

WEST NANTMEAL TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 of 2026

AN ORDINANCE OF THE TOWNSHIP OF WEST NANTMEAL, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST NANTMEAL TOWNSHIP CODE OF ORDINANCES, AS AMENDED, AT CHAPTER 215, "ZONING", BY AMENDING SECTION 215-7 TO ADD ADDITIONAL DEFINITIONS; BY AMENDING SECTION 215-17 TO PROVIDE FOR THE REGIONAL ANAEROBIC DIGESTER USE; BY THE ADDITION OF NEW SECTION 215-123.1 TO PROVIDE REQUIREMENTS FOR AN ACCESSORY ANAEROBIC DIGESTER USE; BY THE ADDITION OF NEW SECTION 215-123.2 TO PROVIDE REQUIREMENTS FOR A REGIONAL ANAEROBIC DIGESTER USE; AND OTHER MISCELLANEOUS PROVISIONS CONTAINED HEREIN.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of West Nantmeal Township, Chester County, Pennsylvania, that the Code of West Nantmeal Township, shall be amended as follows:

SECTION 1. Chapter 215, "Zoning," Article II, "Definitions," Section 215-7 is amended by the addition of the following definitions to read as follows:

ACCESSORY ANAEROBIC DIGESTER.

A facility, the sole purpose of which is to use anaerobic digestion processes to manage and convert livestock and poultry manure that may be mixed with solid food waste organic materials, all of which is generated on-site, in order to create biogas, which is captured and used on site to produce electricity, heat, and water. When a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company, as long as the electrical power generated is used primarily for on-site use. Types of anaerobic digesters include covered anaerobic lagoons, plug flow, and/or complete mix (or continually stirred tank reactor), along with electrical infrastructure, and other appurtenant structures and facilities. An anaerobic digester shall not include a solid food depackaging facility and shall not accept or utilize any off-site manure or 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.

BIOGAS.

A fuel consisting of methane, carbon dioxide, small amounts of water, and other compounds produced as part of anaerobic digestion processes.

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

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 solid and liquid food waste organic materials brought into a facility from off-site in order to create biogas that is captured and either used on site to produce electricity, heat, and water or is conveyed via pipeline, trucks, transmission lines, or other means 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 electrical infrastructure, transmission pipelines to an off-site gas compression station, and other appurtenant structures, buildings and facilities. An anaerobic digester shall not include a solid food depackaging facility.

SECTION 2. Chapter 215, “Zoning,” Article IV, “Zoning District Regulations,” Section 215-17.C shall be amended by the addition of new Subsection 215-17.C(9) to read as follows:

(9) Regional anaerobic digester, subject to Section 215-123.2 of this Chapter.

SECTION 3. Chapter 215, “Zoning,” Article VII, “Nonresidential Land Use and Development Requirements,” shall be amended by the addition of new Section 215-123.1, “Accessory anaerobic digesters,” to read as follows:

Section 215-123.1. Accessory anaerobic digesters.

Accessory anaerobic digester systems shall be permitted by conditional use as an accessory use to, and only on the same lot as, a general agricultural use in conformance with Sections 215-49 or an intensive agricultural use in conformance with Section 215-50. It is the intent of this provision to allow accessory anaerobic digesters to support and benefit farms within the Township. When used in this Section, the terms "lot", "site" or "property" shall refer to the individual zoning lot on which the accessory anaerobic digester is located while the terms "subject farm" or "farm" shall mean the entire agricultural operation of which the subject lot where the accessory anaerobic digester would be located forms a part. An applicant for a conditional use shall have the burden of establishing the following:

- A. Minimum Lot Area: 25 contiguous acres (gross).
- B. Minimum Lot Width: 300 feet.
- C. Minimum Setbacks:
 - 1. Property lines: 400 feet.
 - 2. Street right-of-way: 400 feet.
 - 3. Residential structure not occupied by the property owner: 600 feet.
- D. Maximum building height:
 - 1. Building: 35 feet.
 - 2. Tank designed to inflate and deflate when capturing biogas: 45 feet when inflated.
 - 3. Flares related to the facility: 45 feet.
- E. Maximum Coverage.
 - 1. Building (percent): 10% (in combination with the general or intensive agricultural use, and all other accessory uses on the property).
 - 2. Lot (percent): 20% (in combination with the general or intensive agricultural use and all other accessory uses on the property).
- F. Exterior storage areas for trash and rubbish from the accessory anaerobic digester shall be properly screened with secured fencing and landscaping materials. All containers shall be enclosed, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. Areas for trash and rubbish shall be located at least 200 feet from any property line or street right-of-way line.
- G. Solid and liquid waste shall be disposed of in a manner to avoid insect, fly, rodent or pest problems. All accessory anaerobic digesters shall develop an abatement plan to mitigate potential nuisances.
- H. There shall be no discharge of any type onto any adjoining properties or streets.
- I. The applicant shall address and document performance standards for siting to minimize impacts on neighboring properties, which shall include considerations of odor, prevailing wind patterns, proximity to nonagricultural properties, operational noise, and specific hours of operation, which shall be included in the conditional use application.
- J. Accessory anaerobic digester shall be designed and constructed in compliance with the guidelines outlined in the publication "Manure Management for Environmental Protection," by the Pennsylvania Department of Environmental Protection, Bureau of Water Quality Management, as well as any revisions, supplements and successors thereof. The accessory anaerobic digester shall also be designed and constructed in compliance with applicable Township, County, state and federal laws and regulations.

- K. The accessory anaerobic digester shall comply with all Township, County, state and federal laws and regulations concerning nutrient management, biosolids, sewage disposal, water supply, stormwater management, erosion and sedimentation control, air quality management, and vehicular access. The applicant shall submit plans or other forms of documentation to demonstrate that the accessory anaerobic digester use shall comply with all pertinent laws with the conditional use application.
- L. The applicant shall consult with qualified professionals to assess potential adverse impacts associated with the proposed accessory anaerobic digester use and to assist in the preparation of any assessment studies or plans. The Township shall consider the recommendations of these qualified professionals as part of the conditional use application.
- M. The applicant shall either 1) provide a letter from the Chester County Conservation District, stating that the applicant's accessory anaerobic digester system design has been reviewed and approved by the Conservation District and that all regulations and requirements of the state manure management program have been satisfied, or submit a letter from the Conservation District, stating that it will not review the plan; 2) that no review is required under applicable ordinances; or 3) submit evidence that such a letter has been requested and the Conservation District has failed to respond.
- N. No anaerobic digester system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator and has agreed to such connection. Off-grid systems shall be exempt from this requirement.

SECTION 4. Chapter 215, "Zoning," Article VII, "Nonresidential Land Use and Development Requirements," shall be amended by the addition of new Section 215-123.2, "Regional anaerobic digesters," to read as follows:

Regional anaerobic digester systems are permitted by conditional use in the Limited Industrial (LI) Zoning District. When used in this Section, the terms "lot" or "site" or "property" shall refer to the individual zoning lot on which the regional anaerobic digester is located. An applicant for a conditional use for a regional anaerobic digester shall have the burden of establishing the following:

- A. A regional anaerobic digester shall be the only principal use on the lot.
- B. The property shall be located on a major or minor collector road as identified by the Township Functional Classification of Public Roads Map.
- C. The property shall not be located in the floodplain. The regional anaerobic digester shall not negatively impact hydrological resources in the Township, which includes without limitation, the loss, diminishment, degradation or interruption of water supply sources within the Township.

D. Area and bulk requirements. The proposed use shall comply with the following area and bulk requirements. Where other sections of the Zoning Ordinance provide for more stringent requirements than set forth herein, the more stringent requirements shall control.

1. Minimum net lot area: 50 contiguous acres.
2. Minimum Setbacks.
 - i. Underground storage, in-ground storage, trench silo, lagoon, earthen bank, above ground storage facilities for manure or organic slurry or other similar structures: 500 feet from any property line, except as otherwise provide by law.
 - ii. Building, accessory buildings, and equipment: 200 feet from a property line; and 2,500 feet from a property line shared with a structure utilized as a dwelling, school, daycare, nursing home or retirement center or hospital existing on the date of conditional use. Unless site topography precludes the construction, all buildings shall be constructed between lagoons and above ground storage facilities and adjacent parcels.
 - iii. Driveways, parking lots, loading areas and stormwater management facilities: 20 feet from the property line. Driveways shall be designed to create a four (4)-way intersection with existing roads and driveways wherever possible.
 - iv. The minimum setback from the outer edge of the digester/gas-storage structure to any building, property line, public roadway or other occupied structure shall be 350 feet. The final setback may be increased based on the results of a site-specific hazard evaluation, and may only be reduced upon submission of engineered mitigation measures deemed acceptable by the Township engineer and fire marshal during the conditional use process.
3. Maximum Height.
 - i. Buildings: 35 feet.
 - ii. Tank designed to inflate and deflate when capturing biogas: 45 feet when inflated.
 - iii. Flares related to the facility: 45 feet.
4. Minimum Lot Width.
 - i. 300 feet.
5. Maximum Coverage.
 - i. Building (percent): 30%.
 - ii. Lot (percent): 50%.
 - iii. Prime agricultural soils: 10%.

E. Design standards. The proposed use shall comply with the following design requirements. Where the Zoning Ordinance provides for more stringent design requirements, or design requirements not set forth in this Section, the more stringent requirements shall control.

1. Utility Requirements. Public water and sewer connection is required.
2. Off-Street Loading and Parking. The use shall comply with Article IX, except as otherwise set forth herein:
 - i. One parking space per two (2) employees on the two (2) largest shifts combined, plus one (1) space for each vehicle stored on site.
 - ii. No common or joint off-street parking shall be permitted.
 - iii. The total number of off-street loading spaces shall be consistent with the requirements in Matrix Chart 10 for other industrial uses.
3. Signs. All signs shall comply with Article X.
4. Storage. All food waste and manure received as part of the use shall be stored indoors. No outdoor storage or storage in open vessels is permitted.
5. Trash. All garbage, trash and rubbish shall be stored indoors, or in an enclosed, screened area not visible at the property line or right-of-way line and not accessible to animals or vermin.
6. Stacking lanes. Sufficiently long stacking lanes into the facility shall be provided so that vehicles waiting to be loaded/unloaded will not back up on to public streets.
7. Fencing. A security fence with a minimum height of eight feet to a maximum height of 12 feet shall be erected at the required setback line. The fence shall not contain openings greater than four square inches and shall contain gates at all entrances, which shall be locked except during operating hours.
8. Buffer yard. A 25-foot-wide buffer yard shall completely surround all areas approved for the facility. The buffer yard shall consist of a dense evergreen screen, which shall be located and maintained between the required security fence and the external property line of the site, except at the entrances. The selected evergreens shall have a minimum height of six feet and shall be staggered on 12-foot centers. No materials shall be stored within this buffer yard. During the conditional use hearing, the Board of Supervisors may require supplemental or modified landscape buffers sufficient to create a complete visual screen between all aspects of the regional anaerobic digester (excluding flare apparatus) and adjacent properties and roadways, where the required buffer yard does not do so due to the topography of the property.
9. Use, transportation, and transmission of biogas. Any biogas generated from the regional anaerobic digester shall be used on the subject property or transported off property via an underground pipe or line. No biogas shall be transported from the lot via truck or other motor vehicle. Biogas generated on-site shall not be liquefied or compressed on-site for purposes of transportation

off the property utilizing trucks or other motor vehicles. Biogas shall be transported to a gas compression station via underground pipeline or by other underground transmission, distribution, or connection line, in an acquired right-of-way.

10. Sale use. There shall be no on-site commercial or retail sales of digestate or other product or by-products generated by the use, unless approved by the Board of Supervisors as part of the conditional use proceedings.
11. Decommissioning. The regional anaerobic digester owner shall notify the Township immediately upon cessation or abandonment of the operation. The regional anaerobic digester owner and the landowner owner shall be responsible, at their expense, for (1) the removal of the manure and food waste and (2) the cleaning and decontamination of all tanks and other structures that contained waste or have been contaminated with waste within six-weeks from the date the operation ceases. In the event, the buildings, tanks support structures and other structures are not refurbished for continued use or adapted for other use within twelve-months, the regional anaerobic digester owner and land owner shall, at their expense, have the items be dismantled and disposed of.
 - i. The landowner or facility operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs, provided that at no point shall decommissioning funds be less than 25% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or a lending institution approved by the Township. The amount of the fund shall be reviewed and adjusted every five (5) years for the life of the operation.
 - ii. An independent and certified professional engineer may be retained by the Township to inspect the decommissioning. All such inspection fees shall be paid by the applicant or landowner.
 - iii. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, or other form of financial assurance as may be acceptable by the Township.
 - iv. If the landowner or facility operator fails to complete decommissioning during the prescribed period of six-weeks, the Township may take such measures as necessary to complete decommissioning in accordance with this Chapter and the Commonwealth of Pennsylvania.
 - v. The Township may release the decommissioning funds when the landowner or facility operator has satisfactorily demonstrated compliance with the decommissioning plan.
 - vi. Where a financial security for decommissioning is held by the Pennsylvania Department of Environmental Protection, no financial security shall be required by the Township.

12. Point of Contact. The owner and/or operator of the regional anaerobic digester shall provide their contact information to the Township, which shall be updated by the owner and/or operator when there is any change in information.
 13. Inspection. When it is necessary to make an inspection to enforce the provisions of this Chapter or whenever the Zoning Officer has reasonable cause to believe there exists a condition of violation of this Chapter on the property, the Zoning Officer is authorized to enter upon the property at reasonable times to inspect or perform the duties imposed by this Chapter, provide that, if such property is occupied, the Zoning Officer shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Zoning Officer shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Zoning Officer shall have recourse to the remedies provided by law to secure entry.
 14. Modifications. During the conditional use proceedings, the applicant may request that the Board of Supervisors modify any of the area and bulk or design standards contained in this Section in order to encourage the use of efficient and innovate design or to address site specific conditions. Requested modifications shall be identified as part of the conditional use application in order to be considered at the hearing.
 15. The regional anaerobic digester will be designed and constructed in compliance with applicable Township, County, state and federal laws, regulations and ordinances.
- F. The applicant shall provide, with the submission of the conditional use application, the following items:
1. A traffic impact study in compliance with Sections 170-26.B and C. Without limiting the standards set forth in these Sections, the scope of the study shall also include all roadways and intersections within 2,500 feet of the property or as determined by the Township Engineer or PennDot, as well as:
 - i. Existing traffic volume data for all roadways within the study.
 - ii. Anticipated traffic volumes for the identified study area, resulting from the proposed use as well as background traffic growth.
 - iii. Analysis of current and future levels of service for all intersections within the study area.
 - iv. Physical analysis of all roadways within the study area, including cartway width, shoulder width, pavement condition, horizontal and vertical curves, anticipated stormwater drainage characteristics and sight distances.
 2. A transportation study detailing the effect of the proposed regional anaerobic digester on local roadways, including the effect of vehicle weight, congestion and noise.

3. Copies of all leases or easement agreements for any property on which there shall be located a gas compression station, pipeline, or transmission, distribution, or connection line, associated with the regional anaerobic digester.
4. 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 malodor odors or biogas leaks and resultant fugitive emissions.
5. 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.
6. 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.
7. A site-specific architectural rendering of the façade of all proposed improvements and a street-view profile. The façade and street-view renderings shall demonstrate that the proposed improvements and site layout will be designed in a manner consistent with the adjacent community and neighborhood.
8. A report certified by the applicant to be true, correct, and complete confirming the source of all manure and 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 radius from which the regional anaerobic digester may procure liquid food waste shall be no more than ten (10) miles from the property. The maximum radius from which the regional anaerobic digester may procure manure shall be three (3) miles from the property. The required report shall include copies of any and all leases, contracts and other agreements pertaining to the sources of all food waste, provided the applicant may redact from those documents all financial information.
9. A report certified by the applicant and a hydrological engineer confirming the proposed use shall not negatively impact the hydrological resources in the Township, including without limitation will not result in loss, diminishment, degradation or interruption of water supply sources in the Township, including without limitations, wells. The report shall also provide a plan for replacement water supply, at the costs of the applicant and property owner in the event of a negative impact on the hydrological resources in the Township.

10. Copies of all permits and approvals that 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 will not be issued until after the applicant submits the application for conditional use approval, 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.
11. Written confirmation from the provider of the availability of any utility service(s) which are required for the operation of the regional anaerobic digester.
12. The applicant shall either 1) provide a letter from the County Conservation District stating that the applicant's regional anaerobic digester system design has been reviewed and approved by the Conservation District and that all regulations and requirements of the state manure management program have been satisfied; 2) submit a letter from the Conservation District stating that it will not review the plan or that no review is required under applicable ordinances; or 3) submit evidence that such a letter has been requested and the Conservation District has failed to respond.
13. 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.
14. A plan depicting the location of stacking lanes for vehicles waiting to be loaded/unloaded.
15. A plan depicting the proposed location of the regional anaerobic digester, including all setback and property lines of all structures for the use, as well as, the gas compression station to be used in connection with the use. Separate zoning and land development approval shall be required for the gas compression station.
16. A detailed description of the proposed use, including without limitation:
 - i. The nature of the 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 materials will be accomplished in a manner that complies with state and federal regulations.
 - ii. The general scale of the 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 need site size.

17. A decommissioning plan for the removal of the facility when it becomes functionally obsolete or is no longer in use, which complies with Pennsylvania's Solid Waste Management Act.
18. Written confirmation the applicant and property owner understands and agrees to Section 123.2.E(13).
19. A certified and qualified professional shall furnish and explain all details of construction, operation, maintenance and necessary controls related to the regional anaerobic digester system at the hearing.

SECTION 5. 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 that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 6. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance. Notwithstanding the foregoing, the adoption of this amendment and the repeal of ordinances shall not affect any right or liability established, accrued or incurred under any legislative provision of the Township prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.


SECTION 7. General Code. General Code is hereby authorized to make non-substantive formatting and numbering changes necessary to clarify references to other sections of the Township ordinances and/or codification and to bring the Ordinance into conformity with the Township ordinances/codification.

SECTION 8. Effective Date. This Ordinance shall be effective immediately.

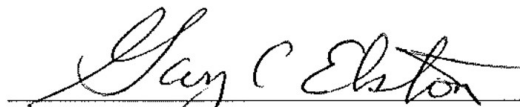
ENACTED AND ORDAINED this 9th day of February, 2026.


Attest:

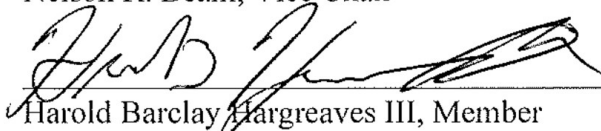
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WEST NANTMEAL TOWNSHIP**


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