of Honey Brook Township, Chapter 27 entitled "Zoning," Part 10 entitled "Supplemental Use Regulations," is hereby amended to add a new Section 27-1066 to be entitled "Regional Anaerobic Digesters" and to read as follows:

27-1066 Regional Anaerobic Digesters

A. General Requirements.

- (1) When used in this Section 27-1066, the terms "lot" or "site" or "property" shall refer to the individual zoning lot on which the Regional Anaerobic Digester is located while the terms "subject farm" or "farm" shall mean the entire agricultural operation of which the subject lot where a Regional Anaerobic Digester would be located forms a part.
- (2) Within the Agricultural (A) zoning district, Regional Anaerobic Digesters shall be permitted by conditional use as an accessory use to, and only on the same lot as, a use permitted in Section 27-1702.A, 27-1702.B, or 27-1702.C, provided such lot contains a minimum lot area of fifty (50) acres. It is the intent of this provision to allow Regional Anaerobic Digesters to support and benefit farms within Honey Brook Township.

- (3) Within the Business Industrial (BI) zoning district, Regional Anaerobic Digesters shall be permitted by conditional use as a principal use, provided such lot contains a minimum lot area of ten (10) acres.

B. Conditional Use Requirements. An applicant for a conditional use to establish a Regional Anaerobic Digester shall have the burden of establishing the following:

- (1) Application Requirements. The applicant shall prepare and/or provide, with the submission of the conditional use application, the following approvals, plans, reports, and/or studies:
 - a) Copies of all leases or easement agreements in the name of the applicant for any property on which there shall be located a gas compression station or any pipeline associated with the Regional Anaerobic Digester.
 - b) A traffic impact study shall be prepared pursuant to the requirements and standards of Section 22-612 "Traffic Impact Study" of the Honey Brook Township Subdivision and Land Development Ordinance. Without in any way limiting the otherwise applicable standards for traffic impact studies pursuant to Section 22-612, the scope of the study required pursuant to this Section shall include, at a minimum, all intersections which non-passenger motor vehicles will utilize for travel to or from a Regional Anaerobic Digester.
 - c) A transportation study, detailing the effect of the Regional Anaerobic Digester on local roadways, including effect of vehicle weight, congestion, and noise. Without limiting the foregoing in any manner, no trucks having a gross vehicle weight greater than 6,000 pounds may utilize any Township road for the purpose of accessing the Regional Anaerobic Digester.
 - d) A site-specific operation and maintenance plan to demonstrate that the Regional Anaerobic Digester is designed, and will be constructed and operated, to ensure that the Regional Anaerobic Digester will not produce malodorous odors or biogas leaks and resultant fugitive emissions.
 - e) A site-specific set of standard operating procedures and maintenance procedures for the Regional Anaerobic Digester, which shall include but shall not be limited to an emergency services plan or emergency action plan which incorporates appropriate training for Township or regional emergency service providers including fire department(s), EMS, and police at the applicant's expense.
 - f) A site-specific odor mitigation plan to demonstrate odor control measures and odor control devices to be implemented to control odors and mitigate impact on adjacent property owners. Without in any way limiting the otherwise applicable standards for an odor mitigation plan, the plan required pursuant to this Section shall include consideration of, inter alia, prevailing winds at the subject lot.
 - g) A report certified by the applicant to be true, correct, and complete confirming the source of all food waste, including the name and location of the source of such waste, the volume thereof to be delivered to the Regional Anaerobic Digester and the

frequency of such deliveries. The maximum range from which the Regional Anaerobic Digester may procure liquid food waste shall be no more than ten (10) miles from the subject farm. The report required pursuant to this Section shall include copies of any and all leases, contracts, or other agreements pertaining to the source of all food waste provided that the applicant shall redact from those documents all financial information.

- h) Copies of all permits and approvals which are required by governmental or quasi-governmental agencies or authorities for the construction and operation of the Regional Anaerobic Digester or, if such permits and approvals shall not have been issued until after the applicant submits the application for conditional use approval for the Regional Anaerobic Digester, copies of all applications for such permits and approvals together with all supporting information which the applicant submitted to the governmental or quasi-governmental agencies or authorities in connection with such applications. In furtherance, and not in limitation of the foregoing, no application for conditional use approval shall be accepted unless and until the applicant at least applies for all permits and approvals which are required from other governmental or quasi-governmental agencies or authorities for the construction and use of the Regional Anaerobic Digester.
 - i) Written confirmation ability to serve from the provider of any utility service(s) which is/are required for the operation of the Regional Anaerobic Digester.
 - j) On any property subject to an Agricultural Conservation Easement or similar encumbrance, an approval letter from the Agricultural Advisory Board (or other easement holder) that the construction and operation of the Regional Anaerobic Digester at the property will not constitute a violation of the terms of such easement.
- (2) The applicant shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be loaded/unloaded will not backup onto public streets.
- (3) The applicant shall provide a detailed description of the proposed use in each of the following descriptions:
- a) The nature of on-site activities and operations, the types of materials stored and used, the frequency and duration period of storage of materials and the methods for use and disposal of materials. In addition, the applicant shall furnish evidence that the use, handling, and disposal of material will be accomplished in a manner that complies with state and federal regulations.
 - b) The general scale of operation in terms of its market area, specific space and area requirements for each activity, the total number of employees of each shift, and an overall needed site size.
 - c) How the Regional Anaerobic Digester will support the farm on which it resides both economically and operationally. This shall include, but shall not necessarily be limited to, site-specific details on the management of manure, production of renewable biogas, utilization of digestate and other organic materials used on the farm and the generation of a supplemental income stream to offset the high operational costs of farming and the fluctuations of farm commodity prices. Without

limiting the foregoing in any manner, all digestate shall be utilized at the subject farm or other farms operated by the operator of the subject farm.

- (4) Design, installation and maintenance.
- a) The applicant shall address and document performance standards for siting to minimize impacts on neighboring properties which shall include considerations of topography, odor, prevailing wind patterns, proximity to nonagricultural properties, operational noise, buffering and screening, and specific hours of operation. The application shall include site-specific architectural renderings of the façade of all proposed improvements associated with the Regional Anaerobic Digester and a street view profile. For Regional Anaerobic Digesters proposed within the Agricultural (A) District, the applicant shall provide evidence of how the proposed facility and Regional Anaerobic Digesters and associated structures and buildings shall blend into the agricultural character of the Agricultural (A) District and the surrounding topography; the façade and street view renderings shall demonstrate the proposed improvements and site layout will be designed in a manner consistent with the adjacent community and neighborhood and with those purposes that the Agricultural (A) District are intended to protect and promote in Section 27-1701. The design shall include a landscape buffer sufficient to create (within five (5) years of planting) a complete visual screen between all aspects of the Regional Anaerobic Digester (except any flare apparatus) and adjacent properties and roadways.
 - b) Regional Anaerobic Digester shall be designed and constructed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication, and any revisions, supplements and successors thereto, of the Pennsylvania Department of Environmental Protection ("DEP").
 - c) Regional Anaerobic Digesters shall be designed and constructed in compliance with applicable local, state, and federal codes and regulations. The applicant shall demonstrate compliance with all federal and state codes and regulations.
 - d) A certified professional, qualified to do such, shall furnish and explain all details of construction, operation, maintenance and necessary controls related to the Regional Anaerobic Digester.
 - e) The applicant shall either provide a letter from the Chester County Conservation District stating that the applicant's Regional Anaerobic Digester system design has been reviewed and approved by the Chester County Conservation District and that all regulations and requirements of the state manure management program have been satisfied, or submit a letter from the Chester County Conservation District stating that it will not review the plan or that no review is required under applicable ordinances, or submit evidence that such a letter has been requested and the Chester County Conservation District has failed to respond.
 - f) For Regional Anaerobic Digesters proposed within the Agricultural (A) District, the applicant shall submit renderings of how the Regional Anaerobic Digester and associated buildings will be designed and constructed to ensure that the design of the Regional Anaerobic Digester and such buildings shall be agricultural and not

industrial or commercial in nature. When analyzing such submission, the Board of Supervisors shall consider the prevailing architectural design in the vicinity of the subject farm.

- (5) Setback requirements.
 - a) Except as otherwise provided for under the provisions of the Pennsylvania Nutrient Management and Odor Management Act, no new underground storage, inground storage, trench silo, lagoon, earthen bank, or aboveground storage facility used for storing manure or organic slurry related to the Regional Anaerobic Digester shall be located within five hundred feet (500') from any property line.
 - b) No building, accessory outbuilding, or equipment related to the Regional Anaerobic Digester shall be constructed closer than two hundred feet (200') from a property line, or closer than two thousand five hundred feet (2,500') from the property line of a property with a structure utilized as a dwelling, school, daycare, nursing home or retirement center, or hospital, on the date of the conditional use application, whichever is greater. Unless site topography restricts otherwise, all buildings shall be built between lagoons and aboveground storage facilities and adjacent properties.
 - c) New driveways, parking lots and stormwater facilities required for the Regional Anaerobic Digester shall be a minimum of twenty feet (20') from any property line and shall be designed to create 4-way intersections with existing roads and driveways whenever physically possible. An applicant may use existing driveways and parking areas for a Regional Anaerobic Digester located closer than twenty feet (20') from the property line if approved by the Board of Supervisors during the conditional use proceedings.
- (6) Height requirements. A maximum building height of thirty-five feet (35') shall apply to all buildings related to the Regional Anaerobic Digester facility except that a Regional Anaerobic Digester tank that is designed to inflate and deflate in capturing the biogas shall not exceed forty-five feet (45') in height when fully inflated. The maximum height for any flares related to the Regional Anaerobic Digester facility shall be forty-five feet (45'). The maximum height for a flare may be increased by the Board of Supervisors if required by a state agency as part of issuing a permit for the Regional Anaerobic Digester but, in any event, not higher than fifty-five feet (55').
- (7) Parking requirements. The applicant shall provide one parking space for each employee working at the Regional Anaerobic Digester facility on the largest shift.
- (8) Maximum Additional Impervious Surface. The total new impervious surface added to a property in order to construct and operate a Regional Anaerobic Digester shall be limited to no more than ten percent (10%) of the lot area. The applicant shall preserve existing prime soils on the property as much as practically possible.
- (9) Storage. All food waste received as part of the Regional Anaerobic Digester shall be stored indoors. No outdoor storage of food waste or storage of food waste in open vessels is permitted.

- (10) Trash. All garbage, trash and rubbish shall be stored indoors or in enclosed, screened areas not visible to the public or accessible to animals or rodents.
- (11) Use and Transmission of Biogas. Any biogas generated from the Regional Anaerobic Digester must be used on the subject farm or transported off subject farm via pipeline, subject to the provision of Section 27-1066.B(11) (transporting biogas using a pipeline). The biogas generated from the Regional Anaerobic Digester shall not be liquified or compressed on-site for purposes of transporting it off of the lot using trucks, unless a gas compression station is a permitted use on the property and approval for same is also obtained.
- (12) Transporting biogas using a pipeline. No biogas shall be transported from the lot via truck or other motor vehicle. Biogas shall be transported to a gas compression station via underground pipeline, the right-of-way for which is obtained through negotiations with affected property owners and not obtained through condemnation proceedings. Allowing for transporting biogas from the Regional Anaerobic Digester through a pipeline is hereby declared to be a purely private benefit for the applicant under this Ordinance that is allowed only if the required right-of-way is not obtained through condemnation proceedings. The applicant shall establish that all pipeline right-of-way required for transporting biogas from the Regional Anaerobic Digester to an established pipeline have been voluntarily acquired through negotiations with any affected third parties.

As part of the conditional use application, the applicant shall provide a document acceptable to the Township Solicitor that any zoning approval shall automatically become null and void if any right-of-way required for transporting the biogas to an existing pipeline is acquired through condemnation proceedings. Such document shall be recorded against the Property as a condition of any approval and must be recorded prior to the issuance of any zoning and building permits for a Regional Anaerobic Digester seeking to transport biogas off of a property.

- (13) Use of livestock and / or poultry manure. All of the manure generated at the subject farm shall be used in the operation of the Regional Anaerobic Digester and at least fifty-one percent (51%) of the manure used at the Regional Anaerobic Digester shall come from animals housed on the farm of which the lot forms a part of or from animals housed on an adjoining property owned or operated by the operator of the subject farm.
- (14) Geographic range. The maximum radius from which the Regional Anaerobic Digester can procure manure waste produced off-site shall be three (3) miles.
- (15) Agricultural Use and Subdivision Requirements. A Regional Anaerobic Digester shall be considered an agricultural accessory use if all of the requirements of this Section 27-1066 are met and shall not be considered a second principal use. The applicant shall not be allowed to subdivide the area used for a Regional Anaerobic Digester from the remaining property but may enter into a lease agreement between the property owner and an operator of a Regional Anaerobic Digester facility, which lease shall not constitute a subdivision for zoning and land development purposes.
- (16) There shall be no onsite commercial or retail sales of digestate or any other product or byproduct generated by the Regional Anaerobic Digester unless expressly permitted by the Board of Supervisors as part of the conditional use proceedings.

- (17) Abandonment or disrepair. If a Regional Anaerobic Digester is ever abandoned or falls into a state of disrepair, it shall be the responsibility of the property owner to notify the Township immediately; and to remove or properly maintain the Regional Anaerobic Digester within six (6) months from the date the system enters such a state.
- (18) Decommissioning. The applicant shall submit a decommissioning plan for the Regional Anaerobic Digester and related facilities pursuant to the requirements of Pennsylvania's Solid Waste Management Act ("Act") when the Regional Anaerobic Digester becomes functionally obsolete or is no longer in use. All tanks or other structures that contained waste or have been contaminated with waste shall be cleaned and the waste shall be processed and disposed of in accordance with the Act. Additionally, buildings, tanks, supporting structures and other physical components may be refurbished for continued use, reclaimed, or adapted for other farm use, or dismantled and recycled or disposed. The Regional Anaerobic Digester owner shall notify the Township immediately upon cessation or abandonment of the operation and shall be responsible for the removal of the manure and organic food waste from the Regional Anaerobic Digester facility within six (6) weeks from the date operations cease. The Regional Anaerobic Digester shall be removed and all associated buildings or facilities shall be removed or repurposed as set forth in the decommissioning plan within twelve (12) months from cessation or abandonment of the operation. At the time of issuance of the permit for the construction of the Regional Anaerobic Digester facility, the owner shall provide to the DEP financial security in an amount required by DEP to decommission the facility. If no financial security is required by DEP, the owner shall be required to provide financial security in a form and amount acceptable to the Township to secure the performance of the decommissioning of the Regional Anaerobic Digester as set forth in the decommissioning plan. The amount of the financial security shall be renegotiated every five (5) years for the life of the operations.
- (19) The Board of Supervisors may permit the modification of the design standards contained within this Section 27-1066 in order to encourage the use of efficient and innovative design or to address specific site conditions; no modification of design shall apply to any other section of the Zoning Ordinance and/or the Subdivision and Land Development Ordinance outside of that contained within this Section 27-1066. An applicant desiring to obtain such approval shall, when making application for conditional use approval for a Regional Anaerobic Digester, also make application for any requested modifications so that the Board of Supervisors shall consider any modification requests simultaneously with the application for conditional use for the Regional Anaerobic Digester.
- (20) The applicant shall identify, on a plan submitted with the conditional use application to permit a Regional Anaerobic Digester, the proposed location, including all setbacks and property lines, of the gas compression station to be used in connection with the Regional Anaerobic Digester. Separate zoning and land development approval shall be required for the gas compression station.
- (21) The owner and/or operator of a Regional Anaerobic Digester shall provide their contact information to the Township and shall update their contact information on file with the Township within thirty (30) days of any change in said contact information.

- (22) In granting a conditional use application, the Board of Supervisors may attach any reasonable conditions and safeguards as it may deem necessary at the time of the hearing to implement the purposes of the zoning ordinance. Any approval of a conditional use application by the Board of Supervisors to permit a Regional Anaerobic Digester shall be subject, at a minimum, to the condition that the operator of the Regional Anaerobic Digester test each truck load of (i) incoming liquid food waste and (ii) each vessel of digestate for the presence of PFAS, heavy metals, and microplastics. The Board of Supervisors may also require that the testing shall include the animals on the subject farm. Said testing shall be done at a laboratory acceptable to the Township and the applicant shall notify the Township of the results of the testing pursuant to applicable law or as otherwise deemed appropriate by the Township at the time of the conditional use hearing.

SECTION 4: The Code of Ordinances of Honey Brook Township, Chapter 27 entitled “Zoning,” Part 17 entitled “A – Agricultural District,” Section 27-1702.C entitled “Uses Permitted by Conditional Use,” is hereby amended by adding new subsection 27-1702.C(2) to read as follows:

11. Regional Anaerobic Digesters, subject to standards of Section 27-1066.

SECTION 5: The Code of Ordinances of Honey Brook Township, Chapter 27 entitled “Zoning,” Part 19 entitled “BI – Business Industrial District,” Section 27-1902.A entitled “Uses Permitted by Right,” Subsection 27-1902.A(39) is hereby amended and restated to read as follows:

39. [Reserved].

SECTION 6: The Code of Ordinances of Honey Brook Township, Chapter 27 entitled “Zoning,” Part 19 entitled “BI – Business Industrial District,” Section 27-1902.C entitled “Uses Permitted by Conditional Use,” is hereby amended by adding new subsections 27-1902.C(7) and 27-1902.C(8) to read as follows:

7. Gas Compression Station, provided that none shall be located closer than 2,500 feet from the property line of a property with a structure utilized as a dwelling, school, daycare, nursing home or retirement center, or hospital.

8. Anaerobic Digester as a principal use.

SECTION 7. CODE OF ORDINANCES OF HONEY BROOK TOWNSHIP. All other articles, sections, parts and provisions of the Code of Ordinances of the Township of Honey Brook shall remain in full force and effect as previously enacted and amended.

SECTION 8. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.


SECTION 9. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective immediately.

SO IT IS ENACTED AND ORDAINED this 10th day of December, 2025.

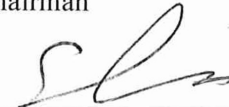
ATTEST:

HONEY BROOK TOWNSHIP
BOARD OF SUPERVISORS



Secretary

Chairman



Vice-Chairman




Member



CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 213-2025 adopted by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania, at a public meeting held on Dec. 10, 2025, pursuant to notice as required by law.

Dated: 12/10/2025



Township Secretary

